

SCHEDULE 4

Regulation 5(5)

The Poultry Health Scheme

PART I

MEMBERSHIP

1. Any reference to 'the Directive' in this Part of this Schedule is a reference to Council Directive [90/539/EEC](#).

2. An application for an establishment to become a member of the Poultry Health Scheme ("the Scheme" in this Schedule) must be accompanied by the registration fee, the details of which are set out in Part 2 of this Schedule.

3. The National Assembly may only grant membership of the Scheme to an establishment if—

(a) it is satisfied, following an inspection by a veterinary inspector, that—

(i) the establishment meets the requirements regarding facilities in Chapter II of Annex II to the Directive; and

(ii) the operator of the establishment will comply, and ensure that the establishment complies, with the requirements of point 1 of Chapter I of Annex II to the Directive; and

(b) the operator of the establishment, having been notified that the National Assembly is satisfied that the requirements in sub-paragraph (a) are met, has paid the annual membership fee, the details of which are set out in Part III of this Schedule.

4. The disease surveillance programme referred to in paragraph (b) of point 1 of Chapter I of Annex II to the Directive must consist of the disease surveillance measures specified in Chapter III of Annex II to the Directive, together with any additional testing requirements that a veterinary inspector notifies in writing to an establishment as being requirements that he or she believes are necessary to avoid the spreading of contagious disease through intra-Community trade, taking into account the particular circumstances at that establishment.

5. On receipt of the first annual membership fee, the National Assembly must issue the establishment's membership certificate, which must include the establishment's membership number.

6. The operator of an establishment that is a member of the Scheme must pay the annual membership fee each year, and must pay any re-inspection fee when it becomes due.

7. In order to ensure that operators and their establishments continue to meet the requirements for membership of the Scheme, and generally to ensure compliance with the Directive—

(a) a veterinary inspector (whether employed by Defra or not) must carry out an annual veterinary inspection of the establishment; and

(b) a veterinary inspector employed by Defra must carry out any additional inspections (insofar as not provided for under paragraph 8) which the National Assembly considers necessary.

8. Without prejudice to any action which may be taken under paragraph 9, where, at the annual veterinary inspection of an operator's establishment, that operator or the operator's establishment do not appear to the National Assembly to meet the requirements either for membership of the Scheme or of the Directive, a veterinary inspector employed by Defra must carry out such additional inspections ("re-inspections") as the National Assembly considers necessary to ensure compliance on the part of that operator and his or her establishment with those requirements, in which case a re-inspection fee must—

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- (a) be charged for each such re-inspection; and
 - (b) become due upon the receipt by the operator concerned of an invoice for that fee.
9. The National Assembly—
- (a) is to suspend, revoke or restore membership in accordance with Chapter IV of Annex II to the Directive (references to 'withdrawal' in that Chapter are to be read as references to 'revocation' for the purposes of this paragraph);
 - (b) may suspend or revoke membership if—
 - (i) an establishment is in breach of any of the requirements regarding facilities in Chapter II of Annex II to the Directive;
 - (ii) the operator or the establishment is in breach of any of the requirements in point 1 of Chapter I of Annex II to the Directive;
 - (iii) ownership or control of an establishment changes; or
 - (iv) the operator has not paid the annual membership fee or if a re-inspection fee remains unpaid 30 days after becoming due.

PART II

REGISTRATION FEE

1. The National Assembly must—
- (a) determine the registration fee on the basis of the cost attributable to each application of the items listed in paragraph 3; and
 - (b) publish the current registration fee on its website ^{M1}.

Marginal Citations

M1 www.wales.gov.uk

2. The registration fee is payable to the National Assembly in respect of each establishment for which an application is made and is non-refundable.

