

**EXPLANATORY MEMORANDUM TO**  
**THE ANIMAL HEALTH (MISCELLANEOUS FEES) REGULATIONS 2013**

**2013 No. 1240**

1. This explanatory memorandum has been prepared by The Department for Environment, Food and Rural Affairs (Defra) and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Purpose of the instrument**

- 2.1 The purpose of this instrument is to provide for increases in the fees payable in relation to services delivered by the Animal Health Veterinary Laboratories Agency (“AHVLA”, an executive agency of Defra), as part of a move towards full cost recovery of such fees. In doing so, Defra has brought together a number of miscellaneous animal health related fees within this single instrument.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

- 3.1 Many of the fees covered by this instrument have not increased for several years and therefore do not reflect the true cost to Government of providing the services. This instrument introduces the first stage of a phased, above inflation, increase towards fees which achieve full cost recovery for services provided by the AHVLA. However in the case of the salmonella national control programme fees (regulation 5), the increases in this instrument will already result in full cost recovery. The Annex to this Memorandum contains tables showing the comparison of old and new fees.

4. **Legislative Context**

- 4.1 It is efficient and easier for the recipients of AHVLA services to have all these miscellaneous fees set out in one instrument. This will have the added advantage of making it easier to amend these fees in future years as Defra moves towards full cost recovery.
- 4.2 The fees for services provided by the AHVLA deriving from the following existing instruments: the Zoonoses and Animal By-Product (Fees) (England) Regulations 2010, the Poultry Health Scheme (Fees) Regulations 2011, the Porcine Semen (Fees) (England) Regulations 2007, the Bovine Embryo (Collection, Production and Transfer) (Fees) Regulations 1995 and the Animals (Third Country Imports) (Charges) Regulations 1997 are combined within this single instrument.
- 4.3 The Control of Trade in Endangered Species (Fees) Regulations 2009 and the Bovine Semen (England) Regulations 2007 are both amended, with the Schedule of fees in the former being substituted by Schedule 1, and the fees for the latter now set out in Schedule 4 of this instrument.

- 4.4 This instrument provides for increases in fees payable for services delivered by the AHVLA in line with the principle that the costs of services should be borne by users who benefit directly from the service provided.
- 4.5 Ambulatory references have been included for three EU instruments as it is likely that technical details may be amended in those instruments that may have implications for cross references in this instrument.

## 5. Territorial Extent and Application

With the exception of regulation 4 these Regulations extend to England and Wales but apply in relation to England only. Regulation 4 extends to the United Kingdom.

## 6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation no statement is required.

## 7. Policy background

- 7.1 The AHVLA is responsible in England, on behalf of Defra, for delivering a number of services aimed at facilitating trade, preventing the introduction and spread of animal diseases, safeguarding public health and protecting wild flora and fauna. It is Government policy to charge users the full cost of the services it provides.
- 7.1.1 **Control of Trade in Endangered Species.** Under Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora (known as “CITES”), the AHVLA issue licences to import, export or otherwise deal in certain listed species which may be endangered by trade. Regulation 4(3) introduces a fee of £1.50 payable by applicants for the issue of additional permits and certificates. Schedule 1 of this new instrument substitutes increased fees for plants and animals into the Schedule of the Control of Trade in Endangered Species (Fees) Regulations 2009.
- 7.1.2 **Salmonella national control programme (zoonoses).** In line with Regulation (EC) No 2160/2003 of the European Parliament and the Council on the control of salmonella, as part of the Salmonella National Control Programmes the AHVLA collect and test official samples in order to verify progress in achieving agreed salmonella reduction targets. It also provides services to maintain an approved private laboratory network, and carries out proficiency tests for laboratories to ensure consistency in test results on salmonella samples.
- 7.1.3 **Poultry Health Scheme.** Any poultry establishments that wish to export live poultry or hatching eggs to EU member States or to countries outside the EU (known as ‘third countries’) must be members of the Poultry Health Scheme (“PHS”). The PHS is operated by the AHVLA under the Trade in Animals and Related Products Regulations 2011 as a mechanism to encourage the export of poultry and eggs. It offers a system of registration and approval enabling establishments to comply with PHS requirements set out in Council Directive 2009/158/EC.
- 7.1.4 **Bovine Semen.** The Bovine Semen (England) Regulations 2007 control the collection, processing and storage of bovine semen eligible for domestic trade and with other member States of the European Union. In addition to facilitating trade the 2007

