

SCHEDULE 4

Regulation 5(5)

THE POULTRY HEALTH SCHEME

PART I

Membership

1. Any reference to “the Directive” in this Part of this Schedule is a reference to Council Directive [90/539/EEC](#).

2. An application for an establishment to become a member of the Poultry Health Scheme (“the scheme” in this Schedule) must be accompanied by the registration fee, the details of which are set out in Part II of this Schedule.

3. The Scottish Ministers shall grant membership of the scheme to an establishment if—

(a) they are satisfied, following an inspection by a veterinary inspector who is a member of the State Veterinary Service, that—

(i) the establishment meets the requirements regarding facilities in Chapter II of Annex II to the Directive; and

(ii) the operator of the establishment will comply, and ensure that the establishment complies, with the requirements of point 1 of Chapter I of Annex II to the Directive; and

(b) the operator of the establishment, having been notified that the Scottish Ministers are satisfied that the requirements in sub-paragraph (a) are met, has paid the annual membership fee, the details of which are set out in Part III of this Schedule.

4. The disease surveillance programme referred to in paragraph (b) of point 1 of Chapter I of Annex II to the Directive shall consist of the disease surveillance measures specified in Chapter III of Annex II to the Directive, together with any additional testing requirements that a veterinary inspector notifies in writing to the operator of an establishment as being requirements that the inspector considers are necessary to avoid the spreading of contagious disease through intra Community trade, taking into account the particular circumstances at that establishment.

5. On receipt of the first annual membership fee, the Scottish Ministers shall issue the establishment’s membership certificate, which shall include the establishment’s membership number.

6. The operator of an establishment which is a member of the scheme shall pay the annual membership fee each year, and shall pay any re inspection fee, the details of which are set out in Part IV of this Schedule, when it becomes due.

7. In order to ensure that establishments and operators of those establishments continue to meet the requirements of the scheme, and generally to ensure compliance with the Directive—

(a) a veterinary inspector shall carry out an annual inspection of the establishment; and

(b) a veterinary inspector shall carry out any additional inspections (insofar as not provided for under paragraph 9) which the Scottish Ministers consider necessary.

8. The operator of an establishment shall notify the Scottish Ministers if ownership or control of the establishment changes.

9.—(1) Without prejudice to any action which may be taken under paragraph 10, where at the annual inspection of an establishment, the establishment or the operator of that establishment do not appear to the Scottish Ministers to meet the requirements for membership of the scheme or of

the Directive a veterinary inspector who is a member of the State Veterinary Service shall carry out such additional inspections (“re inspections”) as the Scottish Ministers consider necessary to ensure compliance with those requirements.

- (2) If a re inspection is carried out–
 - (a) a fee shall be charged for each re inspection; and
 - (b) such a fee shall become due upon receipt of an invoice for that fee by the operator of that establishment.
- 10.** The Scottish Ministers–
 - (a) shall suspend, revoke or restore membership of the scheme in accordance with Chapter IV of Annex II to the Directive (references to “withdrawal” in that Chapter shall be read as references to “revocation” for the purposes of this paragraph); and
 - (b) may suspend or revoke membership of the scheme if–
 - (i) an establishment is in breach of any of the requirements regarding facilities in Chapter II of Annex II to the Directive;
 - (ii) the operator or the establishment is in breach of any of the requirements in point 1 of Chapter I of Annex II to the Directive;
 - (iii) ownership or control of an establishment changes; or
 - (iv) the operator has not paid the annual membership fee or if a re inspection fee remains unpaid for 30 days or more after becoming due.

