2002 No. 2875

ANIMALS, ENGLAND

ANIMAL HEALTH

The Poultry Breeding Flocks, Hatcheries and Animal By-Products (Fees) (England) Order 2002

Made - - - - -	*19th November 2002*
Laid before Parliament	*21st November 2002*
Coming into force - -	*1st January 2003*

The Secretary of State for Environment, Food and Rural Affairs, in exercise of the powers conferred by section 84(1) of the Animal Health Act 1981(**a**) and now vested in her(**b**), and of all other powers enabling her in that behalf, with the approval of the Treasury in accordance with that section, makes the following Order:

Title and commencement

1. This Order may be cited as the Poultry Breeding Flocks, Hatcheries and Animal By-Products (Fees) (England) Order 2002, shall extend to England and shall come into force on 1st January 2003.

Interpretation

2. In this Order—

"appropriate Order", means the Poultry Breeding Flocks, Hatcheries Order 1993(**c**) or the Animal By-Products Order 1999(**d**).

Fees

3.—(1) There shall be paid to the Secretary of State in respect of each activity described in column 1 of the Schedule to this Order the fee prescribed in column 2 of the Schedule:

(a) in the case of the activities in paragraphs 4 and 5 of the Schedule, by the applicant applying for authorisation or the operator applying for approval under the appropriate Order, and

(b) in any other case, by the person in whose name the holding or premises are registered or the operator approved under the appropriate Order,

such fee being payable within 14 days of demand by the Secretary of State.

(**a**) 1981 c. 22.

(**b**) *See* section 86(1) for the definitions of "the Ministers" and "the Minister". Functions of "the Ministers", so far as exercisable in relation to England, were transferred to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141). The functions of the Minister of Agriculture, Fisheries and Food under the Animal Health Act 1981 were transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution Order) 2002, S.I. 2002/794.

(**c**) S.I. 1993/1898.

(**d**) S.I. 1999/646 as amended by S.I. 2001/1704.

Revocation

4. The Poultry Breeding Flocks, Hatcheries and Processed Animal Protein (Fees) Order 1993(**a**) shall be revoked.

Elliot Morley
Parliamentary Under Secretary of State,
11th November 2002 Department for Environment, Food and Rural Affairs

John Heppell
Nick Ainger
We approve
Two of the Lords Commissioners of Her Majesty's
19th November 2002 Treasury

(**a**) S.I. 1993/1998.

SCHEDULE

Article 2

Fees

Column 1	**Column 2**
Activity	**Fee**
1. Supervision by an officer of the Secretary of State of taking samples under Schedule 2 of the Poultry Breeding Flocks and Hatcheries Order 1993.	£28.20 per $\frac{1}{2}$ hour (or part thereof)
2. (a) Examination by an officer of the Secretary of State of samples of composite faeces taken under paragraph 3 of Part 1 to Schedule 2 to that Order.	£17.70
(b) Examination by an officer of the Secretary of State of the following samples taken under paragraph 2 of Part II of Schedule 2 to that order, of— (i) a composite meconium sample.	 £17.70
(ii) chicks dead in shell (up to a maximum of 50).	£37.10
(iii) culled chicks hatched from eggs (up to a maximum of 50).	£37.10
3. Inspection of a laboratory for the purposes of the Poultry Breeding Flocks and Hatcheries Order 1993 and/or the Animal By-Products Order 1999 for— (i) 1 organism. (ii) 2 organisms. (iii) 3 organisms.	 £348.40 £359.70 £370.90
4. Application: for the purposes of the Poultry Breeding Flocks and Hatcheries Order 1993 and/or the Annual By Products Order 1999, consisting of: (a) Additional administration of processing an application other than a renewal of annual registration; and (b) Distribution of one set of quality assurance samples prior to the authorisation of a laboratory for the purposes of either of those Orders for— (i) Salmonella. (ii) Enterobacteriaceae. (iii) Clostridium Perfringens. (iv) Enterobacteriaceae and Clostridium Perfringens when such samples are sent at the same time.	 £10.60 £25.10 £48.90 £48.90 £93.80
5. Annual Registration: for the purposes of the Poultry Breeding Flocks and Hatcheries Order 1993 and/or the Animal By Products Order 1999, consisting of: (a) Administration of processing an application; and (b) Distribution of annual (four sets) of quality assurance samples for the purpose of either of those Orders for— (i) Salmonella. (ii) Enterobacteriaceae. (iii) Clostridium Perfringens. (iv) Enterobacteriaceae and Clostridium Perfringens when such samples are sent at the same time.	 £24.60 £106.90 £202.20 £202.20 £381.40

EXPLANATORY NOTE

(This note is not part of the Order)

This Order replaces the Poultry Breeding Flocks, Hatcheries and Processed Animal Protein (Fees) Order 1993, "the previous Order". It provides for fees to recover the full costs of activities specified in the Order in respect of breeding flocks and hatcheries and for the purpose of authorising laboratories under the Poultry Breeding Flocks and Hatcheries Order 1993 and approving laboratories under the Animal By-Products Order 1999.

All fees have been calculated afresh and reflect the full economic cost of overheads and staff time in carrying out the activity. The fees specified under activity 1 and 2 in the Schedule to this Order have not been increased since 1993, when under the previous Order the fees amounted to respectively, £20 per half hour or part thereof and £8.20. Changes in the way the scheme is administered and the activities undertaken, means that the fees specified for activities 3-5, are different to those set out in the previous Order.

A regulatory impact assessment, which includes a compliance cost assessment of the effect that this Order is likely to have on business costs, has been placed in the Library of each House of Parliament. Copies may be obtained from the animal disease control division of the Department for Environment, Food and Rural Affairs, 1A Page Street, London SW1P 4PQ.

£1.75

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