

Draft Regulations laid before Senedd Cymru under paragraph 1(8) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of Senedd Cymru.

DRAFT WELSH STATUTORY
INSTRUMENTS

2023 No. (W.)

ANIMALS, WALES

ANIMAL HEALTH

**The Animal By-Products, Pet
Passport and Animal Health (Fees)
(Wales) (Amendment) Regulations
2023**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Animal By-Products and Pet Passport (Fees) (Wales) Regulations 2018 (S.I. 2018/646 (W. 120)) (“the Animal By-Products Regulations”) and the Animal Health (Miscellaneous Fees) (Wales) Regulations 2018 (S.I. 2018/650 (W. 122)) (“the Animal Health Regulations”) (together, “the 2018 Regulations”). The amendments modify the fees payable to the Welsh Ministers under the 2018 Regulations for services provided in the field of animal health by the Animal and Plant Health Agency to reflect full cost recovery of those services.

Regulation 2(4) amends the Animal By-Products Regulations to revoke the fees payable to the Welsh Ministers for blank identification documents and services carried out in relation to the provision of pet passport identification documents.

Regulation 2(5) amends the Animal By-Products Regulations to modify the fees payable to the Welsh Ministers for services carried out in relation to animal by-products. The fees, where increased, are increased by the medium average uplift of 41% from the current fees in two steps: the first increase applies on or after 5 July 2023, the second increase applies on or after 1 July 2024.

Regulation 3(6) amends the Animal Health Regulations to modify the fees payable to the Welsh Ministers for services carried out in relation to salmonella controls. The fees, where increased, are increased by the medium average uplift of 53% from the current fees in two steps: the first increase applies on or after 5 July 2023, the second increase applies on or after 1 July 2024.

Regulation 3(7) amends the Animal Health Regulations to modify the fees payable to the Welsh Ministers for services carried out in relation to the poultry health scheme. The fees are increased by the medium average uplift of 21% from the current fees. Regulation 3(7)(a) increases certain poultry health scheme fees in two steps: the first increase applies on or after 5 July 2023, the second increase applies on or after 1 July 2024. Regulation 3(7)(b) increases the remainder of the specified poultry health scheme fees in a single step, and the increase applies on or after 5 July 2023.

Regulations 3(8) to (10) amend the Animal Health Regulations to modify the fees payable to the Welsh Ministers for services carried out in relation to artificial breeding controls. The fees are increased by the medium average uplift of 65% from the current fees in two steps: the first increase applies on or after 5 July 2023, the second increase applies on or after 1 July 2024.

Regulation 3(11) amends the Animal Health Regulations to modify the fees payable to the Welsh Ministers for services carried out in relation to border control posts. The fees are increased by the medium average uplift of 34% from the current fees in a single step, and the increase applies on or after 5 July 2023.

These Regulations also make minor and consequential amendments to the 2018 Regulations.

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 Office of the Chief Veterinary Officer, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

Draft Regulations laid before Senedd Cymru under paragraph 1(8) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of Senedd Cymru.

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2023 No. (W.)

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ANIMAL HEALTH

**The Animal By-Products, Pet
Passport and Animal Health (Fees)
(Wales) (Amendment) Regulations
2023**

Made

Coming into force

5 July 2023

The Welsh Ministers make these Regulations in exercise of the powers conferred by paragraph 7(2) of Schedule 4 and paragraph 21(b) of Schedule 7 to the European Union (Withdrawal) Act 2018(1) (“the 2018 Act”) and section 10 of the Animal Health and Welfare Act 1984(2) (“the 1984 Act”).

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- (1) 2018 c. 16; see paragraph 8 of Schedule 4 for the meaning of “appropriate authority”. Paragraph 8 of Schedule 4 to the 2018 Act was amended by section 41(4) of, and paragraph 47(5) of Schedule 5 to, the European Union (Withdrawal Agreement) Act 2020 (c. 1) (“the 2020 Act”). Paragraph 21 of Schedule 7 was amended by section 41(4) of, and paragraphs 38 and 53(2) of Schedule 5 to, the 2020 Act.
- (2) 1984 c. 40. Section 10 was amended by the Statute Law (Repeals) Act 1993 (c. 50) and the Criminal Justice Act 2003 (c. 44). 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 article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (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).

