RA/S7/26/5/3

Rural Affairs Committee
Wednesday 23 September 2026
5th Meeting, 2026 (Session 7)

Note by the Clerk on Charges for Residues Surveillance Amendment (Scotland) Regulations 2026 (SSI 2026/249)

Overview

1. At this meeting, the Committee will consider the following Scottish Statutory Instrument (SSI), which is subject to the negative procedure. The Committee is invited to consider the instrument and decide what, if any, recommendations to make.

2. More information about the instrument is summarised below:

   Title of instrument: Charges for Residues Surveillance Amendment (Scotland) Regulations 2026 (SSI 2026/249)

   Laid under: Food Safety Act 1990

   Laid on: 3 September 2026

   Procedure: Negative

   Deadline for committee consideration: 26 October 2026 (Advisory deadline for any committee report to be published)

   Deadline for Chamber consideration: 28 October 2026 (Statutory 40-day deadline for any decision whether to annul the instrument)

   Commencement: 29 October 2026

Procedure

3. Under the negative procedure, an instrument is laid after it is made and is subject to annulment by resolution of the Parliament for a period of 40 days beginning on the day it is laid.

4. Once laid, the instrument is referred to:

   - the Delegated Powers and Law Reform (DPLR) Committee, for scrutiny on various technical grounds, and

   - a lead committee, whose remit includes the subject-matter of the instrument, for scrutiny on policy grounds.

5. Any MSP may propose, by motion, that the lead committee recommend annulment of the instrument. If such a motion is lodged, it must be debated at a

meeting of the Committee, and the Committee must then report to the Parliament (by the advisory deadline referred to above).

6. If there is no motion recommending annulment, the lead committee is not required to report on the instrument.

Delegated Powers and Law Reform Committee consideration

7. The DPLR Committee considered the instrument on 15 September 2026 and reported on it in its 4th Report, 2026 (Session 7). The DPLR Committee made no recommendations in relation to the instrument.

Purpose of the instrument

8. This instrument amends the Charges for Residues Surveillance Regulations 2006, as they apply in Scotland, to vary the fees required to be paid in relation to surveillance of animals and animal products for residues of veterinary medicinal products and other substances.

9. The Veterinary Medicines Directorate (VMD) works in partnership with the Scottish Government and Welsh Government to deliver the National Residues Control Programme (NRCP) in Great Britain.

10. The NRCP is a statutory industry-funded programme that is delivered by the VMD and helps to protect human health by taking samples of meat or other animal products to test for unsafe levels of residues of veterinary medicines, or other prohibited substances which may be harmful.

11. The Policy Note explains that a “rise in the costs of procured services which are necessary to deliver the programme such as sampling, testing, and consumables” means that the fees paid by the industry need to be amended to ensure that the costs are covered.

12. The Policy Note accompanying the instrument is included in the annexe. It includes a summary of consultation undertaken on the instrument and the anticipated financial effects. The following impact assessments have been carried out:

   - Business and Regulatory Impact Assessment (BRIA)
   - Child Rights and Wellbeing Impact Assessment (CRWIA)
   - Equalities Impact Assessment (EQIA).

Committee consideration

13. So far, no motion recommending annulment has been lodged.

14. Members are invited to consider the instrument and decide whether there are any points they wish to raise. If there are, options include:

- seeking further information from the Scottish Government (and/or other stakeholders) through correspondence, and/or

- inviting the Minister (and/or other stakeholders) to attend the next meeting to give evidence on the instrument.

It would then be for the Committee, at the next meeting, to consider the additional information gathered and decide whether to make recommendations in relation to the instrument.

15. If members have no points to raise, the Committee should note the instrument (that is, agree that it has no recommendations to make).

16. However, should a motion recommending annulment be lodged later in the 40-day period, it may be necessary for the Committee to consider the instrument again.

Clerks to the Committee
September 2026

Annexe A: Scottish Government Policy Note

POLICY NOTE

THE CHARGES FOR RESIDUES SURVEILLANCE AMENDMENT (SCOTLAND) REGULATIONS 2026 SSI 2026/249

The above instrument is made in exercise of the powers conferred by sections 45 and 48(1)(b) and (c) of the Food Safety Act 1990 and all other powers enabling the Scottish Ministers to do so.

The instrument is subject to negative procedure.

Summary Box

This instrument amends the Charges for Residues Surveillance Regulations 2006 (S.I. 2006/2285) ("the 2006 Regulations") as they apply in Scotland to vary the fees required to be paid in relation to surveillance of animals and animal products for residues of veterinary medicinal products and other substances.

Policy Objectives

The Veterinary Medicines Directorate (VMD) works in close partnership with the Scottish Government and Welsh Government to deliver the National Residues Control Programme (NRCP)[1] in Great Britain.

