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WELSH STATUTORY INSTRUMENTS

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**2018 No. 646 (W. 120)**

**ANIMALS, WALES**

**ANIMAL HEALTH**

**The Animal By-Products and Pet  
Passport (Fees) (Wales) Regulations 2018**

<i>Made</i>	- - - -	<i>22 May 2018</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>30 May 2018</i>
<i>Coming into force</i>	- -	<i>30 June 2018</i>

The Welsh Ministers are designated<sup>(1)</sup> for the purposes of making Regulations under section 2(2) of the European Communities Act 1972<sup>(2)</sup> (“the 1972 Act”) in relation to the common agricultural policy of the European Union. These Regulations make provision for a purpose mentioned in section 2(2) of the 1972 Act and it appears to the Welsh Ministers that it is expedient for references to EU instruments in these Regulations to be construed as references to those instruments as amended from time to time.

The Welsh Ministers make these Regulations in exercise of the powers conferred by—

- (a) section 2(2) of, and paragraph 1A of Schedule 2 to, the 1972 Act<sup>(3)</sup>; and
- (b) section 56(1) and (2) of the Finance Act 1973 and now vested in them<sup>(4)</sup>.

In accordance with section 56(1) of the Finance Act 1973, the Treasury consents to the making of these Regulations.

**Title, application and commencement** E+W

**1.** The title of these Regulations is the Animal By-Products and Pet Passport (Fees) (Wales) Regulations 2018. They apply in relation to Wales and come into force on 30 June 2018.

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(1) [S.I. 2010/2690](#).

(2) [1972 c. 68](#). Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 ([c. 51](#)), and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 ([c. 7](#)).

(3) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006.

(4) [1973 c. 51](#). Subsection (1) was amended by [S.I. 2011/1043](#), article 6(1)(e). The Welsh Ministers may exercise this power by virtue of section 59(5) of the Government of Wales Act [2006 \(c. 32\)](#).

### Commencement Information

**I1** [Reg. 1](#) in force at 30.6.2018, see [reg. 1](#)

### Interpretation **E+W**

**2.** In these Regulations—

“approval” (“*cymeradwyaeth*” and “*cymeradwyo*”) includes a conditional approval under Article 44(2) of the EU Control Regulation;

“EU Control Regulation” (“*Rheoliad Rheolaeth yr UE*”) means Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No. 1774/2002<sup>(5)</sup>;

[<sup>F1</sup>“Official Controls Regulation” (“*Rheoliad Rheolaethau Swyddogol*”) means Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products;]

“veterinary officer” (“*swyddog milfeddygol*”) means a veterinary surgeon employed by the Welsh Ministers;

“veterinary surgeon” (“*milfeddyg*”) means a person registered in the register of veterinary surgeons kept under the Veterinary Surgeons Act 1966<sup>(6)</sup>.

### Textual Amendments

**F1** Words in [reg. 2](#) inserted (5.7.2023) by The Animal By-Products, Pet Passport and Animal Health (Fees) (Wales) (Amendment) Regulations 2023 (S.I. 2023/754), regs. 1(1), 2(2)

### Commencement Information

**I2** [Reg. 2](#) in force at 30.6.2018, see [reg. 1](#)

### Refund of fees **E+W**

**3.** If any application for which a fee is payable under these Regulations is withdrawn before determination of the application, the Welsh Ministers must refund to the applicant such proportion of any fee paid in respect of that application as the Welsh Ministers think reasonable, having regard to any reasonable costs incurred by the Welsh Ministers in connection with the application.

### Commencement Information

**I3** [Reg. 3](#) in force at 30.6.2018, see [reg. 1](#)

<sup>(5)</sup> OJ No. L 300, 14.11.2009, p. 1, as last amended by Council Regulation (EU) No. 1385/2013 (OJ No. L 354, 28.12.2013, p. 86).

<sup>(6)</sup> 1966 c. 36. Section 2 has been amended by article 12 of, and paragraph 1 of the Schedule to, S.I. 2003/2919; and by article 2 of, and paragraph 2(a) and (b) of the Schedule to, S.I. 2008/1824.

**Animal by-products and derived products** **E+W**

4.—(1) The fees payable to the Welsh Ministers for applications in connection with approval activities under Articles 24 and 44 of the EU Control Regulation are to be determined in accordance with Table 1 of the Schedule.

(2) The fees payable to the Welsh Ministers in connection with inspection activities under [<sup>F2</sup>Article 20 of the Official Controls Regulation] are to be determined in accordance with Table 2 of the Schedule.

