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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 151**

**ANIMALS**

**ANIMAL HEALTH**

**The Animal Health (Miscellaneous Fees and  
Amendments) (Scotland) Regulations 2013**

<i>Made</i>	- - - -	<i>15th May 2013</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>17th May 2013</i>
<i>Coming into force</i>	- -	<i>24th June 2013</i>

<sup>F1</sup>The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972 <sup>M1</sup>, section 56(1) and (2) of the Finance Act 1973 <sup>M2</sup>, section 10(3)(c) of the Animal Health and Welfare Act 1984 <sup>M3</sup> and all other powers enabling them to do so.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Scottish Ministers that it is expedient for the references in these Regulations to Regulation (EC) No 2160/2003<sup>M4</sup>, Council Directive 2009/158/EC<sup>M5</sup> and Commission Regulation (EU) Nos 200/2010<sup>M6</sup>, 517/2011<sup>M7</sup> and 200/2012<sup>M8</sup> to be construed as references to those instruments as amended from time to time.

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**Textual Amendments**

- F1** Regulations revoked (except regs. 1, 5) (30.6.2018) by [The Animal Health \(Miscellaneous Fees\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/177\)](#), regs. 1(1), **10**

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**Marginal Citations**

- M1** 1972 c.68. The powers in section 2(2) are exercised in relation to regulations 5 and 11 of this instrument. Section 2(2) was amended by the [Scotland Act 1998 \(c.46\)](#) (“the 1998 Act”), Schedule 8, paragraph 15(3) (which was amended by section 27(4) of the [Legislative and Regulatory Reform Act 2006 \(c.51\)](#) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by the [European Union \(Amendment\) Act 2008 \(c.7\)](#) (“the 2008 Act”), Schedule, Part 1. The functions conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. Paragraph 1A of Schedule 2 was inserted by section 28 of the 2006 Act, and amended by the 2008 Act, Schedule, Part 1.

**Changes to legislation:** There are currently no known outstanding effects for the *The Animal Health (Miscellaneous Fees and Amendments) (Scotland) Regulations 2013*. (See end of Document for details)

- M2** 1973 c.51. The powers in section 56 are exercised in relation to regulation 4 and Schedule 1, regulation 6 and Schedule 2, and regulation 10 and Schedule 6 of this instrument. The reference to a Government department in section 56(1) is to be read as a reference to the Scottish Administration by virtue of article 2(2) of the [Scotland Act \(Consequential Modifications\) \(No. 2\) Order 1999 \(S.I. 1999/1820\)](#) and the functions of the Minister were, so far as within devolved competence, transferred to the Scottish Ministers by virtue of section 53 of the [Scotland Act 1998 \(c.46\)](#). The requirement to obtain the consent of the Treasury was removed by section 55 of that Act. Section 56(1) of the Finance Act 1973 was amended by [S.I. 2011/1043](#).
- M3** 1984 c.40. The power in section 10(3)(c) is exercised in relation to regulation 7 and Schedule 3, regulation 8 and Schedule 4 and regulation 9 and Schedule 5 of this instrument. See section 10(8) for the definition of “appropriate Minister”. The functions, so far as exercisable within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the [Scotland Act 1998 \(c.46\)](#). The requirement to obtain the consent of the Treasury was removed by section 55 of that Act.
- M4** OJ L 325, 12.12.2003, p.1 as last amended by Commission Regulation (EU) No 1086/2011 (OJ L 281, 28.10.2011, p.7).
- M5** OJ L 343, 22.12.2009, p.74 as last amended by Commission Implementing Decision 2011/879/EU (OJ L 343, 23.12.2011, p.105).
- M6** OJ L 61, 11.3.2010, p.1, amended by Commission Regulation (EU) No 517/2011 (OJ No L 138, 26.6.2011, p.45).
- M7** OJ L 138, 26.5.2011, p.45.
- M8** OJ L 71, 9.3.2012, p.31.

**Citation, commencement and extent** S

- 1.—(1) These Regulations may be cited as the Animal Health (Miscellaneous Fees and Amendments) (Scotland) Regulations 2013 and extend to Scotland only.
- (2) They come into force on 24th June 2013.

**Interpretation** S

<sup>F1</sup>2. ....

**Textual Amendments**

**F1** Regulations revoked (except regs. 1, 5) (30.6.2018) by [The Animal Health \(Miscellaneous Fees\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/177\)](#), regs. 1(1), **10**

**Refund of fees** S

<sup>F1</sup>3. ....

**Textual Amendments**

**F1** Regulations revoked (except regs. 1, 5) (30.6.2018) by [The Animal Health \(Miscellaneous Fees\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/177\)](#), regs. 1(1), **10**

**Salmonella: fees and amendments** S

<sup>F1</sup>4. ....

