

## POLICY NOTE

### THE ANIMAL HEALTH (MISCELLANEOUS FEES) (AMENDMENT AND REVOCATION) (SCOTLAND) ORDER 2023

#### SSI 2023/143

The above instrument was made in exercise of the powers conferred by section 84(1) of the Animal Health Act 1981 and is subject to *negative procedure*.

#### Summary Box

The instrument adjusts the Poultry Compartments (Fees) (Scotland) Order 2010 to revoke provisions which currently allow Value Added Tax (VAT) to be added to fees charged. It also revokes 2 other fee charging instruments which are spent.

#### Policy Objectives

1. The purpose of the S.S.I. is to changes the Poultry Compartments (Fees) (Scotland) Order 2010. This change revokes provisions which currently allow Value Added Tax (VAT) to be added to fees charged. As regards VAT, HM Revenue & Customs have indicated that statutory fees which can only be performed by the Animal and Plant Health Agency (APHA) are out of scope for VAT, so no VAT is due upon them. VAT was included on invoices for the poultry compartments scheme prior to 2015, but following a review of the treatment of out of scope statutory instruments in 2015 all VAT invoiced in the previous four years was refunded using credit notes. No VAT has been charged against the poultry compartments scheme since that review. This instrument therefore removes the capability to add VAT to fees charged for poultry compartments.
2. The Poultry Compartments (Fees) (Scotland) Order 2010 provides for the payment of fees for inspections services in relation to applications for recognition as a poultry compartment under the Poultry Compartments (Scotland) Order 2010, S.S.I. 2010/150, which implemented now retained Commission Regulation (EC) 616/2009.
3. The instrument also revokes the following two statutory instruments
  - the Diseases of Animals (Fees for the Testing of Disinfectants) Order 1991 (S.I. 1991/1168),
  - the Diseases of Animals (Waste Food) (Fees for Licences) Order 1992 (S.I. 1992/453).
4. The Diseases of Animals (Fees for the Testing of Disinfectants) Order 1991 (“the 1991 Fees Order”) set out the fees payable by a person who submitted a disinfectant for testing in accordance with article 7 of the Diseases of Animals (Approved Disinfectants) Order 1978. That 1978 Order was revoked by the Diseases of Animals (Approved Disinfectants) (Scotland) Order 2008. The current approval scheme is run by APHA and testing is carried out in their laboratory in England on behalf of all GB

administrations. Fees are not being charged separately for testing on behalf of the Scottish Ministers for approval of a disinfectant in Scotland, only the fees payable for the testing of a disinfectant for approval in England are being charged, with the testing being carried out also being used for approval of the disinfectant in Scotland. The 1991 Fees order no longer serves a purpose and therefore will be revoked.

5. The Diseases of Animals (Waste Food) (Fees for Licences) Order 1992 (“the 1992 Fees Order”) sets out the fees payable for licences under Article 7 of Diseases of Animals (Waste Food) Order 1973 (“the 1973 Order”). The 1973 Order was revoked in 1999 by the Animal By-Products Order 1999, and licences under the 1973 Order no longer exist. The 1992 Fees Order no longer serves any purpose and therefore will be revoked.

### **Consultation**

6. A consultation was not considered necessary.

### **Impact Assessments**

7. There is no, or no significant, impact on business, charities or voluntary bodies.

### **Financial Effects**

8. The Cabinet Secretary for Rural Affairs and Islands confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government  
Agriculture and Rural Economy Directorate  
2 May 2023