Regulations ensure the health status of donor animals. The AHVLA provide a service of licensing artificial insemination centres and approval of donor animals.

7.1.5 **Porcine Semen.** The Artificial Insemination of Pigs (England and Wales) Regulations 1964 deal with domestic trade, and the Artificial Insemination of Pigs (EEC) Regulations 1992 deal with EU trade. Together these two instruments control the collection, processing and storage of porcine semen eligible for trade. In addition to facilitating trade, they also help guard against transmission of diseases that may be present in porcine semen. The AHVLA inspect and approve collection centres. Their staff also take samples from boars with a view to their approval for becoming donor animals.

7.1.6 **Bovine Embryos.** The Bovine Embryo (Collection, Production and Transfer) Regulations 1995 facilitate trade, control the health of donor animals and guard against diseases which could be transmitted via embryos. The AHVLA are responsible for approving and licensing bovine embryo teams and storage centres.

7.1.7 **Checking consignments of live animals from third countries at border inspection posts.** EU legislation requires all live animals (other than accompanied pets) arriving from countries outside the EU to be inspected and have documentary (and identification) checks by an official veterinarian on entry at a Border Inspection Post. This requirement is implemented by the Trade in Animals and Related Products Regulations 2011, and the veterinary checks are carried out by the AHVLA in order to prevent the introduction of diseases harmful to animal and public health.

7.2 Charging for all these services is consistent with the principle that businesses using and benefiting from the services should bear their cost.

## 8. Consultation outcome

8.1 A consultation on proposals to revise fees for the provision of all these statutory services ran from 16 July to 10 September 2012. Over 600 trade organisations, farming unions and businesses were invited to respond to the consultation along with the general public. 47 responses were received and the majority of respondents, although generally opposed to increases in fees, favoured a phased increase in fees to achieve full cost recovery over two or three years.

8.2 Details of the consultation on proposals to revise fees for statutory services delivered by the AHVLA including a summary of responses can be found at: [www.gov.uk/defra](http://www.gov.uk/defra).

8.3 The Department responded by deciding to phase in fee increases over two years for services delivered under bovine semen, porcine semen, bovine embryos, veterinary checks at border inspection posts and the poultry health scheme, phase fee increases over three years for CITES services, and only move directly to full cost recovery levels for salmonella national control programme services.

8.4 Fees for activities in relation to bovine semen, bovine embryos, porcine semen and PHS services that require a site visit by an AHVLA officer will now be based on a specified (fixed) administration fee plus a variable fee for relevant officer time, based on actual time taken to provide the service.

## **9. Guidance**

9.1 Details of the new fees will be included on the AHVLA website.

## **10. Impact**

10.1 No impact on charities or voluntary bodies is foreseen other than for those that may have to pay increased fees in respect of permits or certificates under CITES.

10.2 No impact on the public sector is foreseen.

10.3 Impact assessments have been prepared for each of the seven services involved and can be viewed at [www.gov.uk/defra](http://www.gov.uk/defra).

## **11. Regulating small business**

11.1 The legislation applies equally to all businesses, many of which are small businesses.

## **12. Monitoring & review**

12.1 The levels of fees will be reviewed over the course of the next financial year with a view to making a further instrument in 2014 to implement the next phase of the move towards full cost recovery for the provision of the services covered by this instrument.

