

2023 No. 714

ANIMALS, ENGLAND

ANIMAL HEALTH

**The Animal By-Products, Pet Passport and Animal Health (Fees)
(England) (Amendment) Regulations 2023**

Made - - - -

22nd June 2023

Coming into force

1st July 2023

The Secretary of State makes these Regulations in exercise of the powers conferred by paragraph 7(2) of Schedule 4 and paragraph 21(b) of Schedule 7 to the European Union (Withdrawal) Act 2018(a) (“the 2018 Act”), and section 10 of the Animal Health and Welfare Act 1984 (“the 1984 Act”)(b).

In accordance with paragraph 10 of Schedule 4 to the 2018 Act, regulations 2 and 3(1) to (7) and (11) (and, so far as it relates to those regulations, regulation 1) are made with the consent of the Treasury.

In accordance with section 10(3)(c) of the 1984 Act, regulation 3(3) and (8) to (10) (and, so far as it relates to that regulation, regulation 1) are made with the approval of the Treasury.

In accordance with paragraph 12(1) of Schedule 7 to the 2018 Act, a draft of these Regulations has been laid before, and approved by resolution of, each House of Parliament.

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Animal By-Products, Pet Passport and Animal Health (Fees) (England) (Amendment) Regulations 2023 and come into force on 1st July 2023.

(2) These Regulations extend to England and Wales.

(3) In these Regulations, a reference to the numbered position of a row in a table is a reference to its position not counting the row containing the column headings of that table.

(a) 2018 c. 16. The Secretary of State is an “appropriate authority” within the meaning given to that term by paragraph 8 of Schedule 4 to the 2018 Act. Paragraph 8 of Schedule 4 was amended by section 41(4) of, and paragraph 47(5) of Schedule 5 to, the European Union (Withdrawal Agreement) Act 2020 (c. 1) (“the 2020 Act”); paragraph 21 of Schedule 7 of the 2018 Act was amended by paragraph 53 of Schedule 5 to the 2020 Act. There are other amendments to the 2018 Act but they are not relevant to these Regulations.

(b) 1984 c. 40. The Minister of Agriculture, Fisheries and Food is, in relation to England, the “appropriate Minister” within the meaning of given in section 10(8). The functions of the Minister of Agriculture, Fisheries and Food under section 10 were transferred to the Secretary of State by article 2(2) of S.I. 2002/794.

Amendment of the Animal By-Products and Pet Passport Fees (England) Regulations 2018

2.—(1) The Animal By-Products and Pet Passport Fees (England) Regulations 2018(a) are amended as follows.

(2) In regulation 3—

(a) in paragraph (2) for “Article 45” substitute “Article 20 of the Official Controls Regulation”;

(b) in paragraph (4) after the definition of “EU Control Regulation” insert—

““Official Controls Regulation” means Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products(b);”.

(3) Omit regulation 4.

(4) In the Schedule—

(a) in Table 1, for the second and third columns substitute—

<i>“Fee (£) for applications received on or after 1st July 2023 but before 1st July 2024</i>	<i>Fee (£) for applications received on or after 1st July 2024</i>
22 per quarter hour or part quarter hour spent up to a maximum of 132	22 per quarter hour or part quarter hour spent up to a maximum of 132
12 per quarter hour or part quarter hour spent up to a maximum of 72	12 per quarter hour or part quarter hour spent up to a maximum of 72
2,134.50	2484
1,147	1,343
1,147	1,343
586	687
586	687
476	557
476	557
22 per quarter hour or part quarter hour spent	22 per quarter hour or part quarter hour spent
11 per quarter hour or part quarter hour spent	11 per quarter hour or part quarter hour spent
21 per invoice	21 per invoice”;

(b) in Table 2—

(i) in the table heading, for “Article 45 of the EU Control Regulation” substitute “Article 20 of the Official Controls Regulation”;

(ii) in the first column, for “EU Control Regulation” in each place it occurs substitute “Official Controls Regulation”;

(iii) for the second and third columns substitute—

<i>“Fee (£) for inspection site visits undertaken on or after 1st July 2023 but before 1st July 2024</i>	<i>Fee (£) for inspection site visits undertaken on or after 1st July 2024</i>
22 per quarter hour or part quarter hour spent	22 per quarter hour or part quarter hour spent

(a) S.I. 2018/666.