**Textual Amendments**

**F1** Regulations revoked (except regs. 1, 5) (30.6.2018) by [The Animal Health \(Miscellaneous Fees\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/177\)](#), regs. 1(1), **10**

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**5.**—(1) The Control of Salmonella in Poultry (Breeding, Laying and Broiler Flocks) (Scotland) Order 2009 <sup>M9</sup> is amended as follows.

(2) In article 2 (interpretation)—

(a) omit the definitions of “Commission Regulation (EC) No. 1003/2005”, “Commission Regulation (EC) No. 1168/2006” and “Commission Regulation (EC) No. 646/2007”; and

(b) after the definition of “Commission Regulation (EC) No. 1177/2006” insert—

““Commission Regulation (EU) No 200/2010” means Commission Regulation (EU) No 200/2010 implementing Regulation (EC) No. 2160/2003 of the European Parliament and of the Council as regards a Union target for the reduction of the prevalence of *Salmonella* serotypes in adult breeding flocks of *Gallus gallus*, as amended from time to time;

““Commission Regulation (EU) No 517/2011” means Commission Regulation (EU) No 517/2011 implementing Regulation (EC) No. 2160/2003 of the European Parliament and of the Council as regards a Union target for the reduction of the prevalence of certain *Salmonella* serotypes in laying hens of *Gallus gallus* and amending Regulation (EC) No. 2160/2003 and Commission Regulation (EU) No. 200/2010, as amended from time to time;

““Commission Regulation (EU) No 200/2012” means Commission Regulation (EU) No 200/2012 concerning a Union target for the reduction of *Salmonella enteritidis* and *Salmonella typhimurium* in flocks of broilers, as provided for in Regulation (EC) No. 2160/2003 of the European Parliament and of the Council, as amended from time to time;”.

(3) In articles 3(b) (competent authority), 8(1) (sampling) and 9(1) (submission of samples to an approved laboratory), for “Commission Regulation (EC) No. 1003/2005” substitute “ Commission Regulation (EU) No 200/2010 ”.

(4) In articles 3(c), 8(2) and 9(1), for “Commission Regulation (EC) No. 1168/2006” substitute “ Commission Regulation (EU) No 517/2011 ”.

(5) In articles 3(e), 8(3) and 9(1), for “Commission Regulation (EC) No. 646/2007” substitute “ Commission Regulation (EU) No 200/2012 ”.

(6) In article 12(2) (duties of the person in charge of a laboratory), for “paragraph 3 of the Annex to Regulation (EC) No. 646/2007” substitute “ point 3 of the Annex to Commission Regulation (EU) No 200/2012 ”.

**Marginal Citations**

**M9** [S.S.I. 2009/229](#) to which there is an amendment not relevant to these Regulations..

**Poultry health scheme: fees** **S**

<sup>F1</sup>6. ....

**Changes to legislation:** There are currently no known outstanding effects for the The Animal Health (Miscellaneous Fees and Amendments) (Scotland) Regulations 2013. (See end of Document for details)

**Textual Amendments**

**F1** Regulations revoked (except regs. 1, 5) (30.6.2018) by [The Animal Health \(Miscellaneous Fees\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/177\)](#), regs. 1(1), **10**

**Bovine semen: fees** **S**

**F17.** .....

**Textual Amendments**

**F1** Regulations revoked (except regs. 1, 5) (30.6.2018) by [The Animal Health \(Miscellaneous Fees\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/177\)](#), regs. 1(1), **10**

**Porcine semen: fees** **S**

**F18.** .....

**Textual Amendments**

**F1** Regulations revoked (except regs. 1, 5) (30.6.2018) by [The Animal Health \(Miscellaneous Fees\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/177\)](#), regs. 1(1), **10**

**Bovine embryo (collection, production and transfer): fees** **S**

**F19.** .....

**Textual Amendments**

**F1** Regulations revoked (except regs. 1, 5) (30.6.2018) by [The Animal Health \(Miscellaneous Fees\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/177\)](#), regs. 1(1), **10**

**Checking consignments of live animals from third countries at border inspection posts: fees** **S**

**F110.** .....

**Textual Amendments**

**F1** Regulations revoked (except regs. 1, 5) (30.6.2018) by [The Animal Health \(Miscellaneous Fees\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/177\)](#), regs. 1(1), **10**

**Agency arrangements** **S**

**F111.** .....

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**Changes to legislation:** There are currently no known outstanding effects for the The Animal Health (Miscellaneous Fees and Amendments) (Scotland) Regulations 2013. (See end of Document for details)