## **13. Contact**

Scott Spencer at the Department for Environment, Farming and Rural Affairs, Tel: 0207 238 1034 or email [Scott.Spencer@defra.gsi.gov.uk](mailto:Scott.Spencer@defra.gsi.gov.uk)) can answer any queries regarding the instrument.

## Annex

### Control of Endangered Species Regulations: Fees

<i>Type of permit, certificate or registration</i>	<i>Fee for animals (£)</i>		<i>Column 3 Fee for plants (£)</i>	
	NEW	OLD	NEW	OLD
Certificate of origin issued under Article 4(3)(b) of the Council Regulation	31	25	31	25
Application issued under Article 10 for a commercial use certificate in accordance with Article 8 of the Council Regulation	31	25	31	25
Application under Article 10 for an export permit in accordance with Article 5 of the Council Regulation	63	59	74	59
Re-export certificate in accordance with Article 5 of the Council Regulation	37	47	59	47
Movement certificate in accordance with Article 9 of the Council Regulation	88	70	88	70
Pre-issued re-export certificate under Article 18 of the Commission Regulation (biological samples)	44	47	59	47
Pre-issued re-export certificate under Article 19 of the Commission Regulation (dead specimens)	44	47	59	47
Import permit issued under Article 4 of the Council Regulation	67	59	74	59
Pre-issued export permit issued under Article 18 of the Commission Regulation	72	59	74	59
Pre-issued export permit issued under Article 19 of the Commission Regulation	72	59	74	59
Pre-issued export permit issued under Article 29 of the Commission Regulation (nursery permits)	Not applicable	Not applicable	74	59
Personal ownership certificate issued under Article 37 of the Commission Regulation	74	59	74	59
Sample collection certificate issued under Article 44a of the Commission Regulation	74	59	74	59

<i>Type of permit, certificate or registration</i>	<i>Fee for animals (£)</i>		<i>Column 3 Fee for plants (£)</i>	
	NEW	OLD	NEW	OLD
Travelling exhibition certificate issued under Article 30 of the Commission Regulation	74	59	74	59
Scientific institution certificate issued under Article 60 of the Commission Regulation	146	177	195	177
CITES registration	221	177	221	177
Fee for the issue of additional permits or certificates	1.50	Various in regulation 4 of S.I. 2009/496	1.50	Various in regulation 4 of S.I. 2009/496

## **Salmonella National Control Programme (zoonoses): Fees**

<b>Table 1: Fees payable by the person in charge of poultry holding from which an official sample is taken, processed and examined</b>		
<i>Activity</i>	<i>Fee (£)</i>	
	NEW	OLD
Time spent in obtaining official control samples for examining in a laboratory (to be added to fees below unless specified in column 2)	NEW: 23 per half hour or part half hour spent	
	NEW	OLD
Taking an official control sample from a chicken laying flock	60	76
Taking an official control sample from a chicken breeding flock	96	76
Taking an official control sample from a chicken broiler flock	89	76
Taking an official control sample from a turkey fattening and breeding flocks	87	76
Examination of an official control samples in a laboratory	15 per sample examined	15

<b>Table 2: Fees payable by the operator of a laboratory</b>			
<i>Activity</i>	<i>Fee (£)</i>		
	NEW	OLD	
Processing an application for an initial approval and an annual renewal of a laboratory approval	43	31	
		NEW	OLD
Conducting inspections and quality assurance based upon the number of tests for which the laboratory is approved	one test	642	642
	two tests	661	661
	three tests	681	681
	four tests	700	700
Conducting collaborative testing for <i>Salmonella</i> required to obtain and maintain approval as a testing laboratory		37 per test	36 per test

<b>Table 3: Fees payable by the person in charge of poultry flocks</b>		
<i>Activity</i>	<i>Fee (£)</i>	
	NEW	OLD
Conducting tests on seven dust and faecal samples taken from per flock	15 per sample tested	15.30
Conducting bacteriological sampling and testing of the caeca and oviducts of 300 birds in per flock	3,560	3,435
Conducting bacteriological sampling and testing of the shell and the content of 4,000 eggs of per flock	2,310	2,235

