

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.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2022 No.

PLANT HEALTH

**The Plant Health (Fees) (Miscellaneous
Amendment) (Scotland) Regulations 2022**

Made - - - - 2022
Coming into force - - 22nd July 2022

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⁽¹⁾ and all other powers enabling them to do so.

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

In accordance with regulation 85(3) of Regulation 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products⁽³⁾, the Scottish Ministers, as the competent authority⁽⁴⁾, have consulted relevant stakeholders on changes to the general methods used to calculate fees.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Plant Health (Fees) (Miscellaneous Amendment) (Scotland) Regulations 2022 and come into force on 22 July 2022.

(2) These Regulations extend to Scotland only.

The Plant Health (Import Inspection Fees) (Scotland) Regulations 2014

2.—(1) The Plant Health (Import Inspection Fees) (Scotland) Regulations 2014⁽⁵⁾ are amended as follows.

(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) EUR 2017/625, amended by [S.I. 2020/1481](#), there are other amending instruments but none are relevant.

(4) The Scottish Ministers have been designated as the competent authority for this purpose by regulation 5(1) of [S.S.I. 2019/421](#).

(5) [S.S.I. 2014/338](#) relevantly amended by [S.S.I. 2019/28](#), [S.S.I. 2019/421](#), [S.S.I. 2019/425](#), [S.S.I. 2020/466](#), [S.S.I. 2021/159](#) and [S.S.I. 2021/490](#).

- (2) In regulation 2 (interpretation) omit the definitions of “Europe” and “third country”.
- (3) In regulation 3(2)(b)(i) (application of the import inspection fee) omit “the European Union, Liechtenstein or Switzerland.”.
- (4) In regulation 4—
- (a) insert the heading “**Fees**”,
 - (b) in paragraph (1)—
 - (i) for “Subject to” to “physical check” substitute—

“Subject to paragraph (8), the fee specified for a physical check for a consignment, or such part of a consignment, consisting of plants, plant products or other objects—”,
 - (ii) in sub-paragraph (a) for “fourth” substitute “fifth”,
 - (iii) in sub-paragraph (b) for “fifth” substitute “sixth”,
 - (c) omit paragraphs (2) to (5),
 - (d) for paragraph (6) substitute—

“(6) Subject to paragraph (8), the fee specified for a documentary check for a consignment or such part of a consignment, consisting of any plants, plant products or other objects is the fee specified for that check in the third column of table 3 in schedule 2A.

(7) Subject to paragraph (8), the fee specified for an identity check for a consignment or such part of a consignment, consisting of any plants, plant products or other objects is the fee specified for that check in the seventh column of the table in schedule 1.

(8) No fee is payable under paragraphs (1), (6) or (7) in respect of any consignment originating in an EU Member state, Liechtenstein or Switzerland, where it would be payable in respect of any plants or plant products specified in schedule 2 that are contained in that consignment.”.
- (5) For schedule 1 (import inspection fees for physical checks) substitute—

“SCHEDULE 1

Regulations 3 and 4(1)

IMPORT INSPECTION FEES FOR PHYSICAL AND IDENTITY CHECKS

Item	Product, plant or other object	Quantity	Country of Origin	Fees			
				Physical check		Identity check	
				Normal working hours	Outside normal working hours		
Plants for planting							
1	Cuttings, seedlings (except forestry reproductive material), young plants of strawberries or of vegetables All genera	Up to 10,000 in number for each additional 1,000 units (or part thereof)	Any country	third	£30.00 £0.80 up to a maximum of £168	£54.00 £1.50 up to a maximum of £318	£6.00