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**Textual Amendments**

**F1** Regulations revoked (except regs. 1, 5) (30.6.2018) by [The Animal Health \(Miscellaneous Fees\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/177\)](#), regs. 1(1), **10**

**Revocations** **S**

**F1** **12.** .....

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**Textual Amendments**

**F1** Regulations revoked (except regs. 1, 5) (30.6.2018) by [The Animal Health \(Miscellaneous Fees\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/177\)](#), regs. 1(1), **10**

St Andrew's House,  
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*RICHARD LOCHHEAD*  
A member of the Scottish Government

**Changes to legislation:** There are currently no known outstanding effects for the The Animal Health (Miscellaneous Fees and Amendments) (Scotland) Regulations 2013. (See end of Document for details)

**<sup>F1</sup>SCHEDULE 1 S**

Regulation 4

Salmonella National Control Programme (Zoonoses): Fees

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**<sup>F1</sup>SCHEDULE 2 S**

Regulation 6

Poultry health scheme: Fees

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**<sup>F1</sup>SCHEDULE 3 S**

Regulation 7

Bovine semen: Fees

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**<sup>F1</sup>SCHEDULE 4 S**

Regulation 8

Porcine semen: fees

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**<sup>F1</sup>SCHEDULE 5 S**

Regulation 9

Bovine embryo (collection, production and transfer): fees

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**<sup>F1</sup>SCHEDULE 6 S**

Regulation 10

Checking consignments of live animals from third countries at border inspection posts: fees

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**<sup>F1</sup>SCHEDULE 7 S**

Regulation 12

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision to consolidate and increase fees payable to the Scottish Ministers in the field of animal health. The powers in section 2(2) of the European Communities Act 1972 are exercised in relation to regulation 5 and 11 of these Regulations.

Regulation 4 and Schedule 1 set out the fees payable in relation to activities required under Regulation (EC) No 2160/2003 and in accordance with Salmonella National Control Programmes for poultry.

Regulation 5 amends the Control of Salmonella in Poultry (Breeding, Laying and Broiler Flocks) (Scotland) Order 2009 to update references to relevant EU instruments.

Regulation 6 and Schedule 2 set out the fees payable in relation to approvals for the purpose of the poultry health scheme established under Council Directive 2009/158/EC, which is partially transposed by the Trade in Animals and Related Products (Scotland) Regulations 2012, Schedule 2, Part 1, paragraph 3.

Regulation 7 and Schedule 3 set out the fees payable in relation to approvals for the purpose of obtaining bovine semen in accordance with the Bovine Semen (Scotland) Regulations 2007.

Regulation 8 and Schedule 4 set out the fees payable in relation to licences and approvals for the purpose of obtaining porcine semen in accordance with the Artificial Insemination of Pigs (Scotland) Regulations 1964 and the Artificial Insemination of Pigs (EEC) Regulations 1992.

Regulation 9 and Schedule 5 set out the fees payable in relation to approvals for the purpose of the collection, production and transfer of bovine embryos in accordance with the Bovine Embryo (Collection, Production and Transfer) Regulations 1995.

Regulation 10 and Schedule 6 set out the fees payable in relation to inspections of consignments of live animals at border inspection posts in accordance with the Trade in Animals and Related Products (Scotland) Regulations 2012.

Regulation 11 enables the Scottish Ministers to enter into agency arrangements with the Secretary of State in respect of any of their functions under these Regulations of requiring payment of fees.

Regulation 12 and Schedule 7 revoke the Bovine Embryo (Collection, Production and Transfer) (Fees) Regulations 1995, the Animals (Third Country Imports) (Charges) Regulations 1997, the Porcine Semen (Fees) (Scotland) Regulations 2007, the Zoonoses and Animal By-Products (Fees) (Scotland) Regulations 2009, the Zoonoses and Animal By-Products (Fees) (Scotland) Amendment Regulations 2009, the Zoonoses and Animal By-Products (Fees) (Scotland) Amendment Regulations 2010, the Poultry Health Scheme (Fees) (Scotland) Regulations 2012, and particular fees provisions of the Bovine Semen (Scotland) Regulations 2007 and the Animal By-Products (Enforcement) (Scotland) Regulations 2011.

The fees set out in this instrument form part of a phased move towards full cost recovery, as explained in the Policy Note. Some fees are substantially increased from existing fees. A detailed comparison of the existing and new fees is provided in an annex to the Policy Note.

A Business Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies can be obtained from the Scottish Government Directorate for Agriculture, Food and Rural Communities, Animal Health and Welfare Division, Saughton House, Broomhouse Drive, Edinburgh EH11 3XG.

**Changes to legislation:**

There are currently no known outstanding effects for the The Animal Health (Miscellaneous Fees and Amendments) (Scotland) Regulations 2013.