

WELSH STATUTORY INSTRUMENTS

2018 No. 650

The Animal Health (Miscellaneous Fees) (Wales) Regulations 2018

Title, application and commencement

1. The title of these Regulations is the Animal Health (Miscellaneous Fees) (Wales) Regulations 2018. They apply in relation to Wales, and come into force on 30 June 2018.

Interpretation

2. In these Regulations—

“the 1964 Regulations” (“*Rheoliadau 1964*”) means the Artificial Insemination of Pigs (England and Wales) Regulations 1964 ^{M1};

“the 1992 Regulations” (“*Rheoliadau 1992*”) means the Artificial Insemination of Pigs (EEC) Regulations 1992 ^{M2};

“the 1995 Regulations” (“*Rheoliadau 1995*”) means the Bovine Embryo (Collection, Production and Transfer) Regulations 1995 ^{M3};

“the 2008 Regulations” (“*Rheoliadau 2008*”) means the Bovine Semen (Wales) Regulations 2008 ^{M4};

“the 2011 Regulations” (“*Rheoliadau 2011*”) means the Trade in Animals and Related Products (Wales) Regulations 2011 ^{M5};

[^{F1}“border control post” (“*safle rheoli ar y ffin*”)] has the meaning given by regulation 11 of the 2011 Regulations;

“consignment” (“*llwyth*”) means a quantity of animals of the same species, covered by the same veterinary certificate or document;

[^{F2}“poultry health scheme” (“*cynllun iechyd dofednod*”) 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 22 July 2021;]

[^{F3}“third country” (“*trydedd wlad*”) means a country or territory other than the British Islands;]

“veterinary officer” (“*swyddog milfeddygol*”) means a veterinary surgeon employed as such by the Welsh Ministers; and

“veterinary surgeon” (“*milfeddyg*”) means a person registered in the register of veterinary surgeons kept under section 2 of the Veterinary Surgeons Act 1966 ^{M6}.

Textual Amendments

F1 Words in reg. 2 substituted (5.7.2023) by [The Animal By-Products, Pet Passport and Animal Health \(Fees\) \(Wales\) \(Amendment\) Regulations 2023 \(S.I. 2023/754\)](#), regs. 1(1), **3(2)(a)**

F2 Words in reg. 2 substituted (5.7.2023) by [The Animal By-Products, Pet Passport and Animal Health \(Fees\) \(Wales\) \(Amendment\) Regulations 2023 \(S.I. 2023/754\)](#), regs. 1(1), **3(2)(b)**

- F3** Words in reg. 2 substituted (16.12.2022) by [The Trade in Animals and Related Products \(Amendment and Legislative Functions\) and Animal Health \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1348\)](#), regs. 1(2), **20**

Marginal Citations

- M1** [S.I. 1964/1172](#), to which there are amendments not relevant to these Regulations.
- M2** [S.I. 1992/3161](#).
- M3** [S.I. 1995/2478](#), to which there is an amendment not relevant to these Regulations.
- M4** [S.I. 2008/1040](#) (W. 110); relevant amending instruments are [S.I. 2013/398](#) (W. 48) and [S.I. 2013/1241](#) (W. 133).
- M5** [S.I. 2011/2379](#) (W. 252), to which there are amendments not relevant to these Regulations.
- M6** [1966 c. 36](#). Section 2 has been amended by article 12 of, and paragraph 1 of the Schedule to, [S.I. 2003/2919](#); and by article 2 of, and paragraph 2(a) and (b) of the Schedule to, [S.I. 2008/1824](#).

[^{F4}Fee 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 applies on the date the application is received;
- (b) otherwise, the fee that applies on the date the activity is commenced.]

Textual Amendments

- F4** [Reg. 2A](#) inserted (5.7.2023) by [The Animal By-Products, Pet Passport and Animal Health \(Fees\) \(Wales\) \(Amendment\) Regulations 2023 \(S.I. 2023/754\)](#), regs. 1(1), **3(3)**

Refund of fees

3. If any application for which a fee is payable under these Regulations is withdrawn before determination of the application, the Welsh Ministers must refund to the applicant such proportion of any fee paid in respect of that application as the Welsh Ministers think reasonable, having regard to any reasonable costs incurred by the Welsh Ministers in connection with the application.