(3) Expressions used in the Schedule have the same meaning as in the EU Control Regulation [<sup>F3</sup>or the Official Controls Regulation].

**Textual Amendments**

**F2** Words in reg. 4(2) substituted (5.7.2023) by [The Animal By-Products, Pet Passport and Animal Health \(Fees\) \(Wales\) \(Amendment\) Regulations 2023 \(S.I. 2023/754\)](#), regs. 1(1), **2(3)(a)**

**F3** Words in reg. 4(3) inserted (5.7.2023) by [The Animal By-Products, Pet Passport and Animal Health \(Fees\) \(Wales\) \(Amendment\) Regulations 2023 \(S.I. 2023/754\)](#), regs. 1(1), **2(3)(b)**

**Commencement Information**

**I4** [Reg. 4](#) in force at 30.6.2018, see [reg. 1](#)

**Pet passports: fees** **E+W**

<sup>F4</sup>5. ....

**Textual Amendments**

**F4** [Reg. 5](#) omitted (5.7.2023) by virtue of [The Animal By-Products, Pet Passport and Animal Health \(Fees\) \(Wales\) \(Amendment\) Regulations 2023 \(S.I. 2023/754\)](#), regs. 1(1), **2(4)**

22 May 2018

*Lesley Griffiths*  
Cabinet Secretary for Energy, Planning and  
Rural Affairs, one of the Welsh Ministers

SCHEDULE **E+W**

Regulation 4

**Commencement Information****I5** Sch. in force at 30.6.2018, see **reg. 1****Table 1****Fees payable by the operator of an establishment or plant for an application for approval or conditional approval under Articles 24 and 44 of the EU Control Regulation**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Activity</i>	<i>Fee (£) for applications received on or after 5 July 2023 but before 1 July 2024</i>	<i>Fee (£) for applications received on or after 1 July 2024</i>
Time spent by a veterinary officer travelling to and from premises for the purpose of activities in this Table	22 per quarter hour or part quarter spent up to a maximum of 132	22 per quarter hour or part quarter spent up to a maximum of 132
Time spent by an officer of the Welsh Ministers (other than a veterinary officer) travelling to and from premises for the purpose of activities in this Table	12 per quarter hour or part quarter spent up to a maximum of 72	12 per quarter hour or part quarter spent up to a maximum of 72
Time spent by a veterinary officer for the purpose of activities identified in this Table after the first 60 minutes of a site visit to assess suitability for approval	22 per quarter hour or part quarter spent	22 per quarter hour or part quarter spent
Time spent by an officer of the Welsh Ministers (other than a veterinary officer) for the purpose of administration of additional visits and connected activities	11 per quarter hour or part quarter spent	11 per quarter hour or part quarter spent
Additional administrative fee for production of invoices for additional visits or connected activities	21 per invoice	21 per invoice
Consideration of an application for approval of a rendering plant processing animal by-products that includes a site visit of up to 60 minutes	2,134.50	2,484
Consideration of an application for approval of an establishment or plant carrying out the transformation of animal by-products and/or derived products into compost that includes a site visit of up to 60 minutes	1,147	1,343
Consideration of an application for approval of an establishment or plant carrying out the transformation of	1,147	1,343

**Changes to legislation:** There are currently no known outstanding effects for the The Animal By-Products and Pet Passport (Fees) (Wales) Regulations 2018. (See end of Document for details)

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Activity</i>	<i>[<sup>F5</sup>Fee (£) for applications received on or after 5 July 2023 but before 1 July 2024</i>	<i>Fee (£) for applications received on or after 1 July 2024</i>
animal by-products and/or derived products into biogas that includes a site visit of up to 60 minutes		
Consideration of an application for approval of an establishment or plant carrying out the handling of animal by-products after their collection, by way of operations such as sorting, cutting, chilling, freezing, salting, removal of hides and skins or of specified risk material that includes a site visit of up to 60 minutes	586	687
Consideration of an application for approval of an establishment or plant carrying out the storage of animal by-products or derived products that includes a site visit of up to 60 minutes	586	687
Consideration of an application for approval of an establishment or plant manufacturing pet food that includes a site visit up to 60 minutes	476	557
Consideration of an application for approval of an incinerator plant that includes a site visit of up to 60 minutes	476	557]