Item	Product, plant or other object	Quantity	Country of Origin	Fees			
				Physical check		Identity check	
				Normal working hours	Outside normal working hours		
2	Shrubs, trees (other than cut Christmas trees), other woody nursery plants including forest reproductive material (other than seed) <i>All genera</i>	Up to 1,000 in number for each additional 100 units (or part thereof)	Any country	third	£30.00 £0.50 up to a maximum of £168	£54.00 £1.00 up to a maximum of £318	£6.00
3	Dormant bulbs, corms, rhizomes, tubers, onion, garlic, shallots, leeks and other alliaceous vegetables (other than tubers of potatoes), not intended for final consumers** or to produce plants for commercial flower production <i>All genera</i>	Per consignment – up to 200kg in weight for each additional 10kg (or part thereof)	Any country	third	£30.00 £0.20 up to a maximum of £168	£54.00 £0.40 up to a maximum of £318	£6.00
4	Dormant bulbs, corms, rhizomes, tubers, onion, shallots, garlic, leeks and other alliaceous vegetables not in substrate intended for planting (other than tubers of potatoes) and intended for final consumers** or commercial flower production only <i>All genera</i>	Per consignment – up to 200kg in weight for each additional 10kg (or part thereof)	Any country	third	£13.80 £0.02 up to a maximum of £26.40	£21.60 £0.04 up to a maximum of £46.80	£0.60

Item	Product, plant or other object	Quantity	Country of Origin	Fees			
				Physical check		Identity check	
				Normal working hours	Outside normal working hours		
5	Non-woody plants (other than seed) for sale to final consumers**. Excludes shrubs, trees, other woody nursery plants, forest reproductive material <i>All genera</i>	Per consignment – up to 1,000 in number for each additional 100 units (or part thereof)	Any country	third	£17.40 £0.06 up to a maximum of £55.20	£28.80 £0.12 up to a maximum of £104.40	£1.80
6	*Indoor plants (including plants for use in aquaria) for final consumers** <i>All genera</i>	Per consignment - up to 1,000 in number for each additional 100 units (or part thereof)	Any country	third	£12.90 £0.01 up to a maximum of £19.20	£19.80 £0.02 up to a maximum of £32.40	£0.30
7	Plants intended for planting (other than cut Christmas trees) not specified or included elsewhere in this table <i>All genera</i>	Per consignment -up to 5,000 in number for each additional 100 units (or part thereof)	Any country	third	£30.00 £0.20 up to maximum of £168	£54.00 £0.40 up to maximum of £318	£6.00
Seeds							
8	For trials or testing <i>All genera</i>	Per consignment – up to 100kg in weight for each additional 10kg (or part thereof)	Any country	third	£13.80 £0.05 up to maximum of £26.40	£21.60 £0.09 up to maximum of £46.80	£0.60
9	<i>Brassicaceae</i> spp., <i>Poaceae</i> spp. and <i>Trifolium</i> spp.	Per consignment -up to 100kg in weight for each additional 10kg (or part thereof)	Any country other than Argentina, Australia, Bolivia, Chile, Zealand or Uruguay	third	£12.90 £0.02 up to maximum of £19.20	£19.80 £0.04 up to maximum of £32.40	£0.30

Item	Product, plant or other object	Quantity	Country of Origin	Fees		
				Physical check		Identity check
				Normal working hours	Outside normal working hours	
		Per consignment -up to 100kg in weight	Argentina, Australia, Bolivia, Brazil, Chile, New Zealand or Uruguay	£30.00	£54.00	£6.00
		for each additional 10kg (or part thereof)		£0.50 up to maximum of £168	£0.90 up to maximum of £318	
10	<i>Capsicum</i> spp., <i>Solanum lycopersicum</i> L., <i>Solanum tuberosum</i> ("true potato seed")	Per consignment -up to 100kg in weight	Any third country	£30.00	£54.00	£6.00
		for each additional 10kg (or part thereof)		£0.50 up to maximum of £168	£0.90 up to maximum of £318	
11	<i>Triticum</i> L., <i>Secale</i> L. and X <i>Triticosecale</i>	Per consignment -up to 100kg in weight	Any third country other than	£12.90	£19.80	£0.30
		for each additional 10kg (or part thereof)	Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa or the USA	£0.02 up to a maximum of £19.20	£0.04 up to a maximum of £32.40	
		Per consignment -up to 100kg in weight	Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa or the USA	£30.00	£54.00	£6.00
		for each additional 10kg (or part thereof)		£0.50 up to maximum of £168	£0.90 up to maximum of £318	
12	Other seeds not specified or included elsewhere in this table All genera	Per consignment - up to 100kg in weight	Any third country	£12.90	£19.80	£0.30
		for each additional 10kg (or part thereof)		£0.02 up to a maximum of £19.20	£0.04 up to a maximum of £32.40	
Grain (other than seed for sowing)						
13	<i>Secale</i> L., <i>Triticum</i> L. and x <i>Triticosecale</i> Wittm. ex A. Camus	Per consignment - up to 25,000kg in weight	Any third country other than	£12.90	£19.80	£0.30
		for each additional	Afghanistan, India, Iran, Iraq, Mexico, Nepal,	£0.04 up to a maximum of £19.20	£0.07 up to a maximum of £32.40	