(b) EUR 2017/625 as amended by S.I. 2020/1481.

12 per quarter hour or part quarter hour spent	12 per quarter hour or part quarter hour spent
11 per quarter hour or part quarter hour spent	11 per quarter hour or part quarter hour spent
188 per visit	219 per visit
752 per year	876 per year
2,256 per year	2,628 per year”.

Amendment of the Animal Health (Miscellaneous Fees) (England) Regulations 2018

3.—(1) The Animal Health (Miscellaneous Fees) (England) Regulations 2018(a) are amended as follows.

(2) In regulation 2—

(a) for “border inspection post” substitute “border control post”;

(b) for the definition of “poultry health scheme” substitute—

““poultry health scheme” means the scheme established by the Secretary of State governing the export or movement of birds or hatching eggs to the EU, Northern Ireland or specified non-EU countries, published on 22nd July 2021(b);”.

(3) After regulation 2 insert—

“Fees payable where an activity is carried out over a period during which different fees apply

2A. If any activity for which a fee is payable under these Regulations is carried out over a period during which different fees apply, the fee payable in relation to that activity is—

(a) where the activity is carried out as part of an application, the fee that applied on the date the application is received;

(b) otherwise, the fee that applied on the date the activity is commenced.”.

(4) In regulations 4(1)(a), (b) and (c), 5(a), 6(1), 7 and 8(1) after “column 2”, insert “or column 3”.

(5) In regulation 9, and in the heading to that regulation, for “border inspection posts” substitute “border control posts”.

(6) In Schedule 1—

(a) in Table 1—

(i) for Column 2 substitute—

<i>“Column 2</i>
<i>Fee (£) on or after 1st July 2023 but before 1st July 2024</i>
12 per quarter hour or part quarter hour spent
12 per quarter hour or part quarter hour spent up to a maximum of 72
41
68
95
18 per sample tested (time fee does not apply)”;

(a) S.I. 2018/664, amended by S.I. 2019/740.

(b) A copy of the poultry health scheme handbook is accessible online at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1012365/phs-handbook.pdf. A hard copy of the poultry health scheme hand book can be obtained by writing to the Animal and Plant Health Agency, Poultry Health Scheme Team, Customer Service Centre – One Health, Level 1 County Hall, Spetchley Road, Worcester WR5 2NP or emailing CSCOneHealthPHS@apha.gov.uk.

(ii) after Column 2 insert—

<i>“Column 3</i>
<i>Fee (£) on or after 1st July 2024</i>
12 per quarter hour or part quarter hour spent
12 per quarter hour or part quarter hour spent, up to a maximum of 72
49
83
117
21 per sample tested (time fee does not apply)”.

(b) in Table 2—

(i) in Column 1 in the second row—

(aa) for “and” substitute “for”;

(bb) omit the words from “based upon” to the end;

(ii) for Column 2 substitute—

<i>“Column 2</i>
<i>Fee (£) on or after 1st July 2023 but before 1st July 2024</i>
86
688 per visit
44 per test”;

(iii) after Column 2 insert—

<i>“Column 3</i>
<i>Fee (£) on or after 1 July 2024</i>
86
1,025 per visit
44 per test”.

(c) in Table 3—

(i) for Column 2 substitute—

<i>“Column 2</i>
<i>Fee (£) on or after 1st July 2023 but before 1st July 2024</i>
123
3,203
3,517”;

(ii) after Column 2 insert —

<i>“Column 3</i>
<i>Fee (£) on or after 1st July 2024</i>
146
3,936
3,954”.

