

*Draft Regulations laid before the Scottish Parliament under paragraph 1(6) of schedule 7 of the European Union (Withdrawal) Act 2018 for approval by resolution of the Scottish Parliament.*

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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2023 No.**

**PLANT HEALTH**

**The Plant Health (Fees) (Forestry)  
(Scotland) (Amendment) Regulations 2023**

*Made* - - - - 2023

*Coming into force* - - 31st December 2023

The Scottish Ministers make the following Regulations in exercise of the powers conferred by paragraph 7 of schedule 4 and paragraph 21 of schedule 7 of the European Union (Withdrawal) Act 2018<sup>(1)</sup> and all other powers enabling them to do so.

In accordance with paragraph 1(6) of schedule 7 of that Act<sup>(2)</sup>, a draft of this instrument has been laid before and approved by the resolution of the Scottish Parliament.

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Plant Health (Fees) (Forestry) (Scotland) (Amendment) Regulations 2023 and come into force on 31 December 2023.

(2) These Regulations extend to Scotland only.

**Amendments to the Plant Health (Fees) (Forestry) (England and Scotland) Regulations 2015**

2.—(1) The Plant Health (Fees) (Forestry) (England and Scotland) Regulations 2015<sup>(3)</sup> are amended as follows.

(2) In the Plant Health (Fees) (Forestry) (England and Scotland) Regulations 2015 in Regulation 3(5BB) for “31 December 2023” substitute “30 June 2025”.

(3) For schedule 1 (fees for inspections in connection with a plant passport authority) substitute—

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(1) 2018 c. 16.

(2) In relation to the exercise of powers under paragraph 7 of schedule 4 of the European Union (Withdrawal) Act 2018, paragraph 1(6) of schedule 7 is to be read with paragraph 12(3) of that schedule.

(3) S.I. 2015/350; relevant amending instruments are S.S.I. 2021/490 and S.S.I. 2022/230.

“SCHEDULE 1

Regulation 3(2)

Fees for inspections in connection with a plant passport authority

<i>Type of Inspection</i>	<i>Fee</i>
Inspection and associated activities (including travelling and office time) in connection with granting, variation or suspension of a plant passport authority or for monitoring compliance with that authority—	
(a) up to and including the first hour	£49.50
(b) thereafter, for each additional 15 minutes or part thereof	£12.38”

St Andrew’s House,  
Edinburgh  
Date

*Name*  
Authorised to sign by the Scottish Ministers

## EXPLANATORY NOTE

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

These Regulations amend the Plant Health (Fees) (Forestry) (England and Scotland) Regulations 2015.

Regulation 3(5A) to (5BB) of the 2015 Regulations makes provision relating to phytosanitary certification fees, including an exemption to provide that such fees are not payable in relation to exports from Scotland to Northern Ireland in certain circumstances. Regulation 2(2) amends regulation 3(5BB) of the 2015 Regulations to change the date on which this exemption ceases to have effect from 31 December 2023 to 30 June 2025.

Regulation 2(3) introduces a revised schedule providing greater clarity on the intended scope of applicable fees for audit inspections of professional operators issuing plant passports.