Item	Product, plant or other object	Quantity	Country of Origin	Fees		
				Physical check		Identity check
				Normal working hours	Outside normal working hours	
		1,000kg (or part thereof)	Pakistan, South Africa or the USA			
		Per consignment - up to 25,000kg in weight	Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa or the USA	£30.00	£54.00	£6.00
		for each additional 1,000kg (or part thereof)		£0.80 up to a maximum of £168	£1.50 up to a maximum of £318	
14	Other grain not specified or included elsewhere in this table	Per consignment - up to 25,000kg in weight	Any third country	£12.90	£19.80	£0.30
	All genera	for each additional 1,000kg (or part thereof)		£0.04 up to a maximum of £19.20	£0.07 up to a maximum of £32.40	

Cut Flowers

15	<i>Chrysanthemum</i> L. and <i>Dendranthema</i> (DC.) Des Moul.	Per consignment - up to 20,000 in number	Any third country other than an EU Member State, Colombia, Ecuador, Liechtenstein or Switzerland	£12.90	£19.80	£0.30
			Colombia or Ecuador	£21.00	£36.00	£3.00
			Any EU Member State, Liechtenstein or Switzerland	£12.54	£19.08	£0.18
		for each additional 1,000 units	Any third country other than an EU Member State, Colombia, Ecuador, Liechtenstein or Switzerland	£0.01 up to a maximum of £19.20	£0.01 up to a maximum of £32.40	

Item	Product, plant or other object	Quantity	Country of Origin	Fees		
				Physical check		Identity check
				Normal working hours	Outside normal working hours	
			Colombia or Ecuador	£0.10 up to a maximum of £84.00	£0.15 up to a maximum of £162.00	
			Any EU Member State, Liechtenstein or Switzerland	£0.01 up to a maximum of £16.32	£0.01 up to a maximum of £26.64	
16	<i>Eryngium Tournier ex Linnaeus or Solidago L.</i>	Per consignment -up to 20,000 in number	Any third country other than an EU Member State, Liechtenstein or Switzerland	£13.80	£21.60	£0.60
			Any EU Member State, Liechtenstein or Switzerland	£12.54	£19.08	£0.18
		for each additional 1,000 units	Any third country other than an EU Member State, Liechtenstein or Switzerland	£0.02 up to a maximum of £26.40	£0.03 up to a maximum of £46.80	
			Any EU Member State, Liechtenstein or Switzerland	£0.01 up to a maximum of £16.32	£0.01 up to a maximum of £26.64	
17	<i>Lisianthus L.</i>	Per consignment -up to 20,000 in number	Any third country	£13.80	£21.60	£0.60
		for each additional 1,000 units	Any third country	£0.02 up to a maximum of £26.40	£0.30 up to a maximum of £46.80	
18	<i>Rosa L.</i>	Per consignment - up to 20,000 in number	Any third country other than an EU Member State, Canada, Colombia, Ecuador, India, Liechtenstein,	£12.90	£19.80	£0.30