3. The items referred to in paragraph 1(a) are—
- (a) the salaries and fees, together with overtime payments and employers' national insurance and superannuation contributions, of—
 - (i) any person involved directly in processing applications for membership of the Scheme;
 - (ii) any person engaged in managing the processing of such applications; and
 - (iii) any veterinary inspector who carries out a veterinary inspection at an applicant establishment;
 - (b) recruiting and training the staff referred to in sub-paragraph (a);
 - (c) travel and related incidental expenses incurred in processing applications for membership (including inspecting establishments), except where incurred by a person attending his or her normal place of work;
 - (d) office accommodation, equipment and services for the staff referred to in sub-paragraph (a), including depreciation of office furniture and equipment and the cost of information technology and stationery;

- (e) provision of protective clothing and equipment used in inspecting establishments, and laundering, cleansing or disinfecting that protective clothing;
- (f) provision of payroll and personnel services in connection with the employment of the staff referred to in sub-paragraph (a); and
- (g) any other incidental expenses incurred in connection with the processing of applications for membership of the Scheme.

PART III

ANNUAL MEMBERSHIP FEE

1. There will be two rates for the annual membership fee: a higher rate, which includes the cost of an annual veterinary inspection by a veterinary inspector employed by Defra, and a lower rate which does not include the cost of such an inspection.
2. The lower rate is payable—
 - (a) the first time the annual membership fee is paid (the cost of the first annual veterinary inspection having been included in the registration fee); and
 - (b) in subsequent years where the operator of the establishment has elected for the annual veterinary inspection to be carried out by a veterinary inspector who is not employed by Defra.
3. The National Assembly must—
 - (a) determine the two rates of the annual membership fee on the basis of the cost attributable to each establishment of the items listed in paragraph 5; and
 - (b) publish the current rates of the annual membership fee on its website.
4. The annual membership fee is payable to the National Assembly in respect of each establishment and is non-refundable.
5. The items referred to in paragraph 3(a) are (subject to paragraph 6)—
 - (a) salaries and fees, together with overtime payments and employers' national insurance and superannuation contributions, of—
 - (i) any person directly involved in the administration of the Scheme (including corresponding with and responding to queries from members, producing guidance, and arranging inspections of establishments);
 - (ii) any person engaged in managing the administration of the Scheme;
 - (iii) any veterinary inspector employed by Defra who carries out the annual veterinary inspection of an establishment or additional inspections during the year;
 - (b) recruiting and training the staff referred to in sub-paragraph (a);
 - (c) travel and related incidental expenses incurred in the administration of the Scheme (including veterinary inspections of establishments), except where incurred by a person attending his or her normal place of work;
 - (d) office accommodation, equipment and services for staff referred to in sub-paragraph (a), including depreciation of office furniture and equipment and the cost of information technology and stationery;
 - (e) provision of protective clothing and equipment, where applicable, used in carrying out inspections of establishments, and laundering, cleansing or disinfecting that protective clothing;

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- (f) provision of payroll and personnel services in connection with the employment of staff referred to in sub-paragraph (a); and
- (g) any other incidental expenses incurred in connection with the administration of the Scheme.

6. The items listed in paragraph 5 do not include any expense or cost which relates to the administration of, travel for the purposes of, and attendance at, re-inspections insofar as that expense or cost is recoverable under Part IV of this Schedule.

PART IV

RE-INSPECTION FEE

1. The re-inspection fee provided for under paragraph 8, Part I of this Schedule must be composed of—
 - (a) a charge for the veterinary inspector's time spent at the operator's establishment carrying out the re-inspection, the rate for which charge is £45 per hour or part thereof; and
 - (b) a charge for mileage, that is, for each mile travelled by the veterinary inspector to and from the operator's establishment in order to carry out the re-inspection, the rate for which charge is 33 pence per mile.
2. The National Assembly may, using such criteria as it considers appropriate in all the circumstances, reduce the charge for mileage under paragraph 1(b) in respect of any particular re-inspection in order to avoid an over-recovery of mileage costs incurred for a journey in the course of which other official activity is undertaken in addition to that re-inspection.

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