(7) In Schedule 2—

(a) in Table 1—

(i) for Column 2 substitute—

<i>“Column 2</i>
<i>Fee (£) on or after 1st July 2023 but before 1st July 2024</i>
22 per quarter hour or part quarter hour spent
22 per quarter hour or part quarter hour spent up to a maximum of 132
82 (time fee does not apply)
49
62

35
61 (time fee does not apply)
34 (time fee does not apply)”;

(ii) after Column 2 insert—

“ <i>Column 3</i> <i>Fee (£) on or after 1st July 2024</i>
22 per quarter hour or part quarter hour spent
22 per quarter hour or part quarter hour spent up to a maximum of 132
108 (time fee does not apply)
71
67
39
67 (time fee does not apply)
39 (time fee does not apply)”;

(b) in Table 2, for Column 2 substitute—

“ <i>Column 2</i> <i>Fee (£) on or after 1st July 2023</i>
86
158 per test
310 per test
310 per test
280 per test
310 per test”.

(8) In the Table in Schedule 3—

(a) in Column 1—

- (i) in the fourth row for “an EC collection centre” substitute “a licensed collection centre”;
- (ii) in the fifth row for “an EC quarantine centre” substitute “a licensed quarantine centre”;
- (iii) in the sixth row—
 - (aa) for “an EC” substitute “a licensed collection centre”;
 - (bb) for “or EC” substitute “or a licensed storage centre”;
- (iv) in the eighth row for “for domestic or EC use” substitute “for domestic use or for use for trade with a member State”.

(b) for Column 2 substitute—

“ <i>Column 2</i> <i>Fee (£) on or after 1st July 2023 but before 1st July 2024</i>
22 per quarter hour or part quarter hour spent
22 per quarter hour or part quarter hour spent up to a maximum of 132
27
35
39

37
23
31”;

(c) after Column 2 insert—

“ <i>Column 3</i> <i>Fee (£) on or after 1st July 2024</i>
22 per quarter hour or part quarter hour spent
22 per quarter hour or part quarter hour spent up to a maximum of 132
33
44
48
46
28
38”.

(9) In Schedule 4, in the Table—

(a) for Column 2 substitute—

“ <i>Column 2</i> <i>Fee (£) on or after 1st July 2023 but before 1st July 2024</i>
22 per quarter hour or part quarter hour spent
22 per quarter hour or part quarter hour spent up to a maximum of 132
42 per boar
31 per boar
37
34
23”;

(b) after Column 2 insert—

“ <i>Column 3</i> <i>Fee (£) on or after 1st July 2024</i>
22 per quarter hour or part quarter hour spent
22 per quarter hour or part quarter hour spent up to a maximum of 132
53 per boar
38 per boar
46
42
28”.

(10) In Schedule 5, in the Table—

(a) in the third row of Column 1—

- (i) after the words “a bovine embryo transfer team” insert “under regulation 4 of the 1995 Regulations;”;
- (ii) omit “a store under regulation 13 of the 1995 Regulations;”;

(iii) after the words “(with or without an inspection of a laboratory)” insert “under regulation 6 or 7 of the 1995 Regulations;”;

(b) for Column 2 substitute—

“ <i>Column 2</i> <i>Fee (£) on or after 1st July 2023 but before 1st July 2024</i>
22 per quarter hour or part quarter hour spent
22 per quarter hour or part quarter hour spent up to a maximum of 132
38
13
34
23
6 for each additional team and laboratory or store”;

(c) after Column 2 insert—

“ <i>Column 3</i> <i>Fee (£) on or after 1st July 2024</i>
22 per quarter hour or part quarter hour spent
22 per quarter hour or part quarter hour spent, up to a maximum of 132
47
16
42
28
7 for each additional team and laboratory or store”.