Item	Product, plant or other object	Quantity	Country of Origin	Fees		
				Physical check		Identity check
				Normal working hours	Outside normal working hours	
			Mexico, Switzerland or the USA			
			Canada, India, Mexico, or the USA	£21.00	£36.00	£3.00
			Any EU Member State, Colombia, Ecuador, Liechtenstein or Switzerland	£12.54	£19.08	£0.18
		for each additional 1,000 units	Any third country other than an EU Member State, Canada, Colombia, Ecuador, India Liechtenstein, Mexico Switzerland or the USA	£0.01 up to a maximum of £19.20	£0.01 up to a maximum of £32.40	
			Canada, India, Mexico, or the USA	£0.10 up to a maximum of £84.00	£0.15 up to a maximum of £162.00	
			Any EU Member State, Colombia, Ecuador, Liechtenstein or Switzerland	£0.01 up to a maximum of £16.32	£0.01 up to a maximum of £26.64	
19	Other cut flowers not specified or included elsewhere in this table All genera	Per consignment -up to 20,000 in number	Any third country other than an EU Member State, Liechtenstein, or Switzerland	£12.90	£19.80	£0.30
			Any EU Member State,	£12.54	£19.08	£0.18

Item	Product, plant or other object	Quantity	Country of Origin	Fees		
				Physical check		Identity check
				Normal working hours	Outside normal working hours	
			Liechtenstein or Switzerland			
		for each additional 1,000 units	Any third country other than an EU Member State, Liechtenstein or Switzerland	£0.01 up to a maximum of £19.20	£0.01 up to a maximum of £32.40	
			Any EU Member State, Liechtenstein or Switzerland	£0.01 up to a maximum of £16.32	£0.01 up to a maximum of £26.64	
Fruit and vegetables (not leafy vegetables)						
20	<i>Momordica</i> L. and <i>Solanaceae</i> Juss. (excluding <i>Solanum tuberosum</i> L.)	Per consignment -up to 100kg in weight	Any third country other than an EU Member State, Liechtenstein or Switzerland	£21.00	£36.00	£3.00
			Any EU Member State, Liechtenstein or Switzerland	£12.54	£19.08	£0.18
		for each additional 1,000kg (or part thereof)	Any third country other than an EU Member State, Liechtenstein or Switzerland	£0.04	£0.07	
			Any EU Member State, Liechtenstein or Switzerland	£0.02	£0.04	
21	<i>Solanum melongena</i> L.	Per consignment -up to 100kg in weight	Any third country other than an EU Member State, Liechtenstein, Switzerland or Turkey	£12.90	£19.80	£0.30
			Turkey	£17.40	£28.80	£1.80

Item	Product, plant or other object	Quantity	Country of Origin	Fees		
				Physical check		Identity check
				Normal working hours	Outside normal working hours	
			Any EU Member State, Liechtenstein or Switzerland	£12.54	£19.08	£0.18
		for each additional 1,000kg (or part thereof)	Any third country other than an EU Member State, Liechtenstein, Switzerland or Turkey	£0.04	£0.07	
			Turkey	£0.24	£0.45	
			Any EU Member State, Liechtenstein or Switzerland	£0.02	£0.04	
22	Other fruit and vegetables (other than leafy vegetables) not specified or included elsewhere in this table	Per consignment - up to 25,000kg in weight	Any third country other than an EU Member State, Liechtenstein or Switzerland	£12.90	£19.80	£0.30
			Any EU Member State, Liechtenstein or Switzerland	£12.54	£19.08	£0.18
		for each additional 1,000kg (or part thereof)	Any third country other than an EU Member State, Liechtenstein or Switzerland	£0.04	£0.07	
			Any EU Member State, Liechtenstein or Switzerland	£0.02	£0.04	
Leaves of plants and leafy vegetables						
23	<i>Ocimum</i> L.	Per consignment -up to 100 kg in weight	Any third country other than an EU Member State,	£21.00	£36.00	£3.00

Item	Product, plant or other object	Quantity	Country of Origin	Fees		
				Physical check		Identity check
				Normal working hours	Outside normal working hours	
			Liechtenstein or Switzerland			
			Any EU Member State, Liechtenstein or Switzerland	£12.54	£19.08	£0.18
		for each additional 10kg (or part thereof)	Any third country other than an EU Member State, Liechtenstein or Switzerland	£0.90 up to maximum of £84.00	£0.75 up to maximum of £162.00	
			Any EU Member State, Liechtenstein or Switzerland	£0.05 up to a maximum of £16.32	£0.11 up to a maximum of £26.64	
24	Leaves of plants, such as herbs, spices and leafy vegetables not specified or included elsewhere in this table	Per consignment -up to 100kg in weight	Any third country other than an EU Member State, Liechtenstein or Switzerland	£12.90	£19.80	£0.30
			Any EU Member State, Liechtenstein or Switzerland	£12.54	£19.08	£0.18
		for each additional 10kg (or part thereof)	Any third country other than an EU Member State, Liechtenstein or Switzerland	£0.09 up to a maximum of £19.20	£0.18 up to a maximum of £32.40	
			Any EU Member State, Liechtenstein or Switzerland	£0.05 up to a maximum of £16.32	£0.11 up to a maximum of £26.64	
Branches with foliage, parts of Conifers (other than bark)						
25	All genera	Per consignment -up to 200kg in weight	Any third country other than an EU Member State,	£12.90	£19.80	£0.30