The NRCP is a statutory industry-funded programme that is delivered by the VMD and helps to protect human health by taking samples of meat or other animal products to test for unsafe levels of residues of veterinary medicines, or other prohibited substances which may be harmful. The NRCP helps to provide assurances about the safety of food products, and by doing so also supports UK food exports worth approximately £12 billion to the UK economy.

The NRCP conforms to international standards which are underpinned by the World Trade Organization agreement on sanitary and phytosanitary measures.

The programme operates on a full cost recovery basis, so each of the livestock sectors that take part are invoiced each year. The programme currently costs approximately £6.6 million per annum, and this is forecast to reach approximately £7m per annum by 2028. This is due to a rise in the costs of procured services which are necessary to deliver the programme such as sampling, testing, and consumables. Without the revisions to the current charges that industry pays, it is forecast that there will be an under recovery of the costs of the programme by £1m in the current financial year, and the deficit would be expected to rise further in future years.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

[1] The National Residues Control Programme: https://www.gov.uk/guidance/residues-surveillance

The Scottish Ministers have made the following statement regarding children's rights:

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the Act), the Scottish Ministers certify that, in their view, the Charges for Residues Surveillance Amendment (Scotland) Regulations 2026 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

Under EU law, Article 79 of Regulation (EU) 2017/625 requires competent authorities to collect fees or charges for certain official controls, including those carried out in slaughterhouses, cutting plants, game-processing plants, on milk production and on the production and placing on the market of fishery and aquaculture products. There is discretion for fees to either be charged at the amounts provided in Annex IV to Regulation (EU) 2017/625 or on a cost recovery basis calculated in accordance with Article 82(1).

The amendments in this instrument to the Charges for Residues Surveillance Regulations 2006 continue the existing approach of charging fees on a cost recovery basis as would be available under EU law.

These measures will not create any barriers to re-entry to the European Union.

Consultation

The Veterinary Medicines Directorate, in partnership with the Scottish and Welsh Governments, published a joint consultation on revised charges for the NRCP between 24 November 2025 and 19 January 2026[2]. The consultation outlined the reasons behind the need to increase charges for businesses covered by the NRCP and set out three options with a recommendation to pursue Option C.

Option A

Do nothing, with charges being maintained at current levels. This would have risked food safety and international trade obligations.

Option B

A flat rate 22% increase to the charges applied across all sectors taking part in the NRCP. This would have carried the risk of sectors cross-subsidising others.

Option C (preferred)

A specific percentage increase tailored for each industry sector based on their specific sampling plan and production levels.

[2] Public consultation on revised charges for the National Residues Control Programme published November 2025: https://consult.defra.gov.uk/vmd-policy-development-and-delivery-office/revised-charges-for-the nrcp/supporting_documents/vmd-public-consultation-on-revised-charges-for-the-national-residues-controlprogramme-englishpdf.

The consultation paper explained the methodology and rationale for setting the charges, including details about the individual cost elements, future projections, and how the VMD achieves value for money. It also stated that the only change to the NRCP would be to the charges paid by industry. The scientific methodology, and standards of the surveillance and testing regime are defined in separate legislation and were outside the scope of these proposals.

9 responses with substantive comments were received via Citizen Space (the online consultation tool). Respondents broadly agreed with the recommendation that Option C would be the most equitable approach as it would avoid some sectors unfairly cross subsidising others, taking account of different risks and characteristics of sectors and aligning charges with actual programme costs. Other comments centred around the following themes:

- ensuring that the NRCP remains efficient, cost effective and transparent, with particular interest in any advancements, alternative methods of streamlining of processes that have been considered;
- the continued need for close stakeholder engagement to consistently review the sampling processes and the associated costs with each sector; and
- a view that the current economic environment is difficult for businesses due to increase operating costs, and while inflationary pressures are recognised there needs to be reassurance to stakeholders that these increases have come as a last resort.

The VMD analysed all responses and considered the feedback received alongside the necessity of actions that need to be taken to operate on a cost recovery basis. A summary of the consultation responses and the UK Government's response has been published.[3]

Food Standards Scotland was also consulted on the proposal to make the instrument.

Impact Assessments

A Children's Rights and Wellbeing Impact Assessment (CRWIA) and Equality Impact Assessment (EQIA) have been completed on the draft SSI and are attached.

Financial Effects

This instrument increases the charges paid by food business operators that are part of the NRCP. The charges are being increased from 29 October 2026, with a further increase that will apply from 1 April 2027. The extent to which the charges have been uplifted varies as it reflects the anticipated production levels and specific costs of the activities involved in delivering the services for each industry sector. The VMD will continue to monitor the operation of the scheme and will bring forward a further public consultation if other changes are required. An itemised table showing the changes to the fees is provided in the explanatory note to the instrument.

[3] https://www.gov.uk/government/consultations/national-residues-control-programme-revision-of-charges2025-2026

A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached.

The impact of this policy on business is considered low, and the instrument is not considered to have any, or any significant, financial effects on the Scottish Government or local government.

Scottish Government

Agriculture and Rural Economy Directorate

25 August 2026