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STATUTORY INSTRUMENTS

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**2011 No. 1509**

**ANIMALS, ENGLAND**

**ANIMAL HEALTH**

**The Diseases of Animals (Approved Disinfectants)  
(Fees and Amendment) (England) Order 2011**

<i>Made</i>	- - - -	<i>15th June 2011</i>
<i>Laid before the House of Commons</i>	- - - -	<i>20th June 2011</i>
<i>Coming into force</i>	- -	<i>11th July 2011</i>

The Secretary of State, in exercise of the powers conferred by sections 1 and 84(1) of the Animal Health Act 1981<sup>(1)</sup> and with the approval of the Treasury, makes the following Order.

**Title, application and commencement**

1. This Order may be cited as the Diseases of Animals (Approved Disinfectants) (Fees and Amendment) (England) Order 2011, applies in England and comes into force on 11th July 2011.

**Fees payable on application**

2. A manufacturer of disinfectant who applies to have a product approved under article 3 of the Diseases of Animals (Approved Disinfectants) (England) Order 2007<sup>(2)</sup> must, when applying, pay to the Secretary of State—

- (a) a fee of £1,000 for administrative services relating to the application, and
- (b) the fee specified in the Schedule in respect of each purpose for which the application is made, for testing the efficacy and quality of the disinfectant.

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(1) 1981 c. 22. Powers to make Orders under these sections were originally conferred on “the Ministers” as defined in section 86 of the Act. These powers are now exercisable by the Secretary of State in England. Functions of “the Ministers” so far as exercisable by the Secretaries of State for Scotland and Wales, were transferred to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Fisheries) Order 1999 (SI 1999/3141). Functions of the Minister of Agriculture, Fisheries and Food were transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (SI 2002/794).

(2) S.I. 2007/448.

### **Annual fee**

3.—(1) A manufacturer who has had a product approved under the Diseases of Animals (Approved Disinfectants) (England) Order 2007 must pay an annual fee of £375 to the Secretary of State by the due date for payment for post-approval testing and administrative costs.

(2) The annual fee is payable in relation to every purpose specified in the Schedule for which the disinfectant remains approved on the due date for payment.

(3) The due date for payment is 1st September in every year.

### **Value Added Tax**

4. Where Value Added Tax is chargeable in respect of the provision of a fee prescribed in this Order there is payable in addition to that fee a further fee equivalent to the amount of Value Added Tax.

### **Amendment to the Diseases of Animals (Approved Disinfectants) (England) Order 2007**

5. For article 6 of the Diseases of Animals (Approved Disinfectants) (England) Order 2007 substitute—

“6.—(1) The Secretary of State may amend, suspend or revoke the approval or refuse to renew the approval in respect of a disinfectant in the following circumstances—

- (a) production has ceased;
- (b) the disinfectant is no longer efficacious or of suitable quality;
- (c) the manufacturer does not comply with any condition of approval;
- (d) the disinfectant does not comply with the Biocidal Products Regulations 2001; or
- (e) the manufacturer who is required to pay the annual fee in accordance with article 3 of the Diseases of Animals (Approved Disinfectants) (Fees and Amendment) (England) Order 2011 has failed to make payment by the due date for payment.

(2) The Secretary of State may also suspend an approval pending investigation of any disinfectant if the Secretary of State has reasonable grounds to suspect that any of the circumstances in paragraph (1)(a) to (d) apply.”

### **Revocation**

6. The Diseases of Animals (Approved Disinfectants) (Fees) (England) Order 2010(3) is revoked.

25th May 2011

15th June 2011

*Jim Paice*  
Minister of State  
Department for Environment, Food and Rural  
Affairs  
*Michael Fabricant*  
*Jeremy Wright*  
Two of the Lords Commissioners of Her  
Majesty’s Treasury

## SCHEDULE

Article 2(b)

## Fees payable on application

<i>Purpose</i>	<i>Fee (£)</i>
Use in relation to diseases of poultry (if one dilution rate is specified by the person applying for the approval of the disinfectant)	1,040
Use in relation to diseases of poultry (if three dilution rates are specified by the person applying for the approval of the disinfectant)	1,400
Use in relation to tuberculosis (if one dilution rate is specified by the person applying for the approval of the disinfectant)	1,300
Use in relation to tuberculosis (if three dilution rates are specified by the person applying for the approval of the disinfectant)	1,620
Use in relation to foot-and-mouth disease	1,920
Use in relation to swine vesicular disease	1,920
Use in relation to all other instances where there is a legislative requirement to use an approved disinfectant (if one dilution rate is specified by the person applying for the approval of the disinfectant)	715
Use in relation to all other instances where there is a legislative requirement to use an approved disinfectant (if three dilution rates are specified by the person applying for the approval of the disinfectant)	815

**EXPLANATORY NOTE***(This note is not part of the Order)*

This Order revokes and replaces the [Diseases of Animals \(Approved Disinfectants\) \(Fees\) \(England\) Order 2010 \(S.I. 2010/739\)](#) and replaces article 6 of the Diseases of Animals (Approved Disinfectants)(England) Order 2007 (S.I.2007/448) (“the 2007 Order”).

With effect from 11th July 2011 article 2(a) reduces the fee for administrative services on application from £1,770 to £1,000. The fees payable on application by a manufacturer of disinfectant for testing for use for each purpose identified in the Schedule and introduced by article 2(b) remain unaltered from the 2010 Order.

Article 3 introduces an annual fee payable by manufacturers on 1st September each year to cover post-approval testing and administrative costs in order to maintain approvals of disinfectants for their specified purpose.

The list of approved disinfectants can be found on the Defra website of approved disinfectants at [www.defra.gov.uk/foodfarm/farmanimal/diseases/control/disinfectants.htm](http://www.defra.gov.uk/foodfarm/farmanimal/diseases/control/disinfectants.htm).

**Status:** This is the original version (as it was originally made).

Article 4 provides for the payment of Value Added Tax in addition to the prescribed fee where Value Added Tax is chargeable.

Article 5 replaces article 6 of the 2007 Order to permit the Secretary of State to amend, suspend or revoke an approval for non-payment of the annual fee.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available on the Defra website at [www.defra.gov.uk](http://www.defra.gov.uk) and can also be found with the Explanatory Memorandum and the instrument at [www.legislation.gov.uk](http://www.legislation.gov.uk).