Item	Product, plant or other object	Quantity	Country of Origin	Fees		
				Physical check		Identity check
				Normal working hours	Outside normal working hours	
			Liechtenstein or Switzerland			
			Any EU Member State, Liechtenstein or Switzerland	£12.54	£19.08	£0.18
		for each additional 100kg (or part thereof)	Any third country other than an EU Member State, Liechtenstein or Switzerland	£0.09 up to a maximum of £19.20	£0.18 up to a maximum of £32.40	
			Any EU Member State, Liechtenstein or Switzerland	£0.05 up to a maximum of £16.32	£0.11 up to a maximum of £26.64	

Tubers of potatoes

26	<i>Solanum tuberosum</i> L. (seed potatoes)	Per lot - up to 25,000kg in weight	Any third country	£64.00	£96.00	£6.00
		for each additional 25,000kg in weight or part thereof		£52.00	£78.00	
27	Tubers of <i>Solanum tuberosum</i> L. (ware potatoes)	Per lot - up to 25,000kg in weight	Any third country other than Egypt, Poland, Portugal, Romania or Spain	£13.56	£20.34	£0.18
			Egypt, Poland, Portugal or Romania	£38.00	£54.00	£3.00
			Spain	£64.00	£96.00	£6.00
		for each additional 25,000kg in	Any third country other than Egypt, Poland,	£1.56	£2.34	

Item	Product, plant or other object	Quantity	Country of Origin	Fees		
				Physical check		Identity check
				Normal working hours	Outside normal working hours	
		weight or part thereof	Portugal, Romania or Spain			
			Egypt, Poland, Portugal or Romania	£26.00	£39.00	
			Spain	£52.00	£78.00	
Cut Christmas trees						
28	Cut Christmas trees (less than 3m height) All genera	Per consignment -up to 1,000 in number	Any third country other than an EU Member State, Liechtenstein or Switzerland	£12.90	£19.80	£0.30
		for each additional 100 units (or part thereof)		£0.09 up to a maximum of £19.20	£0.18 up to a maximum of £32.40	
		Per consignment -up to 1,000 in number	Any EU Member State, Liechtenstein or Switzerland	£12.54	£19.08	£0.30
		for each additional 100 units (or part thereof)		£0.05 up to a maximum of £16.32	£0.11 up to a maximum of £26.64	
Other objects						
29	Machinery or vehicles which have been operated for agricultural or forestry purposes	Per consignment	Any third country	£12.90	£19.80	£0.30

* “Indoor Plants” means clearly packed and ready for supply to final consumers, identifiable as being for indoor use or use in aquaria.

** “Final consumers” means by evidence from the packaging, labelling or by other means, for direct sales to final consumers.

Note: Growing media and soil from third countries will be inspected at the frequency rate of the plants, plant products or other objects that it is attached to.”

(6) Omit schedule 1A (import inspection fees for physical checks on consignments originating in the European Union, Liechtenstein or Switzerland).

