SCOTTISH STATUTORY INSTRUMENTS

2005 No. 116

AGRICULTURE

The Feeding Stuffs (Establishments and Intermediaries) Amendment (Scotland) Regulations 2005

Made - - - -	*2nd March 2005*
Laid before the Scottish Parliament	*3rd March 2005*
Coming into force - -	*1st April 2005*

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(**a**) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and extent

1. These Regulations–

(a) may be cited as the Feeding Stuffs (Establishments and Intermediaries) Amendment (Scotland) Regulations 2005;

(b) come into force on 1st April 2005; and

(c) extend to Scotland only.

Amendment of the Feeding Stuffs (Establishments and Intermediaries) Regulations 1999

2. The Feeding Stuffs (Establishments and Intermediaries) Regulations 1999(**b**) are amended in accordance with regulations 3 to 5.

3. After regulation 9 (procedure relating to the withdrawal of approvals), insert–

"**Fees**

9A.—(1) Subject to paragraphs (5) and (6), an eligible person who applies to the competent body under regulations 5 or 7 to approve an establishment as an establishment on which an establishment activity or new establishment activity may be exercised shall–

(a) pay the relevant fee to the competent body; and

(b) reimburse the competent body the cost of any laboratory analysis incurred by that body in connection with the application.

(2) Any fee payable under paragraph (1)(a) shall be payable at the time the application is submitted to the competent body.

(**a**) 1972 c.68 ("the 1972 Act"). Section 2(2) was amended by the Scotland Act 1998 (c.46) ("the 1998 Act"), Schedule 8, paragraph 15(3). The functions conferred on the Minister of the Crown under section 2(2) of the 1972 Act, so far as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

(**b**) S.I. 1999/1872, to which there are amendments not relevant to these Regulations.

(3) Any reimbursement due under paragraph (1)(b) shall be payable to the competent body on demand.

(4) In relation to any application under regulations 5 or 7, the competent body need not–

(a) take any step specified in regulation 6(1) until the relevant fee has been paid to it; or

(b) take any step specified in regulation 6(2) or regulation 7(3)(b) or (4) until, in accordance with paragraph (1)(b) above, it has been reimbursed the cost of any laboratory analysis incurred by it in connection with the application.

(5) Where an eligible person makes an application under regulation 5 seeking approval of an establishment as one on which more than one establishment activity may be exercised, that person shall be liable to pay a single relevant fee, which fee shall be the highest fee payable.

(6) Where an eligible person makes an application under regulation 7 seeking approval of an establishment as one on which more than one new establishment activity may be exercised, that person shall be liable to pay a single relevant fee, which fee shall be the highest fee payable.

(7) In this regulation, "relevant fee" means the fee specified in Column 2 of Part I of Schedule 1A which is opposite to the reference in Column 1 of that Part to an application of the kind being made by the applicant.".

4. After regulation 16 (procedure relating to the withdrawal of approvals), insert–

"**Fees**

16A.—(1) Subject to paragraphs (5) and (6), where the area of the competent body is in Scotland, an eligible person who applies to it under regulations 12 or 14 to be approved as an intermediary who may exercise an intermediary activity or new intermediary activity shall–

(a) pay the relevant fee to the competent body; and

(b) reimburse the competent body for the cost of any laboratory analysis incurred by that body in connection with the application.

(2) Any fee payable under paragraph (1)(a) shall be payable at the time the application is submitted to the competent body.

(3) Any reimbursement due under paragraph (1)(b) shall be payable to the competent body on demand.

(4) In relation to any application under regulations 12 or 14, the competent body need not–

(a) take any step specified in regulation 13(1) until the relevant fee has been paid to it; or

(b) take any step specified in regulation 13(3) or regulation 14(3)(b) or (4) until, in accordance with paragraph (1)(b) above, it has been reimbursed the cost of any laboratory analysis incurred by it in connection with the application.

(5) Where an eligible person makes an application under regulation 12 seeking approval as a person who may exercise more than one intermediary activity, that person shall be liable to pay a single relevant fee.

(6) Where an eligible person makes an application under regulation 14 seeking approval as a person who may exercise more than one new intermediary activity, that person shall be liable to pay a single relevant fee.

(7) In this regulation, "relevant fee" means the fee specified in Column 2 of Part II of Schedule 1A which is opposite to the reference in Column 1 of that Part to an application of the kind being made by the applicant.".

5. After Schedule 1 (expressions having the same meaning as in Directive 70/524 and expressions having the same meaning as in Directive 95/69), insert the Schedule set out in the Schedule to these Regulations.

RHONA BRANKIN
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
2nd March 2005

SCHEDULE

Regulation 5

SCHEDULE TO BE INSERTED AFTER SCHEDULE 1 TO THE FEEDING STUFFS (ESTABLISHMENTS AND INTERMEDIARIES) REGULATIONS 1999

"SCHEDULE 1A

Regulations 9A and 16A

FEES PAYABLE UNDER REGULATION 9A OR 16A

PART I

Fees payable under regulation 9A

1. Application	*2. Fee (£)*
Under regulation 5(1)(a) or on an application under regulation 7 to amend an approval granted following an application granted under regulation 5(1)(a)	451
Under regulation 5(1)(b) or on an application under regulation 7 to amend an approval granted following an application granted under regulation 5(1)(b)	451
Under regulation 5(1)(c) or on an application under regulation 7 to amend an approval granted following an application granted under regulation 5(1)(c)	451
Under regulation 5(1)(d) or on an application under regulation 7 to amend an approval granted following an application granted under regulation 5(1)(d)	451
Under regulation 5(1)(e) or on an application under regulation 7 to amend an approval granted following an application granted under regulation 5(1)(e)	226

PART II

Fees payable under regulation 16A

1. Application	*2. Fee (£)*
Under regulation 12(1)(a) or on an application under regulation 14 to amend an approval granted following an application under 12(1)(a)	226
Under regulation 12(1)(b) or on an application under regulation 14 to amend an approval granted following an application under 12(1)(b)	226
Under regulation 12(1)(c) or on an application under regulation 14 to amend an approval granted following an application under 12(1)(c)	226

"

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Scotland only, amend the Feeding Stuffs (Establishments and Intermediaries) Regulations 1999 (S.I. 1999/1872). These Regulations implement Council Decision 98/728/EC concerning a Community system of fees in the animal feed sector (O.J. No. L 346, 22.12.98, p.51).

These Regulations amend S.I. 1999/1872 by–

(a) inserting new regulation 9A providing for the payment of fees and the reimbursement of the costs of laboratory analyses to the specified approval body ("the competent body") by a person applying to that body for approval of an establishment under regulation 5 or 7 of that instrument, and making supplementary provisions relating thereto (regulation 3);

(b) inserting new regulation 16A providing for the payment of fees and the reimbursement of the costs of laboratory analyses to the competent body by a person applying to it for approval as an "intermediary" under regulation 12 or 14 of that instrument, and making supplementary provisions relating thereto (regulation 4); and

(c) inserting new Schedule 1A specifying the fees payable by virtue of new regulations 9A and 16A (regulation 5).

No regulatory impact assessment has been prepared in respect of these Regulations.

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