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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 151**

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

**Citation, commencement and extent**

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**

2. In these Regulations—

“Council [Directive 2009/158/EC](#)” means Council [Directive 2009/158/EC](#) on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs, as amended from time to time;

“Regulation [\(EC\) No 2160/2003](#)” means 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, as amended from time to time;

“veterinary officer” means a veterinary surgeon employed as such by the Scottish Ministers or the Secretary of State; and

“veterinary surgeon” means a person registered in the register of veterinary surgeons, or the supplementary veterinary register, kept under the Veterinary Surgeons Act 1966<sup>(1)</sup>.

**Refund of fees**

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 If any application for which a fee is payable under these Regulations is withdrawn before its determination, the Scottish Ministers may refund to the applicant such proportion of any fee paid in respect of that application as Ministers think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

**Salmonella: fees and amendments**

4.—(1) This regulation and Schedule 1 set out the fees payable to the Scottish Ministers on demand for activities conducted by the Scottish Ministers in relation to the control of *Salmonella* in accordance with the relevant National Control Programme<sup>(2)</sup> established by or under Regulation [\(EC\) No 2160/2003](#).

(2) In Schedule 1—

(a) the fees payable by the person in charge of a chicken or turkey holding for the activities specified in column 1 of Table 1 are specified in the corresponding entries in column 2 of that Table;

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<sup>(1)</sup> 1966 c.36.

<sup>(2)</sup> There are Salmonella National Control Programmes for egg layers, breeders, 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.

- (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 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 of that Table.
- (3) Words and expressions used in Schedule 1 have the same meanings as they have in Regulation (EC) No 2160/2003.

5.—(1) The Control of Salmonella in Poultry (Breeding, Laying and Broiler Flocks) (Scotland) Order 2009(3) 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](#)”.

### **Poultry health scheme: fees**

6.—(1) This regulation and Schedule 2 set out the fees payable to the Scottish Ministers on demand for activities conducted by the Scottish Ministers in relation to the poultry health scheme.

(2) In Schedule 2—

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

- (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 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.
- (3) In this regulation and Schedule 2—
- “poultry health scheme” means the scheme for—
- (a) the approval of establishments and laboratories; and
  - (b) the annual inspection of approved establishments,
- for the purposes of Articles 2 and 6 of, and Annex II to, Council [Directive 2009/158/EC](#)(4).

### **Bovine semen: fees**

7.—(1) This regulation and Schedule 3 set out the fees payable to the Scottish Ministers on demand by applicants and operators for activities conducted by the Scottish Ministers under the 2007 Regulations.

(2) In Schedule 3, the fees payable by applicants and operators for activities specified in column 1 of the Table are specified in the corresponding entries in column 2 of that Table.

(3) In this regulation and Schedule 3, “the 2007 Regulations” means the Bovine Semen (Scotland) Regulations 2007(5).

(4) Words and expressions used in Schedule 3 have the same meanings as they have in the 2007 Regulations.

### **Porcine semen: fees**

8.—(1) This regulation and Schedule 4 set out the fees payable to the Scottish Ministers on demand in connection with the issue of licences or approvals and tests or examinations carried out under—

- (a) the 1964 Regulations; or
- (b) the 1992 Regulations.

(2) The fees payable by the applicant or holder of the licence or approval for activities specified in column 1 of the Table in Schedule 4 are specified in the corresponding entries in column 2 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 are approved under regulation 2(2) or (3) of the 1992 Regulations.

(4) In this regulation and Schedule 4—

“the 1964 Regulations” means the Artificial Insemination of Pigs (Scotland) Regulations 1964(6); and

“the 1992 Regulations” means the Artificial Insemination of Pigs (EEC) Regulations 1992(7).

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(4) See paragraph 3 of Part 1 of Schedule 2 to the Trade in Animals and Related Products (Scotland) Regulations 2012 ([S.S.I. 2012/177](#)).

(5) [S.S.I. 2007/330](#) to which there is an amendment not relevant to these Regulations.

(6) [S.I. 1964/1171](#) as disappplied by [S.I. 1992/3161](#).

(7) [S.I. 1992/3161](#).

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

9.—(1) This regulation and Schedule 5 set out the fees payable to the Scottish Ministers on demand for activities conducted by the Scottish Ministers 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 activities specified in column 1 of the Table are specified in the corresponding entries in column 2 of that Table.

(3) In this regulation and Schedule 5, “the 1995 Regulations” means the Bovine Embryo (Collection, Production and Transfer) Regulations 1995<sup>(8)</sup>.

(4) Words and expressions used in Schedule 5 have the same meanings as they have in the 1995 Regulations.

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

10.—(1) The fees specified in this regulation and Schedule 6 are payable to the Scottish Ministers on demand where an inspection of a consignment of live animals from a third country is carried out at a border inspection post in accordance with regulation 13 (procedure on importation) of the Trade in Animals and Related Products (Scotland) Regulations 2012<sup>(9)</sup>.

(2) The fees payable in respect of the inspection of a consignment of live animals of a type specified in column 1 of the Table in Schedule 6 are specified in the corresponding entries in column 2 of that Table.

(3) Paragraph (4) applies where the inspection is undertaken (whether in whole or in part)—

- (a) during a weekend;
- (b) after 1700 hours but before 0830 hours on a weekday; or
- (c) during a public holiday.

(4) Where this paragraph applies, a fee of £80 is payable for every load subject to inspection in addition to any fee payable under Schedule 6.

(5) In this regulation and Schedule 6—

“border inspection post” means a port or airport approved as such by the European Commission<sup>(10)</sup>;

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

“load” means one or more consignments of animals from the same country of origin that have arrived on the same means of transport and that have been presented by a person responsible for their importation for checking at the border inspection post at the same time;

“public holiday” means New Year’s Day, 2nd January, Good Friday, the first Monday in May, the first Monday in August, Christmas Day and Boxing Day; and

“third country” means a country other than a member State.

(8) [S.I. 1995/2478](#) to which there is an amendment not relevant to these Regulations.

(9) [S.S.I. 2012/177](#), as amended by [S.S.I. 2012/198](#).

(10) The European Commission periodically publishes lists of border inspection posts. The list of approved border inspection posts is laid down in Commission [Decision 2009/821/EC](#) (OJ L 296, 12.11.2009, p.1) as last amended by Commission Implementing Decision 2012/762/EU (OJ L 336, 8.12.2012, p.94) and is periodically reviewed and amendments made.

### **Agency arrangements**

**11.**—(1) The Scottish Ministers may arrange, with the agreement of the Secretary of State, for any of their functions of requiring payment of any fees under these Regulations to be exercised on their behalf by the Secretary of State.

(2) An arrangement under this regulation must be in writing and be signed by, or on behalf of, the Scottish Ministers and the Secretary of State and such an arrangement may be subject to such conditions (including conditions as to financial arrangements) as may be agreed from time to time.

### **Revocations**

**12.** The Regulations specified in column 2 of Schedule 7 are revoked to the extent specified in the corresponding entry in column 3 of that Schedule.

St Andrew's House,  
Edinburgh  
15th May 2013

*RICHARD LOCHHEAD*  
A member of the Scottish Government