(7) For schedule 2 (reduced import inspection fees and physical and identity checks) substitute—

“SCHEDULE 2

Regulation 4(8)

LIST OF PLANTS AND PLANT PRODUCTS ORIGINATING IN AN EU MEMBER STATE, LIECHTENSTEIN OR SWITZERLAND NOT SUBJECT TO FEES FOR DOCUMENTARY, IDENTITY AND PHYSICAL CHECKS

1. Branches with foliage, parts of Conifers other than bark or cut Christmas trees.
 2. Cut Christmas trees.
 3. Cut flowers.
 4. Fruit.
 5. Grain, other than seeds for sowing.
 6. Leaves of plants, such as herbs, spices and leafy vegetables.
 7. Seeds other than—
 - (a) seeds of—
 - (i) *Allium cepa* L.,
 - (ii) *Allium porrum* L.,
 - (iii) *Castanea* Mill.,
 - (iv) *Capsicum* spp. L.,
 - (v) *Helianthus annuus* L.,
 - (vi) *Medicago sativa* L.,
 - (vii) *Phaseolus cocineus*.,
 - (viii) *Phaseolus vulgaris* L.,
 - (ix) *Solanum lycopersicum* L.,
 - (x) *Solanum tuberosum* L., (true potato seed).
 - (b) Vegetable seeds of *Pisum sativum* L. and *Vicia faba* L.
 - (c) Seeds of oil and fibre plants of—
 - (i) *Brassica napus* L.,
 - (ii) *Brassica rapa* L.,
 - (iii) *Sinapis alba* L.,
 - (iv) *Glycine max* (L.) Merrill,
 - (v) *Linum usitatissimum* L.
 8. Tissue cultures.
 9. Tubers of potatoes (except from Poland, Portugal, Romania and Spain).”
- (8) Omit schedule 2ZA (reduced import inspection fees for other consignments originating in the European Union, Liechtenstein or Switzerland).
- (9) In schedule 2A (import inspection fees for documentary checks and identity checks)—
- (a) in the heading, for “fees for documentary checks and identity checks” substitute “fee for documentary checks”,
 - (b) omit tables 1 and 2.

The Plant Health (Fees) (Forestry) (England and Scotland) Regulations 2015

3. In the Plant Health (Fees) (Forestry) (England and Scotland) Regulations 2015(6) in regulation 3(5BB) (fees) for “2022” substitute “2023”.

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 (Import Inspection Fees) (Scotland) Regulations 2014 (“the 2014 Regulations”) and the Plant Health (Fees) (Forestry) (England and Scotland) Regulations 2015 (“the 2015 Regulations”).

Regulation 2 amends the 2014 Regulations. In particular—

- (a) the fees payable by an importer of a consignment originating in a third country in respect of a physical and identity check of plants, plant products or other objects are amended to reflect the frequency rates of physical checks and identity checks of such plants, plant products and other objects determined in accordance with Part 1 of the Official Controls (Plant Health) (Frequency of Checks) Regulations 2022. The fees are set out in a new schedule 1 inserted into the 2014 Regulations.
- (b) existing schedules 1A, 2 and 2ZA, relating specifically to fees payable in respect of physical and identity checks for consignments originating in EU member states, Liechtenstein and Switzerland, and for reduced checks are revoked.
- (c) a new schedule 2 is inserted with a list of plants and plant products which will not require to have import fees charged if they are imported from an EU member state, Liechtenstein or Switzerland.

The table below provides a comparison of changes made to the fees in schedule 1 of the proposed Regulations.

Plant, plant product or other object	Inspection Rate		Previous Fee*		Inspection Rate		New Fee*	
	EU	Non EU Third country	EU	Non EU Third country	EU	Non EU Third country	EU	Non EU Third country
Plants for planting								
Dormant bulbs, corms, rhizomes, tubers, onion, garlic, shallots, not in substrate intended for planting (other than tubers of potatoes) and not intended for final consumers** or commercial flower production	100%	100%	£36.00	£36.00	No change			
Dormant bulbs, corms, rhizomes, tubers, onion, garlic, shallots, not in substrate intended for	10%	New category	£14.40	New category	No change	10%	No change	£14.40

