

EXECUTIVE NOTE

The Zoonoses and Animal By-Products (Fees) (Scotland) Regulations 2009 (SSI 2009/230)

The above instrument was made in exercise of the powers conferred by section 56(1) and (2) of the Finance Act 1973. This instrument is subject to negative Parliamentary procedure.

Policy Objective

The main objective of this instrument is to allow the Scottish Ministers to recover costs for services provided in relation to the implementation of the National Control Programme (NCP) for Salmonella in broiler flocks.

Background

Section 56(1) and (2) of the Finance Act 1973 permits Government to require the payment of fees or other charges for the provision of any service in pursuance of any Community obligation.

The Zoonoses and Animal By-Products (Fees) (Scotland) Regulations 2007 (“the 2007 Regulations”) came into force on 28 January 2008.

The current Regulations allow Scottish Ministers to recover costs associated with the implementation of the National Control Plan for salmonella in breeding and laying flocks and a scheme under which private laboratories are authorised to test for particular zoonotic organisms or diseases. These activities are required under Council Regulation 2160/2003, Commission Regulation 1003/2005, Commission Regulation 1168/2006, Commission Regulation 1237/2007 and the Animal By-Products (Scotland) Regulations 2003

The current Regulations need to be revoked and remade to take account of the Broilers NCP (as required under Commission Regulation 646/2007) which is due to be enforced by virtue of the Control of Salmonella in Poultry (Breeding, Laying and Broiler Flocks) (Scotland) Order 2009

The Control of Salmonella in Poultry (Breeding, Laying and Broiler Flocks) (Scotland) Order 2009 enforces NCPs for both breeding, laying and broiler flocks of domestic fowl. These NCPs are required under Council Regulation 2160/2003, Commission Regulation 1003/2005, Commission Regulation 1168/2006 and Commission Regulation 646/2008. The main aim of these NCPs is to improve public health through the enhanced detection and control of salmonellas of human health significance at the point of primary production.

The European Regulations set Member States a target to reduce the level of infection on holdings each year for a period of 3 years. The reduction targets assigned to individual Member States are based on the findings of EU-wide surveys.

In order to chart progress towards meeting the reduction target specified in the European Regulations operators of breeding, laying and broiler flocks undergo official sampling and testing at predetermined intervals during the life of the flocks. The costs associated with this official sampling and testing need to be recovered by the Scottish Ministers.

Consultation

There has been no consultation on the amending Order. Industry have however been involved in the development of this policy through regular NCP stakeholder meetings.

Additionally, a Regulatory Impact Assessment was prepared (and consulted on) to coincide with the introduction of the Broilers NCP. The Government's intent to recover costs associated with official control sampling and testing was made clear here.

Financial Effects

The charges to be levied across GB for official sampling and testing under NCPs will be as follows:

<i>Activity</i>	<i>Fee (£)</i>	<i>Fee to be paid by:</i>
Taking or supervising the taking of official control samples	66 plus 29 per ½ hour (or part thereof)	The person in charge of the holding
Examination of official control samples	15.30	The person in charge of the holding
Processing of an application for approval of a laboratory under Regulation 21 of the 2005 Regulations or Article 12 of the European Regulation	13	The operator of the laboratory
Processing of annual registration documentation in respect of a laboratory approved under Regulation 21 of the 2005 Regulations or Article 12 of the European Regulation	31	The operator of the laboratory
Inspecting a laboratory for the purpose of Regulation 21 of the 2005 Regulations or Article 12 of the European Regulation for—		The operator of the laboratory

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(a) one test	650.5	
(b) two tests	670	
(c) three tests	689.5	
(d) four tests		
Administering a quality control test under Regulation 21 of the 2005 Regulations or Article 12 of the European Regulation for—		The operator of the laboratory
(a) <i>Salmonella</i>	37	
(b) <i>Enterobacteriaceae</i>	67	
(c) <i>Clostridium perfringens</i>	67	
Conducting tests under point 4(b)(i) of part D of Annex II to the European Regulation ⁽¹⁾	107.10	The person in charge of the holding
Conducting tests under point 4(b)(ii) of part D of Annex II to the European Regulation	3,435	The person in charge of the holding
Conducting tests under point 4(b)(iii) of part D of Annex II to the European Regulation	2,235	The person in charge of the holding

SCOTTISH GOVERNMENT RURAL DIRECTORATE

⁽¹⁾ Regulation 1237/2007 has substituted a new Part D to Annex II to Regulation 2160/2003.