(11) In Schedule 6—

(a) in the heading to that Schedule and in the heading to Table 1, for “border inspection posts” substitute “border control posts”;

(b) for Table 1 substitute—

“ <i>Column 1</i> <i>Inspection of type of animal and checking documents</i>	<i>Column 2</i> <i>Fees (£) per consignment on or after 1st July 2023</i>
Poultry and small game birds	53
Poultry – eggs	53
Ratites	53
Captive birds	61
Live fish, aquatic animals and amphibians	48
Bees	40
Rabbits and rodents	44
Other insects and invertebrates	40
Reptiles	48
Pets unaccompanied by a declaration	63
Equidae	79
Farmed livestock, including cattle, sheep, goats, camelids, pigs and wild boar	190
Animals not covered by any other category	50
Documentary checks for onward travel	79”;

(c) in Table 2, for Column 2 substitute—

“ <i>Column 2 Fee (£) on or after 1st July 2023</i>
261 per load
346 per load
16 per quarter hour or part quarter hour spent, up to a maximum of 96”;

(d) in Table 3, for Column 2 substitute—

<i>“Column 2 Fee per quarter hour or part quarter hour spent on or after 1st July 2023</i>
21
28
14
16, up to a maximum of 96”.

22nd June 2023

Benyon
Minister of State
Department for Environment, Food and Rural Affairs

We consent

21st June 2023

Steve Double
Andrew Stephenson
Two of the Lords Commissioners of His Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Animal By-Products and Pet Passport Fees (England) Regulations 2018 (S.I. 2018/666) (“the Animal By-Products Regulations”) and the Animal Health (Miscellaneous Fees) (England) Regulations 2018 (S.I. 2018/664) (“the Animal Health Regulations”) (together, “the 2018 Regulations”). The amendments modify the fees payable to the Secretary of State under the 2018 Regulations for services provided in the field of animal health by the Animal and Plant Health Agency, an executive agency of the Department for Environment, Food and Rural Affairs so as to reflect full cost recovery of those services.

Regulation 2(3) amends the Animal By-Products Regulations to revoke the fees payable to the Secretary of State for services carried out in relation to pet passport identification documents.

Regulation 2(4) amends the Animal By-Products Regulations to modify the fees payable to the Secretary of State for services carried out in relation to animal by-products. The fees, where increased, are increased by the medium average uplift of 41% from the current fees in two steps: the first increase applies on or after 1st July 2023, the second increase applies on or after 1st July 2024.

Regulation 3(6) amends the Animal Health Regulations to modify the fees payable to the Secretary of State for services carried out in relation to salmonella controls. The fees, where increased, are increased by the medium average uplift of 53% from the current fees in two steps: the first increase applies on or after 1st July 2023, the second increase applies on or after 1st July 2024.

Regulation 3(7) amends the Animal Health Regulations to modify the fees payable to the Secretary of State for services carried out in relation to the poultry health scheme. The fees are increased by the medium average uplift of 21% from the current fees. Regulation 3(6)(a) increases certain poultry health scheme fees in two steps: the first increase applies on or after 1st July 2023, the second increase applies on or after 1st July 2024. Regulation 3(6)(b) increases the remainder of the specified poultry health scheme fees in a single step, the increase applies on or after 1st July 2023.

Regulations 3(8) to (10) amend the Animal Health Regulations to modify the fees payable to the Secretary of State for services carried out in relation to artificial breeding controls. The fees are increased by the medium average uplift of 65% from the current fees in two steps: the first increase applies on or after 1st July 2023, the second increase applies on or after 1st July 2024.

Regulation 3(11) amends the Animal Health Regulations to modify the fees payable to the Secretary of State for services carried out in relation to border control posts. The fees are increased

by the medium average uplift of 34% from the current fees in a single step, the increase applies on or after 1st July 2023.

These Regulations also make minor and consequential amendments to the 2018 Regulations.

Further detail as to the fee increases is contained in the Explanatory Memorandum published at www.legislation.gov.uk alongside this instrument.

A full impact assessment has not been produced for these regulations as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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