

2009 No. 230

ANIMALS

ANIMAL HEALTH

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

<i>Made</i> - - - -	<i>3rd June 2009</i>
<i>Laid before the Scottish Parliament</i>	<i>4th June 2009</i>
<i>Coming into force</i> - -	<i>26th June 2009</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 56(1) and (2) of the Finance Act 1973(a) and all other powers enabling them to do so.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Zoonoses and Animal By-Products (Fees) (Scotland) Regulations 2009 and come into force on 26th June 2009.

(2) These Regulations extend to Scotland only.

Interpretation

2. In these Regulations—

“the 2003 Regulations” means the Animal By-Products (Scotland) Regulations 2003(b);

“the European Regulation” means Regulation (EC) No. 2160/2003 of the European Parliament and of the Council of 17th November 2003 on the control of salmonella and other specified food-borne zoonotic agents(c); and

“official control samples” means samples taken under—

(a) point 2.1.2.2 of the Annex to Commission Regulation (EC) No. 1003/2005 of 30th June 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(d), as amended by Commission Regulation (EC) No. 213/2009 of 18th March 2009 amending Regulation (EC) No. 2160/2003 of the European Parliament and of the Council and Regulation (EC)

(a) 1973 (c.51). The reference to a Government department in section 56(1) is to be read as a reference to the Scottish Administration by virtue of article 2(2) of the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820). The functions of the Minister in charge of the department were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46) and the requirement to obtain the consent of the Treasury was removed by section 55 of that Act.

(b) S.S.I. 2003/411, amended by S.S.I. 2006/530.

(c) O.J. No. L 325, 12.12.2003, p.1, as last amended by Council Regulation (EC) No. 1237/2007 (O.J. No. L 280, 24.10.2007, p.5).

(d) O.J. No. L 170, 1.7.2005, p.12, amended by Commission Regulation (EC) No. 1168/2006 (O.J. No. L 211, 1.8.2006, p.4).

No. 1003/2005 as regards the control and testing of Salmonella in breeding flocks of *Gallus gallus* and turkeys(a);

- (b) Point 2.1 of the Annex to Commission Regulation (EC) No. 1168/2006 of 31st July 2006 implementing Regulation (EC) No. 2160/2003 as regards a Community target for the reduction of the prevalence of certain salmonella serotypes in laying hens of *Gallus gallus* and amending Regulation (EC) No. 1003/2005(b); or
- (c) Point 1(b) of the Annex to Commission Regulation (EC) No. 646/2007 of 12th June 2007 implementing Regulation (EC) No. 2160/2003 of the European Parliament and of the Council as regards a Community target for the reduction of the prevalence of *Salmonella enteritidis* and *Salmonella typhimurium* in broilers and repealing Regulation (EC) No. 1091/2005(c).

Fees

3.—(1) The fees payable by a relevant person to the Scottish Ministers for any of the activities specified in the first column of the Schedule are specified in the second column of the Schedule.

(2) The fees payable under paragraph (1) must be paid within 14 days of the Scottish Ministers requiring payment.

(3) “Relevant person” means—

- (a) the person in charge of a holding where official control samples are taken; or
- (b) the operator of the laboratory where official control samples are tested,

as specified in the third column of the Schedule.

Revocation

4. The following Regulations are revoked—

- (a) the Zoonoses and Animal By-Products (Fees) (Scotland) Regulations 2007(d);
- (b) the Zoonoses and Animal By-Products (Fees) (Scotland) Amendment Regulations 2008(e); and
- (c) the Zoonoses and Animal By-Products (Fees) (Scotland) Amendment (No. 2) Regulations 2008(f).

Saving

5. The Regulations referred to in regulation 4 continue to have effect in relation to any activity specified in the first column of the Schedule commenced prior to these Regulations coming into force.

RICHARD LOCHHEAD
A member of the Scottish Executive

St Andrew’s House,
Edinburgh
3rd June 2009

(a) O.J. No. L 73, 19.3.2009, p.5.
(b) O.J. No. L 211, 1.8.2006, p.4.
(c) O.J. No. L 151, 13.6.2007, p.21, amended by Commission Regulation (EC) No. 584/2008 (O.J. No. L 162, 21.6.2008, p.3).
(d) S.S.I. 2007/577, amended by S.S.I. 2008/378 and 423.
(e) S.S.I. 2008/378.
(f) S.S.I. 2008/423.

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 thereof)	The person in charge of the holding
Examination of official control samples	15.30	The person in charge of the holding
Processing of an application for approval of a laboratory under regulation 21 of the 2003 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 2003 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 2003 Regulations or Article 12 of the European Regulation for–		The operator of the laboratory
(a) 1 test	631	
(b) 2 tests	650.50	
(c) 3 tests	670	
(d) 4 tests	689.50	
Administering a quality control test under regulation 21 of the 2003 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	

<i>Activity</i>	<i>Fee (£)</i>	<i>Fee to be paid by:</i>
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 revoke the Zoonoses and Animal By-Products (Fees) (Scotland) Regulations 2007, the Zoonoses and Animal By-Products (Fees) (Scotland) Amendment Regulations 2008 and the Zoonoses and Animal By-Products (Fees) (Scotland) Amendment (No. 2) Regulations 2008.

They make provision for the Scottish Ministers to charge fees for activities required under Commission Regulation (EC) No. 1003/2005, Regulation (EC) No. 2160/2003, and the Animal By-Products (Scotland) Regulations 2003. The activities and the fees are listed in the table of fees in the Schedule.

A regulatory impact assessment has not been produced for this instrument because it has no impact on the costs of business or the voluntary sector.

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