

## EXPLANATORY MEMORANDUM TO

### THE ANIMAL GATHERINGS (FEES) (ENGLAND) ORDER 2018

2018 No. 663

#### **1. Introduction**

- 1.1 This explanatory memorandum has been prepared by The Department for Environment, Food and Rural Affairs (Defra) and is laid before the House of Commons by Command of Her Majesty.

#### **2. Purpose of the instrument**

- 2.1 The purpose of this instrument is to provide for introduction of fees payable in relation to services delivered by the Animal and Plant Health Agency (“APHA”, an executive agency of Defra), to enable staged full cost recovery for APHA services in involving processing of licence applications for premises used for livestock (cattle, deer, goats, sheep and pigs) sales, collection centres and for the holding of shows and exhibitions of livestock.

#### **3. Matters of special interest to the House of Commons**

##### *Matters of special interest to the Select Committee on Statutory Instruments*

- 3.1 None.

##### *Other matters of interest to the House of Commons*

- 3.2 This instrument applies only to England and is subject to the negative resolution procedure. Consideration of whether there are other matters of interest to the House of Commons does not arise at this stage.

#### **4. Legislative Context**

- 4.1 This instrument provides for introduction of fees payable for statutory services delivered by the APHA to include new service areas for which fees will be payable and where the fee payers directly benefit from the receipt of a licence to carry out otherwise prohibited activities involving gatherings of livestock where there might otherwise be a risk of spread of animal disease.

#### **5. Extent and Territorial Application**

- 5.1 This instrument extends to England and Wales.  
5.2 This instrument applies in relation to England only.

#### **6. European Convention on Human Rights**

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

## **7. Policy background**

### *What is being done and why*

- 7.1 The APHA is responsible in England, on behalf of Defra, for delivering a number of services aimed at facilitating trade in animals and plants, preventing the introduction and spread of animal diseases, safeguarding public health and protecting wild flora and fauna. Flora is the plant life occurring in a particular region or time, generally the naturally occurring or indigenous native plant life. Fauna is the corresponding term for animal life. It is Government policy to charge users the cost of the services it provides. Charging for services is consistent with the principle that businesses using and benefiting from the service provided should bear the cost of its provision.
- 7.2 The Animal Gatherings Order 2010 (SI 2010/460) provides for the licensing of premises for the gathering of cattle, deer, goats, sheep and pigs for sale, show or exhibition, collection for onward consignment within Great Britain and inspection to confirm the animals possess specific breed characteristics. APHA provides services to inspect, approve and licence gatherings. The 2010 Order forms part of the measures in place to reduce the risk of spread of disease, specifically Foot and Mouth Disease (FMD) to which all the listed farmed animals are susceptible.
- 7.3 Markets and shows vary considerably in size and complexity and with this variety the disease risk is different at each venue. Veterinary inspectors assess the disease risk present at the venue, examining many factors to decide if the venue meets the relevant requirements before granting a licence.

## **8. Consultation outcome**

- 8.1 A consultation on proposals to introduce these fees ran from 26 October to 14 December 2015. Over 450 trade organisations, farming unions and businesses were invited to respond to the consultation along with 4,000 veterinary practices and the general public. A total of 51 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 years. This instrument therefore has been designed to phase in higher full cost recovery of fees after the first twelve months.
- 8.2 A significant number of responders considered that there should be exemption from charges for small local shows. This has been considered positively and the instrument contains an exemption so that a fee will only apply to shows and exhibitions that are open to the public for more than one day at which there is no auction involved for the sale of animals. All small scale local shows that are held for one day only will not have to pay a fee for such a licence.
- 8.3 Details of the consultation on proposals to introduce fees for statutory services delivered by the APHA, including a summary of responses can be found at: <https://www.gov.uk/government/consultations/charges-for-statutory-services-provided-by-apha-proposed-changes>
- 8.4 In column 2 of each of the three tables contained in the Schedule this instrument sets fees that represent 50% full cost recovery of APHA providing these services, and the column 3 sets the 100% full cost recovery fee that will apply after the first year of operation. This approach is designed to reduce the initial impact of the charges to business. Travel time taken for APHA officials to provide their services has been capped at a maximum of 90 minutes for a return journey to deliver any service.

## **9. Guidance**

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

## **10. Impact**

10.1 There is little impact on business, charities or voluntary bodies that has been mitigated by the proposed phased introduction and exemption for one day shows and exhibitions.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument. A Regulatory Triage Assessment was submitted to the Regulatory Policy Committee who assessed this suitable for low cost fast track approval.

## **11. Regulating small business**

11.1 The legislation applies to activities that are undertaken by small and micro businesses.

11.2 No specific action is proposed to minimise regulatory burdens on small businesses other than those businesses that are eligible to the exemption from the licensing fees.

## **12. Monitoring & review**

12.1 The levels of fees will be reviewed periodically with a view to ensuring that the fees continue to reflect full cost recovery for the provision of these miscellaneous services.

## **13. Contact**

13.1 Rob Walters at the Animal and Plant Health Agency, Tel: 0208 026 0724 or email [rob.walters@apha.gsi.gov.uk](mailto:rob.walters@apha.gsi.gov.uk) can answer any queries regarding the instrument.