SCOTTISH STATUTORY INSTRUMENTS

2024 No. 218

FOOD

The Charges for Residues Surveillance Amendment (Scotland) Regulations 2024

Made - - - -	*27th August 2024*
Laid before the Scottish Parliament	*29th August 2024*
Coming into force - -	*1st October 2024*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 6(4), 45 and 48(1) of the Food Safety Act 1990(**a**) and all other powers enabling them to do so.

In accordance with section 48(4A) of that Act(**b**) the Scottish Ministers have had regard to advice given by Food Standards Scotland on the proposal to make these Regulations.

In accordance with Article 9 of Regulation (EC) No.178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(**c**), there has been an open and transparent public consultation.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Charges for Residues Surveillance Amendment (Scotland) Regulations 2024 and come into force on 1 October 2024.

(2) These Regulations extend to Scotland only.

Amendments to the Charges for Residues Surveillance Regulations 2006

2.—(1) The Charges for Residues Surveillance Regulations 2006(**d**) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) after the definition of "carcase" insert—

(**a**) 1990 c.16. Section 6(4) was amended by paragraph 6 of schedule 9 of the Deregulation and Contracting Out Act 1994 (c. 40), S.I. 2002/794 and paragraph 10(3) of schedule 5 of the Food Standards Act 1999 (c.28) ("the 1999 Act"). Sections 45(1) and 48 were amended by paragraphs 7, 8, 20 and 21 of schedule 5 of the 1999 Act. Amendments made by schedule 5 of the 1999 Act which extend to Scotland shall be taken as pre-commencement enactments for the purposes of the Scotland Act 1998 (c.46) by virtue of section 49(2) of the 1999 Act. The functions of the Secretary of State, so far as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998. In so far as not transferred, those functions were transferred to the Scottish Ministers by the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2005 (S.I. 2005/849).

(**b**) Subsection (4A) was inserted into section 48 of the 1990 Act by paragraph 21 of schedule 5 of the 1999 Act.

(**c**) EUR 2002/178, to which there are amendments not relevant to these Regulations.

(**d**) S.I. 2006/2285, amended by S.I. 2007/2439, S.I. 2008/2999, S.I. 2009/2779 and S.I. 2011/2945.

""competent authority" has the meaning given in Article 3(3)(a) of the Official Controls Regulation;",

(b) after the definition of "milk" insert—

""the Official Controls Regulation" means Regulation (EU) 2017/625 of the European Parliament and of the Council 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(**a**)".

(3) In regulation 3 (liability for and recovery of charges for residues surveillance)—

(a) for paragraph (1), substitute—

"(1) In respect of costs incurred by a competent authority in carrying out the official controls required by Article 150(1) of the Official Controls Regulation on the animals, fish and animal products listed in the first column of Schedule 1, the competent authority shall, except where paragraph (7) applies—

(a) for animals slaughtered, wild game prepared, fish marketed, milk collected or eggs packed within the period beginning with 1 October 2024 and ending with 31 March 2025, charge the amount specified in the corresponding entry in the second column of that Schedule; and

(b) for animals slaughtered, wild game prepared, fish marketed, milk collected or eggs packed on or after 1 April 2025, charge the amount specified in the corresponding entry in the third column of that Schedule.",

(b) in paragraph (2)—

(i) for "the Secretary of State" substitute "a competent authority",

(ii) for "him" in both places it occurs substitute "the competent authority",

(c) in paragraph (5)—

(i) for "The Secretary of State" substitute "A competent authority",

(ii) for "he" substitute "the competent authority",

(iii) for "his" substitute "the",

(d) in paragraph (6)—

(i) for "If the Secretary of State" substitute "If a competent authority",

(ii) for "he" substitute "the competent authority",

(iii) in subparagraph (c) for "he" substitute "the competent authority",

(e) in paragraph (8)—

(i) for "the Secretary of State" substitute "a competent authority",

(ii) for "his agent" substitute "the competent authority's agent",

(iii) for "his inspection" substitute "the inspection",

(f) in paragraph (9)—

(i) for "Secretary of State" substitute "competent authority",

(ii) in subparagraph (c) for "he will" substitute "the competent authority will".

(4) In regulation 4 (information, offences and enforcement)—

(a) in paragraph (1)—

(i) for "the Secretary of State" substitute "a competent authority",

(ii) in subparagraph (a) for "Secretary of State" substitute "competent authority",

(iii) in subparagraph (b)—

(aa) for "Secretary of State" substitute "competent authority",

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(**a**) EUR 2017/625. Article 3(3)(a) was relevantly amended by S.I. 2020/1481 and S.I. 2022/1315.

(bb) for "him" substitute "the competent authority",

(b) in paragraph (3)—

(i) for "the Secretary of State" substitute "a competent authority",

(ii) for "him" substitute "the competent authority",

(c) for paragraph (4) substitute—

"(4) These Regulations shall be enforced by—

(a) the Scottish Ministers,

(b) Food Standards Scotland, or

(c) the food authority,

where they are the competent authority.".

(5) For Schedule 1(**a**) substitute—

"SCHEDULE 1

Regulation 3(1)

Residues surveillance charges

Type of creature or animal product	*Charge (£) from 1 October 2024 to 31 March 2025*	*Charge (£) from 1 April 2025*
Bovine	0.7007 per carcase	0.7617 per carcase
Goat	0.0691 per carcase	0.0751 per carcase
Sheep	0.0691 per carcase	0.0751 per carcase
Soliped	0.4287 per carcase	0.4660 per carcase
Swine	0.0676 per carcase	0.0735 per carcase
Game and wild game	1.0461 per tonne	1.0461 per tonne
Poultry	0.5917 per tonne	0.6432 per tonne
Eggs	0.0206 per case of 360	0.0206 per case of 360
Milk	0.0373 per 1000 litres	0.0405 per 1000 litres
Fish other than trout	2.1660 per tonne of marketed product	2.3546 per tonne of marketed product
Trout	2.5963 per tonne of fish food	2.8222 per tonne of fish food "

JIM FAIRLIE
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
27th August 2024

(**a**) Schedule 1 was substituted by S.I. 2011/2945.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Charges for Residues Surveillance Regulations 2006 (S.I. 2006/2285).

Amendments are made to regulations 2, 3 and 4 of the 2006 Regulations to allow costs incurred in carrying out the inspections and controls in relation to surveillance of animals and animal products for residues of veterinary medicinal products and other substances to be recoverable by the competent authority performing the official controls.

These amendments also vary the fees required to be paid in relation to surveillance of animals and animal products for residues of veterinary medicinal products and other substances.

Changes to fees are itemised in the table below.

Table 1

Type of creature or animal product	*Basis for charge*	*Previous charge (£)*	*Replacement charge (£) from 1 October 2024 to 31 March 2025*	*Replacement charge (£) from 1 April 2025*
Bovine	per carcase	0.5106	0.7007	0.7617
Goat	per carcase	0.0507	0.0691	0.0751
Sheep	per carcase	0.0507	0.0691	0.0751
Soliped	per carcase	0.3536	0.4287	0.4660
Swine	per carcase	0.0543	0.0676	0.0735
Game and wild game	per tonne	1.0461	1.0461	1.0461
Poultry	per tonne	0.5568	0.5917	0.6432
Eggs	per case of 360	0.0179	0.0206	0.0206
Milk	per 1000 litres	0.0276	0.0373	0.0405
Fish other than trout	per tonne of marketed product	2.1265	2.1660	2.3546
Trout	per tonne of fish food	1.6840	2.5963	2.8222

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