

2018 No. (W.)

ANIMALS, WALES

ANIMAL HEALTH

**The Animal Health (Miscellaneous
Fees) (Wales) Regulations 2018**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out fees payable to the Welsh Ministers in the field of animal health, replacing the existing fees in the Animal Health (Miscellaneous Fees) (Wales) Regulations 2013 (S.I. 2013/1241 (W. 133)). The fees are collected by the Animal & Plant Health Agency (APHA) on behalf of the Welsh Ministers. These Regulations apply in relation to Wales.

The fees in regulation 4 and Schedule 1 are payable in relation to activities required under Regulation (EC) No 2160/2003 of the European Parliament and of the Council on the control of salmonella and other specified food-borne zoonotic agents (OJ No L 325, 12.12.2003, p. 1) and in accordance with Salmonella National Control Programmes for poultry.

The fees in regulation 5 and Schedule 2 are payable in relation to approvals for the purpose of the poultry health scheme established under Council Directive 2009/158/EC on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs (OJ No L 343, 22.12.2009, p. 74) and the Trade in Animals and Related Products (Wales) Regulations 2011 (S.I. 2011/2379 (W. 252)).

The fees in regulation 6 and Schedule 3 are payable in relation to approvals for the purpose of obtaining bovine semen in accordance with the Bovine Semen (Wales) Regulations 2008 (S.I. 2008/1040 (W. 110)), which are amended by regulation 6.

The fees in regulation 7 and Schedule 4 are payable in relation to approvals for the purpose of obtaining porcine semen in accordance with the Artificial Insemination of Pigs (England and Wales) Regulations 1964 (S.I. 1964/1172) and the Artificial Insemination of Pigs (EEC) Regulations 1992 (S.I. 1992/3161).

The fees in regulation 8 and Schedule 5 are payable in relation to approvals for the purpose of collection, production and transfer of bovine embryos in accordance with the Bovine Embryo (Collection, Production and Transfer) Regulations 1995 (S.I. 1995/2478).

The fees in regulation 9 and Schedule 6 are payable in relation to inspection of consignments of live animals at border inspection posts in accordance with the Trade in Animals and Related Products (Wales) Regulations 2011.

Regulation 10 revokes the existing fee provisions in the Animal Health (Miscellaneous Fees) (Wales) Regulations 2013.

The fee levels provided for in this instrument represent full cost recovery of fees, and some of the fees are increased from existing fees.

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.

2018 No. (W.)

ANIMALS, WALES

ANIMAL HEALTH

**The Animal Health (Miscellaneous
Fees) (Wales) Regulations 2018**

Made *** 2018

Laid before the National Assembly for Wales
*** 2018

Coming into force 30 June 2018

The Welsh Ministers are designated⁽¹⁾, for the purposes of making Regulations under section 2(2) of the European Communities Act 1972⁽²⁾ (“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⁽³⁾;
- (b) section 56(1) and (2) of the Finance Act 1973⁽⁴⁾ and now vested in them⁽⁵⁾; and

(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 (c. 51).
(4) 1973 c. 51. Subsection (1) was amended by S.I. 2011/1043, article 6(1)(e).
(5) By virtue of section 59(5) of the Government of Wales Act 2006 (c. 32).

- (c) section 10(1) and (3)(c) of the Animal Health and Welfare Act 1984⁽¹⁾.

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

Title, application and commencement

1. The title of these Regulations is the Animal Health (Miscellaneous Fees) (Wales) Regulations 2018. They apply in relation to Wales, and come into force on 30 June 2018.

Interpretation

2. In these Regulations—

“the 1964 Regulations” (“*Rheoliadau 1964*”) means the Artificial Insemination of Pigs (England and Wales) Regulations 1964⁽²⁾;

“the 1992 Regulations” (“*Rheoliadau 1992*”) means the Artificial Insemination of Pigs (EEC) Regulations 1992⁽³⁾;

“the 1995 Regulations” (“*Rheoliadau 1995*”) means the Bovine Embryo (Collection, Production and Transfer) Regulations 1995⁽⁴⁾;

“the 2008 Regulations” (“*Rheoliadau 2008*”) means the Bovine Semen (Wales) Regulations 2008⁽⁵⁾;

“the 2011 Regulations” (“*Rheoliadau 2011*”) means the Trade in Animals and Related Products (Wales) Regulations 2011⁽⁶⁾;

