

**2008 No. 2716 (W. 245)**

**ANIMALS, WALES**

**ANIMAL HEALTH**

**The Zoonoses and Animal By-  
Products (Fees) (Wales)  
Regulations 2008**

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations apply in relation to Wales and make provision for the Welsh Ministers to charge fees for activities required under Commission Regulation (EC) No. 1003/2005, Commission Regulation (EC) No. 1168/2006, Regulation (EC) No. 2160/2003 and the Animal By-Products (Wales) Regulations 2006. The activities are listed in regulation 3(1). The Regulations revoke the Zoonoses and Animal By-Products (Fees) (Wales) Regulations 2007 (S.I. 2007/2496 (W.215)).

A Regulatory Impact Assessment of the effect of these Regulations has been prepared and is annexed to the Explanatory Memorandum. Copies may be obtained from the Welsh Assembly Government, Cathays Park, Cardiff, CF10 3NQ.

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**The Zoonoses and Animal By-  
Products (Fees) (Wales)  
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*Made* *16 October 2008*

*Laid before the National Assembly for Wales*

*17 October 2008*

*Coming into force*

*7 November 2008*

The Welsh Ministers, in exercise of the powers conferred by section 56(1) and (2) of the Finance Act 1973<sup>(1)</sup> and now vested in them by section 59(5) of the Government of Wales Act 2006<sup>(2)</sup>, and paragraph 1A of Schedule 2 to the European Communities Act 1972<sup>(3)</sup>, and with the consent of the Treasury, make the following Regulations.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Welsh Ministers that it is expedient for the references to European Community instruments in these Regulations to be construed as references to those instruments as amended from time to time.

**Title, application and commencement**

**1.** The title of these Regulations is the Zoonoses and Animal By-Products (Fees) (Wales) Regulations 2008, they apply in relation to Wales and come into force on 7 November 2008.

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**(1)** 1973 c.51.

**(2)** 2006 c.32.

**(3)** 1972 c 68.

## Interpretation

2.—(1) In these Regulations—

“the 2006 Regulations” (“*Rheoliadau 2006*”) means the Animal By-Products (Wales) Regulations 2006(1);

“the European Regulation” (“*y Rheoliad Ewropeaidd*”) means Regulation (EC) No. 2160/2003 of the European Parliament and of the Council on the control of salmonella and other specified food-borne zoonotic agents(2);

“official control samples” (“*samplau rheoli swyddogol*”) means samples taken under point 2.1.2.2 of the Annex to Commission Regulation (EC) No. 1003/2005 implementing Regulation (EC) No. 2160/2003 as regards a Community target for the reduction of the prevalence of certain salmonella serotypes in breeding flocks of *Gallus gallus* and amending Regulation (EC) No. 2160/2003(3) or point 2.1 of the Annex to Commission Regulation (EC) No. 1168/2006 implementing Regulation (EC) No. 2160/2003 as regards a Community target for the reduction of the prevalence of certain salmonella serotypes in laying flocks of *Gallus gallus* and amending Regulation (EC) No. 1003/2005(4).

(2) Any reference in these Regulations to a Community instrument is a reference to that instrument as amended from time to time.

## Fees

3.—(1) The Welsh Ministers may charge such fees as they consider will enable them to meet any reasonable expenses incurred by them in performing the following activities—

- (a) taking or supervising the taking of official control samples;
- (b) examining official control samples;
- (c) processing of an application for approval of a laboratory under regulation 21 of the 2006 Regulations or Article 12 of the European Regulation;
- (d) processing of annual registration documentation in respect of a laboratory approved under regulation 21 of the 2006 Regulations or Article 12 of the European Regulation;

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(1) S.I. 2006/1293 (W.127).

(2) OJ No. L325, 12.12.2003, p.1, as last amended by Commission Regulation (EC) No.1273/2007 of 23 October 2007.

(3) OJ No L 170, 1.7.2005, p.12.

(4) OJ No L 211, 1.8.2006, p.4.

- (e) inspecting a laboratory for the purpose of regulation 21 of the 2006 Regulations or Article 12 of the European Regulation;
- (f) administering a quality control test under regulation 21 of the 2006 Regulations or Article 12 of the European Regulation.

(2) Fees are payable to the Welsh Ministers by—

- (a) the person in charge of a holding where official control samples are taken in respect of the activities in paragraph (1)(a) and (b); and
- (b) the operator of the laboratory in respect of the activities in paragraph (1)(c) to (f).

(3) Any fee payable under this regulation must be paid to the Welsh Ministers within 14 days of demand by the Welsh Ministers.

### **Revocation**

4. The Zoonoses and Animal By-Products (Fees) (Wales) Regulations 2007(1) are revoked.

*Elin Jones*

Minister for Rural Affairs, one of the Welsh Ministers

16 October 2008

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(1) S.I.2007/2496 (W.215).