**Textual Amendments**

**F5** Words in Sch. Table 1 substituted (5.7.2023) by The Animal By-Products, Pet Passport and Animal Health (Fees) (Wales) (Amendment) Regulations 2023 (S.I. 2023/754), regs. 1(1), **2(5)(a)**

**Table 2**

**Fees payable by the operator of an establishment or plant for site visits under [<sup>F6</sup>Article 20 of the Official Controls Regulation]**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Activity</i>	<i>[<sup>F7</sup>Fee (£) for inspection site visits undertaken on or after 5 July 2023 but before 1 July 2024</i>	<i>Fee (£) for inspection site visits undertaken on or after 1 July 2024</i>
Time spent by a veterinary officer travelling to and from premises for the purpose of activities in this Table	22 per quarter hour or part quarter hour	22 per quarter hour or part quarter hour

**Changes to legislation:** There are currently no known outstanding effects for the The Animal By-Products and Pet Passport (Fees) (Wales) Regulations 2018. (See end of Document for details)

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Activity</i>	<i>[<sup>F7</sup>Fee (£) for inspection site visits undertaken on or after 5 July 2023 but before 1 July 2024</i>	<i>Fee (£) for inspection site visits undertaken on or after 1 July 2024</i>
	spent up to a maximum of 132	spent up to a maximum of 132
Time spent by an officer of the Welsh Ministers (other than a veterinary officer) travelling to and from premises for the purpose of activities in this Table	11 per quarter hour or part quarter hour spent	11 per quarter hour or part quarter hour spent
Time spent by a veterinary officer for the purpose of site visits that last longer than 30 minutes	22 per quarter hour or part quarter hour spent	22 per quarter hour or part quarter hour spent
Time spent by an officer of the Welsh Ministers (other than a veterinary officer) for the purpose of site visits that last longer than 30 minutes	12 per quarter hour or part quarter hour spent	12 per quarter hour or part quarter hour spent
Time spent organising site visits and dealing with any action points arising from the visit by an officer of the Welsh Ministers (other than a veterinary officer)	11 per quarter hour or part quarter hour spent	11 per quarter hour or part quarter hour spent
Carrying out the first 30 minutes of an annual or biennial inspection of an approved or registered establishment or plant required under the [ <sup>F8</sup> Official Controls Regulation]	188 per visit	219 per visit
Annual fee for carrying out the first 30 minutes of each of four site visits to inspect an approved or registered establishment or plant where quarterly inspection is required under the [ <sup>F8</sup> Official Controls Regulation]	752 per year	876 per year
Annual fee for carrying out the first 30 minutes of each of twelve site visits to inspect an approved or registered establishment or plant where monthly inspection visits are required under the [ <sup>F8</sup> Official Controls Regulation]	2,256 per year	2,628 per year]

#### Textual Amendments

- F6** Words in Sch. Table 2 heading substituted (5.7.2023) by The Animal By-Products, Pet Passport and Animal Health (Fees) (Wales) (Amendment) Regulations 2023 (S.I. 2023/754), regs. 1(1), **2(5)(b)(i)**
- F7** Words in Sch. Table 2 substituted (5.7.2023) by The Animal By-Products, Pet Passport and Animal Health (Fees) (Wales) (Amendment) Regulations 2023 (S.I. 2023/754), regs. 1(1), **2(5)(b)(iii)**
- F8** Words in Sch. Table 2 substituted (5.7.2023) by The Animal By-Products, Pet Passport and Animal Health (Fees) (Wales) (Amendment) Regulations 2023 (S.I. 2023/754), regs. 1(1), **2(5)(b)(ii)**

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which apply in relation to Wales, set out fees payable to the Welsh Ministers in the field of animal health.

Regulation 4 provides that fees are payable by operators of establishments and plants that are required to be approved and inspected under Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption (OJNo. L 300, 14.11.2009, p. 1). These fees are set out in the Schedule.

The fees are set at 50% of the full cost recovery of costs incurred by the Welsh Ministers in the period up to and including 30 June 2019 (with the exception of travel time to premises which represents full cost recovery from the outset), and then set at 100% of the full cost recovery thereafter.

The fees in regulation 5 are payable in respect of the delivery of pet animal passports to authorised veterinarians for the purpose of the issuing of a pet passport to enable a dog, cat or ferret to travel abroad with its owner.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a Regulatory Impact Assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

**Changes to legislation:**

There are currently no known outstanding effects for the The Animal By-Products and Pet Passport (Fees) (Wales) Regulations 2018.