“border inspection post” (“*arolygfa ffin*”) has the meaning given by regulation 11 of the 2011 Regulations;

“consignment” (“*llwyth*”) means a quantity of animals of the same species, covered by the same veterinary certificate or document;

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- (1) 1984 c. 40; section 10(8) defines the “appropriate Minister” as meaning the Secretary of State in relation to Wales for the purposes of section 10. The functions of the Secretary of State, insofar as they are exercisable in relation to Wales, were transferred to the National Assembly for Wales by virtue of S.I. 1999/672. Those functions are now exercisable by the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).
- (2) S.I. 1964/1172, to which there are amendments not relevant to these Regulations.
- (3) S.I. 1992/3161.
- (4) S.I. 1995/2478, to which there is an amendment not relevant to these Regulations.
- (5) S.I. 2008/1040 (W. 110); relevant amending instruments are S.I. 2013/398 (W. 48) and S.I. 2013/1241 (W. 133).
- (6) S.I. 2011/2379 (W. 252), to which there are amendments not relevant to these Regulations.

“poultry health scheme” (“*cynllun iechyd dofednod*”) means the poultry health scheme established under Articles 2 and 6 of, and Annex II to, Council Directive 2009/158/EC on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs⁽¹⁾ and implemented by paragraph 4 of Schedule 2 to the 2011 Regulations;

“third country” (“*trydedd wlad*”) means a country other than a member State;

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

“veterinary surgeon” (“*milfeddyg*”) means a person registered in the register of veterinary surgeons kept under section 2 of the Veterinary Surgeons Act 1966⁽²⁾.

Refund of fees

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.

Salmonella national control programmes (zoonoses): fees

4.—(1) Schedule 1 sets out the fees payable for activities conducted by the Welsh Ministers in relation to the control of *Salmonella* in accordance with the relevant national control programme established by or under Regulation (EC) No 2160/2003 of the European Parliament and of the Council on the control of salmonella and other specified food-borne zoonotic agents⁽³⁾.

(2) In Schedule 1—

(a) the fees payable by the person in charge of a poultry holding for the activities specified in

(1) OJ No L 343, 22.12.2009, p. 74, as last amended by Commission Implementing Decision No 2011/879/EU (OJ No L 345, 23.12.2011, p. 105).

(2) 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.

(3) There are salmonella national control programmes for laying chickens producing eggs for human consumption, breeding chickens, broiler chickens and turkeys that are designed to reduce the prevalence of different types of *Salmonella* that are of public health significance in line with EU targets.

column 1 of Table 1 are specified in the corresponding entries in column 2 of that Table;

- (b) the fees payable by the operator of a laboratory for the activities specified in column 1 of Table 2 are specified in the corresponding entries in column 2 of that Table; and
- (c) the fees payable by the person in charge of poultry flocks for the activities specified in column 1 of Table 3 are specified in the corresponding entries in column 2 of that Table.

(3) Words and expressions used in Schedule 1 have the same meaning as in Regulation (EC) No 2160/2003.

Poultry health scheme: fees

5.—(1) Schedule 2 sets out the fees payable for activities conducted by the Welsh Ministers in relation to the poultry health scheme⁽¹⁾.

(2) In Schedule 2—

- (a) the fees payable by applicants for approval and registration activities specified in column 1 of Table 1 are specified in the corresponding entries in column 2 of that Table; and
- (b) the fees payable by the operator of a laboratory for activities specified in column 1 of Table 2 are specified in the corresponding entries in column 2 of that Table.

Bovine semen: fees

6.—(1) The 2008 Regulations are amended in accordance with paragraph (2).

(2) For regulation 41 substitute—

“**41.** The fees payable to the Welsh Ministers are as provided by regulation 6(3) of the Animal Health (Miscellaneous Fees) (Wales) Regulations 2018.”

(3) Schedule 3 sets out the fees payable for activities conducted by the Welsh Ministers under the 2008 Regulations; and accordingly the fees payable by applicants and operators for the activities specified in column 1 of the Table are specified in the corresponding entries in column 2 of that Table.

(1) The poultry health scheme offers a system of registration and approval enabling establishments to verify compliance with EU legislation so that they are then eligible to export over 20 chicks or hatching eggs to other EU Member States. Additionally it provides for proficiency tests to be carried out on the laboratories that test samples on behalf of poultry health scheme members.