Salmonella^{F5}... control programmes (zoonoses): fees

4.—(1) Schedule 1 sets out the fees payable for activities conducted by the Welsh Ministers in relation to the control of *Salmonella* in accordance with the relevant^{F6}... control programme established by or under Regulation (EC) No 2160/2003 of the European Parliament and of the Council on the control of salmonella and other specified food-borne zoonotic agents^{M7}.

(2) In Schedule 1—

- (a) the fees payable by the person in charge of a poultry holding for the activities specified in column 1 of Table 1 are specified in the corresponding entries in column 2 [^{F7}or column 3] of that Table;
- (b) the fees payable by the operator of a laboratory for the activities specified in column 1 of Table 2 are specified in the corresponding entries in column 2 [^{F8}or column 3] of that Table; and

- (c) the fees payable by the person in charge of poultry flocks for the activities specified in column 1 of Table 3 are specified in the corresponding entries in column 2 [^{F9}or column 3] of that Table.

(3) Words and expressions used in Schedule 1 have the same meaning as in Regulation (EC) No 2160/2003.

Textual Amendments

- F5** Word in reg. 4 heading omitted (31.12.2020) by virtue of [The Rural Affairs \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/737), regs. 1(3), **5(3)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Word in reg. 4(1) omitted (31.12.2020) by virtue of [The Rural Affairs \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/737), regs. 1(3), **5(3)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in reg. 4(2)(a) inserted (5.7.2023) by [The Animal By-Products, Pet Passport and Animal Health \(Fees\) \(Wales\) \(Amendment\) Regulations 2023](#) (S.I. 2023/754), regs. 1(1), **3(4)**
- F8** Words in reg. 4(2)(b) inserted (5.7.2023) by [The Animal By-Products, Pet Passport and Animal Health \(Fees\) \(Wales\) \(Amendment\) Regulations 2023](#) (S.I. 2023/754), regs. 1(1), **3(4)**
- F9** Words in reg. 4(2)(c) inserted (5.7.2023) by [The Animal By-Products, Pet Passport and Animal Health \(Fees\) \(Wales\) \(Amendment\) Regulations 2023](#) (S.I. 2023/754), regs. 1(1), **3(4)**

Marginal Citations

- M7** There are salmonella national control programmes for laying chickens producing eggs for human consumption, breeding chickens, broiler chickens and turkeys that are designed to reduce the prevalence of different types of *Salmonella* that are of public health significance in line with EU targets.

Poultry health scheme: fees

5.—(1) Schedule 2 sets out the fees payable for activities conducted by the Welsh Ministers in relation to the poultry health scheme ^{M8}.

(2) In Schedule 2—

- (a) the fees payable by applicants for approval and registration activities specified in column 1 of Table 1 are specified in the corresponding entries in column 2 [^{F10}or column 3] of that Table; and
- (b) the fees payable by the operator of a laboratory for activities specified in column 1 of Table 2 are specified in the corresponding entries in column 2 of that Table.

Textual Amendments

- F10** Words in reg. 5(2)(a) inserted (5.7.2023) by [The Animal By-Products, Pet Passport and Animal Health \(Fees\) \(Wales\) \(Amendment\) Regulations 2023](#) (S.I. 2023/754), regs. 1(1), **3(4)**

Marginal Citations

- M8** The poultry health scheme offers a system of registration and approval enabling establishments to verify compliance with EU legislation so that they are then eligible to export over 20 chicks or hatching eggs to other EU Member States. Additionally it provides for proficiency tests to be carried out on the laboratories that test samples on behalf of poultry health scheme members.

Bovine semen: fees

- 6.—(1) The 2008 Regulations are amended in accordance with paragraph (2).
 (2) For regulation 41 substitute—

“41. The fees payable to the Welsh Ministers are as provided by regulation 6(3) of the Animal Health (Miscellaneous Fees) (Wales) Regulations 2018.”

(3) Schedule 3 sets out the fees payable for activities conducted by the Welsh Ministers under the 2008 Regulations; and accordingly the fees payable by applicants and operators for the activities specified in column 1 of the Table are specified in the corresponding entries in column 2 [^{F11}or column 3] of that Table.