PART II

Registration Fee

- 11.** The Scottish Ministers shall–
 - (a) determine the registration fee on the basis of available information as to the cost attributable to each application of the items listed in paragraph 13; and
 - (b) publish the current registration fee on the website of the Scottish Executive⁽¹⁾.
- 12.** The registration fee shall be payable to the Scottish Ministers in respect of each establishment for which an application is made and shall be non refundable.
- 13.** The items referred to in paragraph 11(a) are–
 - (a) the salaries and fees, together with overtime payments and employers' national insurance and superannuation contributions, of–
 - (i) any person involved directly in processing applications for membership of the scheme;
 - (ii) any person engaged in managing the processing of such applications; and
 - (iii) any veterinary inspector who is a member of the State Veterinary Service who carries out an inspection at an applicant establishment;
 - (b) recruiting and training the staff referred to in sub paragraph (a);
 - (c) travel and related incidental expenses incurred in processing applications for membership of the scheme (including inspecting establishments), except where incurred by a person attending his normal place of work;

(1) www.scotland.gov.uk.

- (d) office accommodation, equipment and services for the staff referred to in sub paragraph (a), including depreciation of office furniture and equipment and the cost of information technology and stationery;
- (e) provision of protective clothing and equipment used in inspecting establishments, and laundering, cleansing or disinfecting that protective clothing;
- (f) provision of payroll and personnel services in connection with the employment of the staff referred to in sub paragraph (a); and
- (g) any other incidental expenses incurred in connection with the processing of applications for membership of the scheme.

PART III

Annual Membership Fee

14. There shall be two rates for the annual membership fee; a higher rate which includes the cost of an annual inspection by a veterinary inspector who is a member of the State Veterinary Service, and a lower rate which does not include the cost of such an inspection.

15. The lower rate shall be payable—

- (a) the first time the annual membership fee is paid (the cost of the first annual inspection having been included in the registration fee); and
- (b) in subsequent years where the operator of the establishment has elected for the inspection to be carried out by a veterinary inspector who is not a member of the State Veterinary Service (in which case the cost of the inspection is payable directly to the veterinary inspector by the operator).

16. The Scottish Ministers shall—

- (a) determine the two rates of the annual membership fee on the basis of available information as to the cost attributable to each establishment of the items listed in paragraph 18; and
- (b) publish the current rates of the annual membership fee on the website of the Scottish Executive.

17. The annual membership fee shall be payable to the Scottish Ministers in respect of each establishment and shall be non refundable.

18. The items referred to in paragraph 16(a) are—

- (a) salaries and fees, together with overtime payments and employers' national insurance and superannuation contributions, of—
 - (i) any person directly involved in the administration of the scheme (including corresponding with and responding to queries from members, producing guidance, and arranging inspections of establishments);
 - (ii) any person engaged in managing the administration of the scheme; and
 - (iii) any veterinary inspector who is a member of the State Veterinary Service who carries out the annual inspection of an establishment or additional inspections;
- (b) recruiting and training the staff referred to in sub paragraph (a);
- (c) travel and related incidental expenses incurred in the administration of the scheme (including inspections of establishments), except where incurred by a person attending his normal place of work;

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- (d) office accommodation, equipment and services for staff referred to in sub paragraph (a), including depreciation of office furniture and equipment and the cost of information technology and stationery;
- (e) provision of protective clothing and equipment, where applicable, used in carrying out inspections of establishments, and laundering, cleansing or disinfecting such protective clothing;
- (f) provision of payroll and personnel services in connection with the employment of staff referred to in sub paragraph (a); and
- (g) any other incidental expenses incurred in connection with the administration of the scheme.

19. The items listed in paragraph 18 shall not include any expense which relates to the administration of, travel to and from, and attendance at the inspections insofar as that expense is recoverable under paragraph 9 of Part I of this Schedule.

PART IV

Re-Inspection Fee

20. The re inspection fee provided for under paragraph 9 of Part I of this Schedule shall be composed of—

- (a) a charge for the veterinary inspector's time spent at the establishment carrying out the re inspection, the rate for which charge shall be £45 per hour or part thereof; and
- (b) a charge for mileage, that is for each mile travelled by the veterinary inspector between his ordinary place of work and the establishment in order to carry out the re inspection, the rate of which charge shall be 33 pence per mile.

21. The Scottish Ministers may, using such criteria as they consider appropriate in all these circumstances, reduce the charge for mileage under paragraph 20(b) in respect of any particular re inspection in order to avoid an over recovery of mileage costs incurred for a journey in the course of which other official activity is undertaken in addition to that re inspection.