In accordance with paragraph 1(8) of Schedule 7 to the 2018 Act, a draft of these Regulations has been laid before, and approved by resolution of, Senedd Cymru(1).

Title, commencement and interpretation

1.—(1) The title of these Regulations is the Animal By-Products, Pet Passport and Animal Health (Fees) (Wales) (Amendment) Regulations 2023 and they come into force on 5 July 2023.

(2) In these Regulations, a reference to the numbered position of a row in a table is a reference to its position not counting the row containing the column headings of that table.

Amendment of the Animal By-Products and Pet Passport (Fees) (Wales) Regulations 2018

2.—(1) The Animal By-Products and Pet Passport (Fees) (Wales) Regulations 2018(2) are amended as follows.

(2) In regulation 2, after the definition of “EU Control Regulation” insert—

“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(3);”.

(3) In regulation 4—

- (a) in paragraph (2), for “Article 45 of the EU Control Regulation” substitute “Article 20 of the Official Controls Regulation”;
- (b) in paragraph (3), after “EU Control Regulation” insert “or the Official Controls Regulation”.

(4) Omit regulation 5.

(5) In the Schedule—

- (a) in Table 1, for the second and third columns substitute—

<i>“Fee (£) for applications received on or after 5 July 2023 but before 1 July</i>	<i>Fee (£) for applications received on or after 1 July 2024</i>
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(1) The references in the European Union (Withdrawal) Act 2018 to the National Assembly for Wales now have effect as references to Senedd Cymru by virtue of section 150A(2) of the Government of Wales Act 2006 (c. 32).

(2) S.I. 2018/646 (W. 120).

(3) EUR 2017/625 as amended by S.I. 2020/1481, S.I. 2022/621, S.I. 2022/846, S.I. 2022/1090 and S.I. 2022/1315.

2024	
22 per quarter hour or part quarter hour spent up to a maximum of 132	22 per quarter hour or part quarter hour spent up to a maximum of 132
12 per quarter hour or part quarter hour spent up to a maximum of 72	12 per quarter hour or part quarter hour spent up to a maximum of 72
22 per quarter hour or part quarter hour spent	22 per quarter hour or part quarter hour spent
11 per quarter hour or part quarter hour spent	11 per quarter hour or part quarter hour spent
21 per invoice	21 per invoice
2,134.50	2,484
1,147	1,343
1,147	1,343
586	687
586	687
476	557
476	557”;

(b) in Table 2—

- (i) in the table heading, for “Article 45 of the EU Control Regulation” substitute “Article 20 of the Official Controls Regulation”;
- (ii) in the first column, for “EU Control Regulation” in each place it occurs substitute “Official Controls Regulation”;
- (iii) for the second and third columns substitute—

<i>“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>
22 per quarter hour or part quarter hour spent up to a maximum of 132	22 per quarter hour or part quarter hour spent up to a maximum of 132
11 per quarter hour or part quarter hour spent	11 per quarter hour or part quarter hour spent
22 per quarter hour or part quarter hour spent	22 per quarter hour or part quarter hour spent
12 per quarter hour or part quarter hour spent	12 per quarter hour or part quarter hour spent
11 per quarter hour or part quarter hour spent	11 per quarter hour or part quarter hour spent
188 per visit	219 per visit
752 per year	876 per year
2,256 per year	2,628 per year”.

Amendment of the Animal Health (Miscellaneous Fees) (Wales) Regulations 2018

3.—(1) The Animal Health (Miscellaneous Fees) (Wales) Regulations 2018(1) are amended as follows.

(2) In regulation 2—

- (a) for “border inspection post” (“*arolygfa ffin*”) substitute “border control post” (“*saflle rheoli ar y ffin*”);
- (b) for the definition of “poultry health scheme” substitute—

“poultry health scheme” (“*cynllun iechyd dofednod*”) means the scheme established by the Secretary of State governing the export or movement of birds or hatching eggs to the EU, Northern Ireland or specified non-EU countries, published on 22 July 2021(2);”.