(4) Words and expressions used in Schedule 3 have the same meaning as in the 2008 Regulations.

Porcine semen: fees

7.—(1) Schedule 4 sets out the fees payable to the Welsh Ministers in connection with the issue of licences or approvals and tests and examinations carried out under the 1964 Regulations or the 1992 Regulations.

(2) In Schedule 4 the fees payable by the applicant or holder of the licence or approval for the activities specified in column 1 of the Table are specified in the corresponding entries in column 2 of that Table.

(3) In Schedule 4 “artificial insemination centre” means premises—

- (a) in respect of which a licence is in force under regulation 4(1) of the 1964 Regulations, or
- (b) which have been approved under regulation 2(2) or (3) of the 1992 Regulations.

Bovine embryo (collection, production and transfer): fees

8.—(1) Schedule 5 sets out the fees payable to the Welsh Ministers for activities in relation to an application for an approval or a holder of an approval under the 1995 Regulations.

(2) In Schedule 5 the fees payable by applicants for, or holders of, approvals under the 1995 Regulations for the activities specified in column 1 of the Table are specified in the corresponding entries in column 2 of that Table.

(3) Words and expressions used in Schedule 5 have the same meaning as in the 1995 Regulations.

Checking consignments of live animals at border inspection posts: fees

9.—(1) Schedule 6 sets out the fees payable where inspections are carried out at border inspection posts of consignments of live animals from a third country in accordance with regulation 15 of the 2011 Regulations.

(2) In Schedule 6—

- (a) the fees payable in respect of the inspection of a consignment of live animals specified in column 1 of Table 1 are specified in the corresponding entry in column 2 of that Table;
- (b) the fees payable in respect of inspections undertaken during a period specified in column 1 of Table 2 are specified in the corresponding entry in column 2 of that Table,

and are payable in addition to any fees payable by virtue of sub-paragraph (a);

- (c) the fees payable in respect of extra checks due to non-compliance or additional control measures by a person specified in column 1 of Table 3 are specified in the corresponding entry in column 2 of that Table, and are payable in addition to any fees payable by virtue of sub-paragraph (a).

Revocation

10. The Animal Health (Miscellaneous Fees) (Wales) Regulations 2013⁽¹⁾ are revoked, with the exception of regulations 1, 4 and 7(1) to (3).

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

Date

⁽¹⁾ S.I. 2013/1241 (W. 133).

SCHEDULE 1 Regulation 4

Salmonella national control programmes
(zoonoses): Fees

Table 1

Fees payable by the person in charge of a chicken or turkey holding from which an official sample is taken, processed and examined for the purposes of Regulation (EC) No 2160/2003	
<i>Column 1 Activity</i>	<i>Column 2 Fee (£)</i>
Time spent in obtaining an official control sample for examination in a laboratory (in this Table, the “time fee”) (in addition to the fees specified below unless otherwise specified in column 2)	9 per quarter hour or part quarter hour spent
Time spent travelling to and from premises for the purpose of activities below	14 per quarter hour or part quarter hour spent, up to a maximum of 84
Taking an official control sample from a chicken laying flock	32
Taking an official control sample from a chicken or turkey breeding flock	52
Taking an official control sample from a chicken broiler flock, or turkey fattening flock	72
Examination of an official control sample in a laboratory	14 per sample tested (time fee does not apply)

Table 2

Fees payable by the operator of a laboratory in relation to an approval under Article 12 of Regulation (EC) No 2160/2003		
<i>Column 1 Activity</i>	<i>Column 2 Fee (£)</i>	
Processing an application for an initial laboratory approval or a biennial renewal of a laboratory approval	73	
Conducting inspections and quality assurance based upon the number of tests for which the laboratory is approved	One test	350
	Two tests	361
	Three tests	372

	Four tests	384
Conducting collaborative testing for <i>Salmonella</i> as required to obtain and maintain approval as a testing laboratory	34 per test	

Table 3

Fees payable by the person in charge of poultry flocks for tests conducted under the sampling protocol in point 4(b) of Part D of Annex II to Regulation (EC) No 2160/2003	
<i>Column 1 Activity</i>	<i>Column 2 Fee (£)</i>
Conducting tests on seven dust and faecal samples taken from each flock	99
Conducting bacteriological sampling and testing of the caeca and oviducts of 300 birds from each flock	2,470
Conducting bacteriological sampling and testing of the shell and the content of 4,000 eggs from each flock	3,080