(4) Words and expressions used in Schedule 3 have the same meaning as in the 2008 Regulations.

Textual Amendments

F11 Words in [reg. 6\(3\)](#) inserted (5.7.2023) by [The Animal By-Products, Pet Passport and Animal Health \(Fees\) \(Wales\) \(Amendment\) Regulations 2023 \(S.I. 2023/754\)](#), regs. 1(1), **3(4)**

Porcine semen: fees

7.—(1) Schedule 4 sets out the fees payable to the Welsh Ministers in connection with the issue of licences or approvals and tests and examinations carried out under the 1964 Regulations or the 1992 Regulations.

(2) In Schedule 4 the fees payable by the applicant or holder of the licence or approval for the activities specified in column 1 of the Table are specified in the corresponding entries in column 2 [^{F12}or column 3] of that Table.

- (3) In Schedule 4 “artificial insemination centre” means premises—
 (a) in respect of which a licence is in force under regulation 4(1) of the 1964 Regulations, or
 (b) which have been approved under regulation 2(2) or (3) of the 1992 Regulations.

Textual Amendments

F12 Words in [reg. 7\(2\)](#) inserted (5.7.2023) by [The Animal By-Products, Pet Passport and Animal Health \(Fees\) \(Wales\) \(Amendment\) Regulations 2023 \(S.I. 2023/754\)](#), regs. 1(1), **3(4)**

Bovine embryo (collection, production and transfer): fees

8.—(1) Schedule 5 sets out the fees payable to the Welsh Ministers for activities in relation to an application for an approval or a holder of an approval under the 1995 Regulations.

(2) In Schedule 5 the fees payable by applicants for, or holders of, approvals under the 1995 Regulations for the activities specified in column 1 of the Table are specified in the corresponding entries in column 2 [^{F13}or column 3] of that Table.

(3) Words and expressions used in Schedule 5 have the same meaning as in the 1995 Regulations.

Textual Amendments

- F13** Words in [reg. 8\(2\)](#) inserted (5.7.2023) by [The Animal By-Products, Pet Passport and Animal Health \(Fees\) \(Wales\) \(Amendment\) Regulations 2023 \(S.I. 2023/754\)](#), regs. 1(1), **3(4)**

Checking consignments of live animals at [^{F14}border control posts]: fees

9.—(1) Schedule 6 sets out the fees payable where inspections are carried out at [^{F15}border control posts] of consignments of live animals from a third country in accordance with regulation 15 of the 2011 Regulations.

(2) In Schedule 6—

- (a) the fees payable in respect of the inspection of a consignment of live animals specified in column 1 of Table 1 are specified in the corresponding entry in column 2 of that Table;
- (b) the fees payable in respect of inspections undertaken during a period specified in column 1 of Table 2 are specified in the corresponding entry in column 2 of that Table, and are payable in addition to any fees payable by virtue of sub-paragraph (a);
- (c) the fees payable in respect of extra checks due to non-compliance or additional control measures by a person specified in column 1 of Table 3 are specified in the corresponding entry in column 2 of that Table, and are payable in addition to any fees payable by virtue of sub-paragraph (a).

Textual Amendments

- F14** Words in [reg. 9](#) heading substituted (5.7.2023) by [The Animal By-Products, Pet Passport and Animal Health \(Fees\) \(Wales\) \(Amendment\) Regulations 2023 \(S.I. 2023/754\)](#), regs. 1(1), **3(5)**
- F15** Words in [reg. 9](#) substituted (5.7.2023) by [The Animal By-Products, Pet Passport and Animal Health \(Fees\) \(Wales\) \(Amendment\) Regulations 2023 \(S.I. 2023/754\)](#), regs. 1(1), **3(5)**

Revocation

10. The Animal Health (Miscellaneous Fees) (Wales) Regulations 2013 ^{M9} are revoked, with the exception of regulations 1, 4 and 7(1) to (3).

Marginal Citations

- M9** [S.I. 2013/1241 \(W. 133\)](#).

Lesley Griffiths
Cabinet Secretary for Energy, Planning and
Rural Affairs, one of the Welsh Ministers

Changes to legislation:

There are currently no known outstanding effects for the The Animal Health (Miscellaneous Fees) (Wales) Regulations 2018.