(3) After regulation 2 insert—

“Fee payable where an activity is carried out over a period during which different fees apply

2A. If any activity for which a fee is payable under these Regulations is carried out over a period during which different fees apply, the fee payable in relation to that activity is—

- (a) where the activity is carried out as part of an application, the fee that applies on the date the application is received;
- (b) otherwise, the fee that applies on the date the activity is commenced.”

(4) In regulations 4(2)(a), (b) and (c), 5(2)(a), 6(3), 7(2) and 8(2) after “column 2”, insert “or column 3”.

(5) In regulation 9, and in the heading to that regulation, for “border inspection posts” substitute “border control posts”.

(6) In Schedule 1—

(a) in Table 1—

(i) for Column 2 substitute—

“Column 2

(1) S.I. 2018/650 (W. 122), amended by S.I. 2019/737 (W. 140) and S.I. 2022/1348 (W. 271).

(2) A copy of the poultry health scheme handbook is accessible online at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1012365/phs-handbook.pdf. A hard copy of the poultry health scheme hand book can be obtained by writing to the Animal and Plant Health Agency, Poultry Health Scheme Team, Customer Service Centre – One Health, Level 1 County Hall, Spetchley Road, Worcester WR5 2NP or emailing CSCOneHealthPHS@apha.gov.uk.

<i>Fee (£) on or after 5 July 2023 but before 1 July 2024</i>
12 per quarter hour or part quarter hour spent
12 per quarter hour or part quarter hour spent, up to a maximum of 72
41
68
95
18 per sample tested (time fee does not apply)”;

(ii) after Column 2 insert—

<i>“Column 3</i>
<i>Fee (£) on or after 1 July 2024</i>
12 per quarter hour or part quarter hour spent
12 per quarter hour or part quarter hour spent, up to a maximum of 72
49
83
117
21 per sample tested (time fee does not apply)”;

(b) for Table 2 substitute—

“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</i> <i>Activity</i>	<i>Column 2</i> <i>Fee (£) on or after 5 July 2023 but before 1 July 2024</i>	<i>Column 3</i> <i>Fee (£) on or after 1 July 2024</i>
Processing an application for an initial laboratory approval or a biennial renewal of a laboratory approval	86	86
Conducting inspections for quality assurance	688 per visit	1,025 per visit
Conducting collaborative testing for <i>Salmonella</i> as required to obtain and maintain approval as a testing laboratory	44 per test	44 per test”;

(c) in Table 3—

(i) for Column 2 substitute—

<i>“Column 2</i> <i>Fee (£) on or after 5 July 2023 but before 1 July 2024</i>
123
3,203
3,517”;

(ii) after Column 2 insert —

<i>“Column 3</i> <i>Fee (£) on or after 1 July 2024</i>
146
3,936
3,954”.

(7) In Schedule 2—

(a) in Table 1—

(i) for Column 2 substitute—

<i>“Column 2</i> <i>Fee (£) on or after 5 July 2023 but before 1 July 2024</i>
22 per quarter hour or part quarter hour spent
22 per quarter hour or part quarter hour spent, up to a maximum of 132
82 (time fee does not apply)
49
62
35
61 (time fee does not apply)
34 (time fee does not apply)”;

(ii) after Column 2 insert—

<i>“Column 3</i> <i>Fee (£) on or after 1 July 2024</i>
22 per quarter hour or part quarter hour spent
22 per quarter hour or part quarter hour spent, up to a maximum of 132
108 (time fee does not apply)
71
67
39
67 (time fee does not apply)
39 (time fee does not apply)”;

(b) in Table 2, for Column 2 substitute—

<i>“Column 2</i> <i>Fee (£) on or after 5 July 2023</i>
86
158 per test
310 per test
310 per test
280 per test
310 per test”.