Plant, plant product or other object	Inspection Rate		Previous Fee*		Inspection Rate		New Fee*	
	EU	Non EU Third country	EU	Non EU Third country	EU	Non EU Third country	EU	Non EU Third country
Plants for planting								
planting (other than tubers of potatoes) and intended for final consumers** or commercial flower production only								
Cuttings	100%	100%	£36.00	£36.00	No change			
Non-woody plants (other than seed) for final consumers**. Excludes shrubs, trees, other woody nursery plants and forest reproductive material	10%	New category	£15.00	New category	30%	30%	£19.20	£19.20
Shrubs, trees (other than cut Christmas trees), other woody nursery plants including forest reproductive material (other than seed); plants not specified elsewhere in this table	100%	100%	£36.00	£36.00	No change			
*** Indoor plants (including plants for use in aquaria) for final consumers**	New category				5%	5%	£13.20	£13.20
Plants intended for planting (other than cut Christmas trees), not specified or included elsewhere in this table	100%	100%	£36.00	£36.00	No change			
Seeds								
Seeds for trials or testing	New category				10%	10%	£14.40	£14.40
Seeds not specified elsewhere in this table	100%	100%	£36.00	£36.00	5%	5%	£13.20	£13.20
<i>Brassicaceae</i> spp, <i>Poaceae</i> spp and	New category				5%	5%	£13.20	£13.20

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Plant Health (Fees) (Miscellaneous Amendment) (Scotland) Regulations 2022 No. 230

Plant, plant product or other object	Inspection Rate		Previous Fee*		Inspection Rate		New Fee*	
	EU	Non EU Third country	EU	Non EU Third country	EU	Non EU Third country	EU	Non EU Third country
Plants for planting								
<i>Trifolium</i> spp. except from Argentina, Australia, Bolivia, Brazil, Chile, New Zealand and Uruguay								
<i>Brassicaceae</i> spp, <i>Poaceae</i> spp and <i>Trifolium</i> spp. from Argentina, Australia, Bolivia, Brazil, Chile, New Zealand and Uruguay			New category		N/A	100%	N/A	£36.00
<i>Capsicum</i> spp., <i>Solanum lycopersicum</i> L. <i>Solanum tuberosum</i> L. ('true potato seed')			New category		100%	100%	£36.00	£36.00
<i>Triticum</i> L., <i>Secale</i> L. and X <i>Triticosecale</i> except from Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa and the USA			New category		5%	5%	£13.20	£13.20
<i>Triticum</i> L., <i>Secale</i> L. and X <i>Triticosecale</i> from Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa and the USA			New category		N/A	100%	N/A	£36.00
Seeds, tissue cultures intended for final users or to produce plants for final use	5%	N/A	£13.20	N/A	No change	5%	No change	£13.20
Grain (not seed for sowing)								
Of the genera <i>Triticum</i> L., <i>Secale</i> L. and X <i>Triticosecale</i> from	5%	100%	£13.18	£36.00	5%	5%	£13.20	£13.20

Plant, plant product or other object	Inspection Rate		Previous Fee*		Inspection Rate		New Fee*	
	EU	Non EU Third country	EU	Non EU Third country	EU	Non EU Third country	EU	Non EU Third country
Plants for planting								
countries with Karnal bunt except from Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa and the USA								
Of the genera <i>Triticum</i> L., <i>Secale</i> L. and <i>X Triticosecale</i> from countries with Karnal bunt from Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa and the USA	New category				N/A	100%	N/A	£36.00
Grain not specified elsewhere in this table	5%	100%	£13.18	£36.00	5%	5%	£13.20	£13.20
Cut flowers								
<i>Chrysanthemum</i> L. and <i>Dendranthema</i> (DC.) Des Moul. except from Colombia and Ecuador	New category				3%	5%	£12.72	£13.20
<i>Chrysanthemum</i> L. and <i>Dendranthema</i> (DC.) Des Moul. from Colombia and Ecuador	New category				N/A	50%	N/A	£18.00
<i>Eryngium</i> Tournier ex Linnaeus, <i>Solidago</i> L.	New category				3%	10%	£12.72	£14.40
<i>Lisianthus</i> L.	New category				10%	10%	£14.40	£14.40
<i>Rosa</i> L. except from Canada, USA, Mexico, India, Colombia and Ecuador	N/A	Fee specific to individual country	N/A	Fee specific to individual country	N/A	5%	N/A	£13.20
<i>Rosa</i> L. from Canada, USA, Mexico, India	N/A	New category	N/A	New category	N/A	N/A	50%	£24.00

