

2009 No. 2043

ANIMALS, ENGLAND

ANIMAL HEALTH

**The Zoonoses and Animal By-Products (Fees) (England)
Regulations 2009**

<i>Made</i> - - - -	<i>21st July 2009</i>
<i>Laid before Parliament</i>	<i>24th July 2009</i>
<i>Coming into force</i> - -	<i>17th August 2009</i>

The Secretary of State, in exercise of the powers conferred by section 56(1) and (2) of the Finance Act 1973(a) and paragraph 1A of Schedule 2 to the European Communities Act 1972(b) with the consent of the Treasury, makes the following Regulations.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Secretary of State that it is expedient for certain references to provisions of Community instruments to be construed as a reference to those provisions as amended from time to time.

Title, application and commencement

1.—(1) These Regulations may be cited as the Zoonoses and Animal By-Products (Fees) (England) Regulations 2009.

(2) They apply in England only.

(3) They come into force on 17 August 2009.

Interpretation

2. In these Regulations—

“the 2005 Regulations” means the Animal By-Products Regulations 2005(c);

“the European Regulation” 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(d) as amended from time to time;

(a) 1973 c. 51.

(b) 1972 c. 68; paragraph 1A was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51).

(c) S.I. 2005/2347 as amended by S.I. 2009/119.

(d) OJ No L325, 12.12.2003, p1, as last amended by Council Regulation (EC) No 1237/2007 (OJ No L 280, 24.10.2007, p5). There is a derogation until 3rd April 2012 from the scope of the Regulation in Commission Regulation (EC) 199/2009 (OJ No L 70, 14.3.2009, p9), and it was prospectively (with effect from 1st January 2010) amended by Commission Regulation (EC) 213/2009 (OJ No L 73, 19.3.2009, p5).

“official control samples” means samples taken by the Secretary of State under any of the following—

- (a) point 2.1.2.2 of the Annex to Commission Regulation (EC) No 1003/2005 implementing Regulation (EC) No 2160/2003 as regards a Community target for the reduction of the prevalence of certain salmonella serotypes in breeding flocks of *Gallus gallus* and amending Regulation (EC) No 2160/2003(a), as amended from time to time;
- (b) point 2.1 of the Annex to Commission Regulation (EC) No 1168/2006 implementing Regulation (EC) No 2160/2003 as regards a Community target for the reduction of the prevalence of certain salmonella serotypes in laying flocks of *Gallus gallus* and amending Regulation (EC) No 1003/2005(b), as amended from time to time; or
- (c) point 1(b) and (c) of the Annex to Commission Regulation (EC) No 646/2007 implementing Regulation 2160/2003 as regards a Community target for the reduction of the prevalence of certain salmonella serotypes in broiler flocks of *Gallus gallus* and repealing Regulation (EC) No 1091/2005(c), as amended from time to time.

Fees

3. The fees prescribed in the Schedule must be paid to the Secretary of State by the person indicated in the Schedule and must be paid within 14 days of demand.

Revocation

4. The Zoonoses and Animal By-Products (Fees) (England) Regulations 2008 (No. 2)(d) are revoked.

9th July 2009

Jim Fitzpatrick
Minister of State
Department for Environment, Food and Rural Affairs

21st July 2009
We consent

Tony Cunningham
Dave Watts
Two of the Lords Commissioners of Her Majesty's Treasury

SCHEDULE

Regulation 3

<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 of ½ hour)	The person in charge of the holding
Examination of official control samples	15.30 per sample	The person in charge of the holding

- (a) OJ No L 170, 1.7.2005, p12, amended by Commission Regulation (EC) No 1168/2006 (OJ No L 211, 1.8.2006, p 4).
- (b) OJ No L 211, 1.8.2006, p4.
- (c) OJ No L 151, 13.6.2007, p21.
- (d) S.I. 2008/3196.

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
(a) one test	631	
(b) two tests	650.50	
(c) three tests	670	
(d) four tests	689.50	
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>	36	
(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(a)	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

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in England, revoke the Zoonoses and Animal By-Products (Fees) (England) Regulations 2008 (No. 2) (S.I. 2008/3196) and remake them with additional fees for conducting tests under Commission Regulation (EC) No 646/2007 (OJ No L 151, 13.6.2007, p 21). The fee for taking or supervising the taking of official samples, which will affect all poultry farmers covered by this regulation is increased from £55 to £66. There are more substantial increases to the more extensive tests which a farmer can opt for to show that testing of the official samples has produced a false positive.

The Regulations make provision for the Secretary of State to charge fees for activities required under Commission Regulation (EC) No 1003/2005 (OJ No L 170, 1.7.2005, p12), Commission Regulation (EC) No 1168/2006 (OJ No L 211, 1.8.2006, p 4), Regulation (EC) No 2160/2003 (OJ No L 325, 12.12.2003, p1), Commission Regulation (EC) No 646/2007 and the Animal By-Products Regulations 2005 (S.I. 2005/2347). The activities and the fees are listed in the table of fees in the Schedule.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector has been produced and placed in the library of each House of Parliament. Copies may be obtained from the Department for Environment, Food and Rural Affairs, Nobel House, 17 Smith Square, London, SW1P 3JR.

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