EXECUTIVE NOTE

THE POULTRY HEALTH SCHEME (FEES) (SCOTLAND) REGULATIONS 2012

SSI 2012/176

Introduction

1. This instrument is made in exercise of the powers conferred by section 56(1) and (2) of the Finance Act 1973, which permits the Scottish Ministers to require payment of fees or other charges for the provision of any services or facilities, or the issue of any authorisation, certificate or other document, in pursuance of any EU obligation. The instrument is subject to negative resolution procedure.

Policy objective

2. The Regulations set out the fees to be charged in respect of certain matters arising under the poultry health scheme, which is a scheme for the approval of establishments for the purposes of Council Directive 2009/158/EC on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs. Membership is mandatory for those wishing to export poultry and hatching eggs within the EU and to certain third countries.

Legislative Context

3. The poultry health scheme implements the requirements of Council Directive 2009/158/EC. The Scheme has operated since 1990 (having been established under Council Directive 90/539/EEC which is now superseded by Council Directive 2009/158/EC).

4. The domestic legal base for the poultry health scheme is the Animals and Animal Products (Import and Export) (Scotland) Regulations 2007, which provide for publication of the fees payable under the scheme on the Scottish Government website. Those regulations are to be repealed and replaced by the Trade in Animals and Related Products (Scotland) Regulations 2012.

Policy Background

5. The repeal and replacement of the Animals and Animal Products (Import and Export) (Scotland) Regulations 2007 provides an opportunity to replace the existing administrative arrangements for setting of fees with a legislative arrangement in the form of a separate fees SSI. This increases accountability by ensuring that any future fee increases will require an amendment to this Instrument.

Consultation

6. The scheme and the fees being charged are already operating and this instrument will retain fees at their existing level. Therefore, no consultation has been undertaken.

Impact

7. A Business and Regulatory Impact Assessment has not been prepared for these Regulations because no impact on the private or voluntary sectors in foreseen. The scheme under which fees are chargeable is already in place and the fees are being charged under administrative arrangements.

AHWD – Animal Disease Control
Directorate for Agriculture, Food and Rural Communities
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