## **Poultry health scheme: Fees**

<b>Table 1: Fees for registration and approval of an establishment for the purposes of the poultry health scheme</b>		
<i>Activity</i>	<i>Fee (£)</i>	
Time spent by a veterinary officer carrying out the licensing or approval activities in this Table (in this Table, the “time fee”) (in addition to the fees listed below unless otherwise specified in column 2 that this time fee does not apply)	NEW: 23 per half hour or part half hour spent	
Annual registration as a poultry health scheme member (in this table a “scheme member”)	NEW	OLD
Approval for first year approval of scheme member’s flock or hatchery	61	60
Approval for first year approval of a scheme member’s combined flock and hatchery on one site where the inspection is carried out by a veterinary officer	210	97
Annual re-approval of a scheme member’s flock or hatchery, where the inspection is carried out by a veterinary surgeon who is not a veterinary officer	233	143
Annual re-approval of a scheme member’s combined flock and hatchery on one site, where the inspection is carried out by a veterinary surgeon who is not a veterinary officer	74	62
Annual re-approval of a scheme member’s flock or hatchery, where inspection carried out by a veterinary officer	78	70
Annual re-approval of a scheme member’s combined flock and hatchery on one site, where inspection carried out by a veterinary officer	178	97
	183	143

<b>Table 2: Fees payable by the operator of a laboratory in relation to approval</b>		
<i>Activity</i>	<i>Fee (£)</i>	
	NEW	OLD
Processing an application for an initial laboratory approval or an annual renewal of a laboratory approval	43	31
Proficiency test in respect of <i>Salmonella</i> bacteriology ( <i>pullorum</i> , <i>gallinarum</i> and <i>arizonae</i> )	131 per test	131 per test
Proficiency test in respect of <i>Salmonella</i> serology ( <i>pullorum</i> , <i>gallinarum</i> )	336 per test	336 per test
Proficiency test in respect of <i>Mycoplasma</i> chicken serology ( <i>gallisepticum</i> )	336 per test	336 per test
Proficiency test in respect of <i>Mycoplasma</i> culture ( <i>gallisepticum</i> and <i>meleagridis</i> )	281 per test	281 per test
Proficiency test in respect of <i>Mycoplasma</i> turkey serology ( <i>gallisepticum</i> and <i>meleagridis</i> )	336 per test	336 per test



## **Bovine semen: Fees**

<b>Fees payable by applicants and operators under the Bovine Semen (England) Regulations 2007</b>			
<i>Activity</i>	<i>Fee (£)</i>		
Time spent carrying out the licensing or approval activities in this Table (in addition to each of the fees listed below)	officer who is not a veterinary officer	NEW: 12 per half hour or part half hour spent	
	veterinary officer	NEW: 23 per half hour or part half hour spent	
	NEW	OLD	
Considering an application for approval under regulations 7 and 10 of the 2007 Regulations for use in domestic collection centre or at unlicensed premises	38	93	
		NEW	OLD
Considering an application under regulation 7 of the 2007 Regulations for approval of a bovine animal for use in an EU collection centre	Bovine animal aged 6 months or under	187	194
	Bovine animal aged over 6 months and in the same sex group	187	194
	Bovine animal aged over 6 months and in a mixed sex group	368	320
	NEW	OLD	
Considering an application for a licence to operate an EU quarantine centre under regulation 4 of the 2007 Regulations	114	236	
Considering an application for a licence to operate an EU collection centre under regulation 4 of the 2007 Regulations	146	528	
Considering an application for a licence to operate an EU storage centre under regulation 4 of the 2007 Regulations	63	200	
Conducting an examination of a bovine semen centre under regulation 40 of the 2007 Regulations	14	60	