SCHEDULE 2 Regulation 5

Poultry health scheme: Fees

Table 1

Fees for registration and approval of an establishment for the purposes of the poultry health scheme	
<i>Column 1 Activity</i>	<i>Column 2 Fee (£)</i>
Time spent by a veterinary officer carrying out the activities in this Table (in this Table the “time fee”) (in addition to the fees listed below unless otherwise specified in column 2)	16 per quarter hour or part quarter hour spent
Time spent by a veterinary officer travelling to and from the premises of a poultry health scheme member (in this Table a “scheme member”) for the purpose of activities below	21 per quarter hour or part quarter hour spent, up to a maximum of 126
Annual registration as a scheme member	55 (time fee does not apply)
First year approval of scheme member’s flock or hatchery, or combined flock and hatchery on one site, where inspection is carried out by a veterinary officer	27
Annual re-approval of a scheme member’s flock or hatchery, or combined flock and hatchery on one site, where inspection carried out by a veterinary officer	56
Additional site re-approval where a scheme member applies at the same time for multiple sites, and the inspection is carried out by a veterinary officer	31
Annual re-approval of a scheme member’s flock or hatchery, or combined flock and hatchery on one site, where the inspection is carried out by a veterinary surgeon who is not a veterinary officer	54 (time fee does not apply)
Additional site re-approval where a scheme member applies at the same time for multiple sites, and the inspection is carried out by a veterinary surgeon who is not a veterinary officer	29 (time fee does not apply)

Table 2

Fees payable by the operator of a laboratory in relation to approval for the purpose of the poultry health scheme	
<i>Column 1 Activity</i>	<i>Column 2 Fee (£)</i>
Processing an application for an initial laboratory approval or a biennial renewal of a laboratory approval	73
Proficiency test in respect of <i>Salmonella</i> bacteriology (<i>pullorum</i> , <i>gallinarum</i> and <i>arizonae</i>)	131 per test
Proficiency test in respect of <i>Salmonella</i> serology (<i>pullorum</i> , <i>gallinarum</i>)	321 per test
Proficiency test in respect of <i>Mycoplasma</i> chicken serology (<i>gallisepticum</i>)	321 per test
Proficiency test in respect of <i>Mycoplasma</i> culture (<i>gallisepticum</i> and <i>meleagridis</i>)	281 per test
Proficiency test in respect of <i>Mycoplasma</i> turkey serology (<i>gallisepticum</i> and <i>meleagridis</i>)	336 per test

SCHEDULE 3 Regulation 6

Bovine semen: Fees

Fees payable by applicants and operators under the 2008 Regulations	
<i>Column 1</i> <i>Activity</i>	<i>Column 2</i> <i>Fee (£)</i>
Time spent by a veterinary officer carrying out the activities in this Table (in addition to each of the fees listed below)	16 per quarter hour or part quarter hour spent
Time spent by a veterinary officer travelling to and from premises for the purpose of activities below	21 per quarter hour or part quarter hour spent, up to a maximum of 126
Considering an application for approval of a bovine animal under regulations 7 or 10 of the 2008 Regulations for use in domestic collection centre or at unlicensed premises	20
Considering an application under regulation 7 of the 2008 Regulations for approval of a bovine animal for use in an EC collection centre	26
Considering an application for a licence to operate an EC quarantine centre under regulation 4 of the 2008 Regulations	29
Considering an application for a licence to operate an EC or domestic collection centre, or an EC or domestic storage centre under regulation 4 of the 2008 Regulations	27
Conducting an examination of a bovine semen centre under regulation 40 of the 2008 Regulations	17
Conducting a routine examination of an approved bovine animal for domestic or EC use under regulation 33 of the 2008 Regulations	23