(8) In the Table in Schedule 3—

(a) in Column 1—

- (i) in the fourth row for “an EC collection centre” substitute “a licensed collection centre”;
 - (ii) in the fifth row for “an EC quarantine centre” substitute “a licensed quarantine centre”;
 - (iii) in the sixth row—
 - (aa) for “an EC” substitute “a licensed collection centre”;
 - (bb) for “or an EC” substitute “or a licensed storage centre”;
 - (iv) in the eighth row for “for domestic or EC use” substitute “for domestic use or for use for trade with a member State”.
- (b) for Column 2 substitute—

“Column 2
<i>Fee (£) on or after 5 July 2023 but before 1 July 2024</i>
22 per quarter hour or part quarter hour spent
22 per quarter hour or part quarter hour spent, up to a maximum of 132
27
35
39
37
23
31”;

- (c) after Column 2 insert—

“Column 3
<i>Fee (£) on or after 1 July 2024</i>
22 per quarter hour or part quarter hour spent
22 per quarter hour or part quarter hour spent, up to a maximum of 132
33
44
48
46
28
38”.

- (9) In Schedule 4, in the Table—

- (a) for Column 2 substitute—

“Column 2
<i>Fee (£) on or after 5 July 2023 but before 1 July 2024</i>
22 per quarter hour or part quarter hour spent
22 per quarter hour or part quarter hour spent, up to a maximum of 132
42 per boar
31 per boar

37
34
23”;

(b) after Column 2 insert—

<i>“Column 3</i>
<i>Fee (£) on or after 1 July 2024</i>
22 per quarter hour or part quarter hour spent
22 per quarter hour or part quarter hour spent, up to a maximum of 132
53 per boar
38 per boar
46
42
28”.

(10) In Schedule 5, in the Table—

(a) in the third row of Column 1—

- (i) after the words “a bovine embryo transfer team” insert “under regulation 4 of the 1995 Regulations”;
- (ii) omit “a store under regulation 13 of the 1995 Regulations;”;
- (iii) after the words “(with or without an inspection of a laboratory)” insert “under regulation 6 or 7 of the 1995 Regulations”;

(b) for Column 2 substitute—

<i>“Column 2</i>
<i>Fee (£) on or after 5 July 2023 but before 1 July 2024</i>
22 per quarter hour or part quarter hour spent
22 per quarter hour or part quarter hour spent, up to a maximum of 132
38
13
34
23
6 for each additional team and laboratory or store”;

(c) after Column 2 insert—

<i>“Column 3</i>
<i>Fee (£) on or after 1 July 2024</i>
22 per quarter hour or part quarter hour spent
22 per quarter hour or part quarter hour spent, up to a maximum of 132
47
16
42
28

7 for each additional team and laboratory or store”.

(11) In Schedule 6—

(a) in the heading to that Schedule and in the heading to Table 1, for “border inspection posts” substitute “border control posts”;

(b) for Table 1 substitute—

<i>“Column 1 Inspection of type of animal and checking documents</i>	<i>Column 2 Fees (£) per consignment on or after 5 July 2023</i>
Poultry and small game birds	53
Poultry – regular egg imports	53
Ratites	53
Captive birds	61
Live fish, aquatic animals and amphibians	48
Bees	40
Rabbits and rodents	44
Other insects and invertebrates	40
Reptiles	48
Pets unaccompanied by a declaration	63
Equidae	79
Farmed livestock, including cattle, sheep, goats, camelids, pigs and wild boar	190
Animals not covered by any other category	50
Transshipment check of documents	79”;

(c) in Table 2, for Column 2 substitute—

<i>“Column 2 Fee (£) on or after 5 July 2023</i>
261 per load ⁽²⁾
346 per load ⁽²⁾
16 per quarter hour or part quarter hour spent, up to a maximum of 96 per visit”;

⁽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 control post at the same time.

(d) in Table 3, for Column 2 substitute—

<i>“Column 2 Fee per quarter hour or part quarter hour spent on or after 5 July 2023</i>
21
28
14
16, up to a maximum of 96 per visit”.

Name

Minister for Rural Affairs and North Wales, and
Trefnydd, one of the Welsh Ministers

Date