EXECUTIVE NOTE

THE ZOONOSES AND ANIMAL BY-PRODUCTS (FEES) (SCOTLAND) AMENDMENT REGULATIONS 2010 (SSI 2010/88)

This instrument is made under section 56(1) and (2) of the Finance Act 1973. It is subject to negative parliamentary procedure.

Policy Objective

The main objective of this instrument is to increase the fee for taking or supervising the taking of official samples for testing required under Commission Regulation (EC) No. 1003/2005, Regulation (EC) No. 2160/2003 and the Animal By-Products (Scotland) Regulations 2003.

Background

Section 56(1) and (2) of the Finance Act 1973 empowers the Scottish Ministers to require the payment of fees or other charges for the provision of any service in pursuance of any Community obligation.

The Zoonoses and Animal By-Products (Fees) (Scotland) Regulations 2009 ("the principal Regulations") came into force on 26 June 2009 and were amended in November 2009 to take account of the Control of Salmonella in Turkey Flocks (Scotland) Order 2009 which came into force on 1 January 2010.

The principal Regulations enable Scottish Ministers to recover costs associated with the implementation of National Control Plans (NCPs) for salmonella in breeding, broiler and laying flocks of poultry, as well as turkeys flocks and a scheme under which private laboratories are authorised to test for particular zoonotic organisms or diseases. The NCPs are required under Regulation 2160/2003; Commission Regulations 1003/2005, 1168/2006, 1237/2007, 646/2007 and 584/2008; and the Animal By-Products (Scotland) Regulations 2003. The main aim of these NCPs is to improve public health through the enhanced detection and control of salmonellas of human health significance at the point of primary production.

The principal Regulations now require to be amended to take account of increases to the fee charged by Animal Health for the taking or supervising the taking of official control samples under the Salmonella NCPs for poultry flocks.

Consultation

Industry representatives have been involved in the development of the NCPs, including the associated fees, through regular stakeholder meetings to ensure that those affected have the opportunity to scrutinise and comment on any proposed increase in fees. However, as the level of fees is set to achieve full recovery of costs, the decision on those levels would not alter as a result of a consultation. There has therefore been no formal consultation on the amending Order.

Poultry operators and private laboratories are nevertheless accustomed to these services being chargeable as legislation to recover such costs has been in place since 1993.

Background to this increase

This instrument amends the principal Regulations to take account of increases for the costs associated with the taking or supervising the taking of official control samples for operators for the collection and examination of official controls under the NCP for salmonella in the poultry and turkey industry, and for a scheme under which private laboratories are authorised to test samples for particular organisms or diseases.

When the original Fees Regulations (The Zoonoses and Animal By-Products (Fees) (Scotland) Regulations 2008) were introduced it was agreed that the cost of the shared service component of the administration charge should be phased in over a 2 year period: 50% of the increase of this component in 2007/08, 75% in 2008/09 and 100% in 2009/10. The phased-in approach was undertaken to improve affordability to farmers and maintain goodwill between industry representatives and government. This increase is the final instalment of the phased in approach.

The increase in base fee to be charged is outlined below and will allow for a fee of £76 to be charged instead of the current base fee of £66. The charge will be levied across GB.

Activity	Charge for 2009/2010 (£)	Charge for 2009/2010 (£)
Taking or supervising the taking of official control samples	66 plus investigation fee of 29 per ½ hour (or part thereof)	76 plus investigation fee of 29 per ½ hour (or part thereof)

The base charge is a fixed fee that covers costs that are associated with the supervision of or the taking of official control samples on all holdings. Costs are derived on estimates of the time taken to process an application (e.g. organising visits, systems inputs, checking test results etc.) by the various grades of staff involved.

Financial Effects

The typical costs of sampling per annum are outlined below:

- Taking or supervising the taking of samples: £76 + £29 per ½ hour (or part ½ hour)
- Examination of official samples at the laboratory: £15.30

Therefore the total cost should be in the region of £120.30 assuming taking the samples takes ½ hour or less. There will be no additional costs for travel time for 2010. Previously the total cost of sampling was around £110.30.

SCOTTISH GOVERNMENT RURAL DIRECTORATE