SCHEDULE 4 Regulation 7

Porcine semen: Fees

Fees payable under the 1964 Regulations and the 1992 Regulations	
<i>Column 1</i> <i>Activity</i>	<i>Column 2</i> <i>Fee (£)</i>
Time spent by a veterinary officer carrying out the activities in this Table (in addition to each of the fees listed below)	16 per quarter hour or part quarter hour spent
Time spent by a veterinary officer travelling to and from premises for the purpose of activities below	21 per quarter hour or part quarter hour spent, up to a maximum of 126
<i>Application for approval of a boar to provide semen for the purpose of artificial insemination</i>	
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	31 per boar
<i>Routine testing of a boar</i>	
Routine testing of a boar at an artificial insemination centre	23 per boar
<i>Operation of an artificial insemination centre</i>	
Considering an application from an operator for an artificial insemination centre licence or approval	27
Considering an application for approval of an alteration to licensed or approved premises (in accordance with conditions attached to the licence or approval)	25
Routine examination of artificial insemination centre	17

SCHEDULE 5 Regulation 8

Bovine embryo (collection, production and transfer): Fees

Fees payable under the 1995 Regulations	
<i>Column 1</i> <i>Activity</i>	<i>Column 2</i> <i>Fee (£)</i>
Time spent by veterinary officer when carrying out the activities listed in this Table (in addition to each of the fees listed below)	16 per quarter hour or part quarter hour spent
Time spent by a veterinary officer travelling to and from premises for the purpose of the activities below	21 per quarter hour or part quarter hour spent, up to a maximum of 126
Considering an application for approval or re-approval of: - a bovine embryo transfer team; - a store under regulation 13 of the 1995 Regulations; - a store under regulation 16 of the 1995 Regulations; - a store and its supervisor under regulations 16 and 19 of the 1995 Regulations; or - a single bovine embryo collection or production team (with or without an inspection of a laboratory)	28
Considering an application for approval of each additional laboratory or store from the same applicant where the inspection is completed on the same day	9
Considering an application for re-approval of a laboratory or a store following any alterations	25
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	17
Carrying out routine inspection of records of each additional bovine embryo production, collection or transfer team, and re-inspection of each additional laboratory or store	4 for each additional team and laboratory or store

SCHEDULE 6 Regulation 9

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

Table 1

Fees for inspecting consignments of animals from third countries and checking importation documentation at border inspection posts in accordance with regulation 15 of the 2011 Regulations	
<i>Column 1 Inspection of type of animal and checking documents</i>	<i>Column 2 Fee (£) per consignment</i>
Poultry and small game birds	65
Poultry eggs	38
Ratites	65
Captive birds	64
Live fish, aquatic animals and bees	32
Rabbits and rodents	29
Other insects, invertebrates, reptiles and amphibians	26
Pets unaccompanied by a declaration	57
Equidae	62
Farmed livestock including cattle, sheep, goats, camelids, pigs and wild boar	146
Animals not covered by any other category	55
Transshipment check of documents	52

Table 2

Additional fees for certain inspections	
<i>Column 1</i> <i>Period when inspection conducted</i>	<i>Column 2</i> <i>Fee (£) per load⁽²⁾</i>
Out of hours ⁽¹⁾ inspection	140 per load ⁽²⁾
Inspection during a weekend or a public holiday ⁽³⁾	185 per load ⁽²⁾
Time spent by a veterinary officer travelling to and from premises	16 per quarter hour or part quarter hour spent, up to a maximum of 64 per visit

⁽¹⁾ “out of hours” means before 8.30 a.m. or after 5 p.m. on a weekday.

⁽²⁾ “load” means one or more consignments of animals from the same country of origin that have arrived on the same means of transport and presented by a person responsible for their importation for checking at the border inspection post at the same time.

⁽³⁾ “public holiday” means Christmas Day, Good Friday or a bank holiday in Wales under the Banking and Financial Dealings Act 1971⁽¹⁾.

Table 3

Fees for extra checks due to non-compliances or additional control measures	
<i>Column 1</i> <i>Persons undertaking extra check</i>	<i>Column 2</i> <i>Fee (£) per quarter hour or part quarter hour spent</i>
Veterinary officer - out of hours ⁽¹⁾ checks	17
Veterinary officer – checks at weekends or public holidays ⁽²⁾	23
Veterinary officer – checks at all other times	11
Time spent by a veterinary officer travelling to and from premises	16, up to a maximum of 64 per visit

⁽¹⁾ “out of hours” means before 8.30 a.m. or after 5 p.m. on a weekday.

⁽²⁾ “public holiday” means Christmas Day, Good Friday or a bank holiday in Wales under the Banking and Financial Dealings Act 1971.

⁽¹⁾ 1971 c. 80.