Plant, plant product or other object		Inspection Rate		Previous Fee*		Inspection Rate		New Fee*	
		EU	Non EU Third country	EU	Non EU Third country	EU	Non EU Third country	EU	Non EU Third country
Plants for planting									
<i>Rosa</i> L. from	Colombia	N/A	3%	N/A	£12.78	N/A	N/A	5%	£13.20
	Ecuador		1%		£12.26				
Cut flowers not specified elsewhere in this table		3%	100%	£15.00	£36.00	3%	5%	£12.72	£13.20
Fruits, vegetables (not leafy vegetables)									
<i>Momordica</i> L. and <i>Solanaceae</i> Juss. (excluding <i>Solanum tuberosum</i> L.)		New category				3%	50%	£12.72	£27.00
<i>Solanum melongena</i> L. except from Turkey		N/A	100%	N/A	£36.00	3%	5%	£12.72	£13.20
<i>Solanum melongena</i> L. from Turkey		N/A	15%	N/A	£15.60	N/A	30%	N/A	£17.40
Fruit, vegetables not specified elsewhere in this table		3%	100%	£13.18	£36.00	3%	5%	£12.72	£13.20
Leaves of plants and leafy vegetables									
<i>Ocimum</i> L.		New category				3%	50%	£12.72	£18.00
Leaves of plants and leafy vegetables not specified elsewhere in this table		3%	100%	£13.18	£36.00	3%	5%	£12.72	£13.20
Branches with foliage, parts of conifers other than bark									
Branches with foliage, parts of conifers other than bark		5%	100%	£13.20	£36.00	3%	5%	£12.72	£13.20
Tubers of potatoes									
Seed potatoes - <i>Solanum tuberosum</i> L.		100%	100%	£64.00	£64.00	No change			
Ware potatoes – tubers of <i>Solanum</i>		3%	100%	£13.56	£64.00	No change	3%	No change	£13.56

Plant, plant product or other object	Inspection Rate		Previous Fee*		Inspection Rate		New Fee*	
	EU	Non EU Third country	EU	Non EU Third country	EU	Non EU Third country	EU	Non EU Third country
Plants for planting								
<i>tuberosum</i> L. except Egypt, Poland, Portugal Romania and Spain								
Ware potatoes – tubers of <i>Solanum tuberosum</i> L. from Poland, Portugal and Romania	50%	N/A	£35.00	N/A	No change	N/A	No change	N/A
Ware potatoes – tubers of <i>Solanum tuberosum</i> L. from Egypt	N/A	100%	N/A	£64.00	N/A	50%	N/A	£35.00
Ware potatoes – tubers of <i>Solanum tuberosum</i> L. from Spain	100%	N/A	£72.00	N/A	No change	N/A	No change	N/A
Cut Christmas trees								
Cut Christmas trees (less than 3 metres in height)	3%	100%	£13.18	£36.00	3%	5%	£12.72	£13.20
Other objects								
Machinery and vehicles which have been operated for agricultural or forestry purposes	5%	100%	£13.20	£36.00	No change	5%	No change	£13.20
Growing media and soil from all third countries will be inspected at the frequency rate of the plants that it is attached to.								

* The fee listed is the combined fee for the physical check and the identity check.

** “Final consumers” means by evidence from the packaging, labelling or by other means, for direct sales to final consumers.

*** “Indoor Plants” means clearly packed and ready for supply to final consumers, identifiable as being for indoor use or use in aquaria”.

Note—

1. Previous fees for physical checks were rounded up to the nearest pound. The fees introduced by these Regulations are not rounded up.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: *The Plant Health (Fees) (Miscellaneous Amendment) (Scotland) Regulations 2022 No. 230*

Plant, plant product or other object	Inspection Rate		Previous Fee*		Inspection Rate		New Fee*	
	EU	Non EU Third country	EU	Non EU Third country	EU	Non EU Third country	EU	Non EU Third country
Plants for planting								

2. References in this table to “EU” are to be read as also referring to Liechtenstein and Switzerland.

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 amends regulation 3(5BB) of the 2015 Regulations to change the date on which this exemption ceases to have effect from 31 December 2022 to 31 December 2023.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.