## **Porcine semen: Fees**

<b>Fees payable under the Artificial Insemination of Pigs (England and Wales) Regulations 1964 and the Artificial Insemination of Pigs (EEC) Regulations 1992</b>			
<i>Activity</i>	<i>Fee (£)</i>		
Time spent carrying out the licensing or approval activities in this Table, in addition to each of the fees listed below (in this Table the “time fee”) unless specified in column 2	officer who is not a veterinary officer	NEW: 12 per half hour or part half hour spent	
	veterinary officer	NEW: 23 per half hour or part half hour spent	
<b><i>Application for approval of boars to provide semen for the purpose of artificial insemination</i></b>			
	NEW	OLD	
Considering an application for the approval of a boar under regulation 2(1) of the 1964 Regulations for the purpose of the collection of semen which will not be subject to intra-EU trade	92	117	
Considering an application for the approval of per additional boar examined at the same time	19	34	
<b><i>Routine testing of boars</i></b>			
		NEW	OLD
Compulsory routine testing of boars in accordance with paragraph 1 of Chapter II of Annex B to Council Directive 90/429/EEC on an artificial insemination centre from which semen may be subject to intra-EU trade	up to a maximum of 10 boars	201	67
	per additional boar tested on the premises	26	6
Routine testing of boars on an artificial insemination centre from which semen is not subject to intra-EU trade	up to a maximum of 10 boars	140	67
	per additional boar tested on the premises	19	6
<b><i>Operation of an artificial insemination centre</i></b>			
	NEW	OLD	
Considering an application from an operator for an artificial insemination centre licence or approval	29	327	
Considering an application for approval of an alteration to licensed premises (in accordance with conditions attached to the licence)	29	83	
Routine examination of artificial insemination centre	9	86	

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

<b>Fees payable under the Embryo (Collection, Production and Transfer) Regulations 1995</b>		
<i>Activity</i>	<i>Fee (£)</i>	
Time spent by veterinary officer when carrying out inspections and checks (in addition to the basic fees listed in this Table where the relevant facilities or premises require inspection or records require checking)	NEW: 23 per half hour or part half hour spent	
	NEW	OLD
Considering an application for approval of a single bovine embryo collection or production team where there is inspection of one laboratory	131	181
Considering an application for approval of each additional laboratory or store from the same applicant where that laboratory or store is located more than 8 kilometres away from embryo teams inspected for approval	86	130
Considering an application for approval of an additional laboratory or store from the same applicant when the inspection is done on the same day and the laboratory or store is located 8 kilometres or less from other embryo teams inspected for approval	27	36
Considering an application for an approval of: - a bovine embryo transfer team, - a store under regulation 13, - a store under regulation 16, or - a store and its supervisor under regulations 16 and 19 of the 1995 Regulations	60	148
Considering an application for re-approval of a laboratory or a store following any alterations	71	81
Carrying out routine inspection of records of a single bovine embryo production, collection or transfer team and re-inspection of a single laboratory or store	70	109
Carrying out routine inspections of records of each additional bovine embryo production, collection or transfer team, and re-inspection of each additional laboratory or store	41	88
Considering an application for approval of an embryo collection or production team with no inspection of a laboratory	168	148

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

<b>Fees for inspecting consignments of animals from third countries and checking importation documentation at border inspection posts in accordance with regulation 15 of the Trade in Animals and Related Products Regulations 2011</b>		
<i>Inspection of type of animal and checking documents</i>	<i>Fee (£) per consignment</i>	
	NEW	OLD
Poultry and small game birds	44	25
Ratites	44	5
Live fish, aquatic animals and reptiles	40	5
Rabbits	44	25
Rodents	44	10
Captive birds	44	10
Bees, other insects and invertebrates	40	5
Pets unaccompanied	44	25
Equidae	54	25
Farmed livestock including cattle, sheep, goats, camelids, pigs and wild boar	54	25
Animals not covered by any other category	44	25
Transshipment check of documents	44	25