

2002 No. 257

SEEDS

Seeds (Fees) Regulations (Northern Ireland) 2002

Made - - - - - *26th July 2002*

Coming into operation *2nd September 2002*

The Department of Agriculture and Rural Development, in exercise of the powers conferred on it by sections 1(1), 1(2A)(a), 2(2) and (4) of the Seeds Act (Northern Ireland) 1965(b) and of every other power enabling it in that behalf, after consultation with representatives of such interests as appear to it to be concerned and with the approval of the Department of Finance and Personnel(c) with regard to the licensing fee for licensed testing establishments, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Seeds (Fees) Regulations (Northern Ireland) 2002 and shall come into operation on 2nd September 2002.

Fees

2.—(1) Subject to regulation 3 there shall be paid to the Department in respect of matters arising under the Regulations referred to in Schedules 1 to 6 the fees set out in Column (3) of each of those Schedules opposite the respective references to such matters in Column (1), and in accordance with Column (2), of each of those Schedules.

(2) Paragraph (1) shall apply to matters listed in Column (1) of Schedules 1 to 6 arising in relation to breeder's confirmations as it does to matters so listed arising in relation to official certificates.

Exemption

3. The Department may exempt any person or class of persons, or persons generally, from compliance with any of the provisions of these Regulations and the exemptions may be made subject to conditions.

Revocation

4. The Seeds (Fees) Regulations (Northern Ireland) 1999(d) are hereby revoked.

(a) As inserted by S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Sch. 3
(b) 1965 c. 22 (N.I.)
(c) Formerly the Department of Finance: see S.I. 1982/338 (N.I. 6) Art. 3
(d) S.R. 1999 No. 379

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 25th July 2002.

(L.S.)

Liam McKibben

A senior officer of the Department of Agriculture and Rural Development

The Department of Finance and Personnel hereby approves the foregoing Regulations in regard to the licensing fee for licensed testing establishments.

Sealed with the Official Seal of the Department of Finance and Personnel on 26th July 2002.

(L.S.)

Jack Layberry

A senior officer of the Department of Finance and Personnel

SCHEDULE 1

Regulation 2

MATTERS ARISING UNDER THE CEREAL SEEDS REGULATIONS
(NORTHERN IRELAND) 1994(a)

(1) <i>Matter</i>	(2) <i>When Payable</i>	(3) <i>Fee</i>	
		£	£(b)
A. <i>Initial fees</i>			
Initial fee per hectare or part thereof for crops intended to produce:—	On application for registration		
(i) pre-basic or basic seed		25.85	(24.60)
(ii) certified seed of the first generation of wheat, durum wheat, spelt wheat, barley, triticale and oats or certified seed of rye and maize		6.50	(6.20)
(iii) certified seed of the second generation of wheat, durum wheat, spelt wheat, barley and oats		5.80	(5.50)
B. <i>Crop inspection fees</i>			
Fee for official examination or re-examination of crops intended to produce seed as set out in A(i), (ii) or (iii) per hectare or part thereof examined	Within one month of demand by the Department	12.90	(12.30)
Fee for official examination or re-examination of crops produced from seed of a variety entered for but not added to the National List (or to the equivalent list in another member State) intended to produce certified seed, certified seed of the first generation or certified seed of the second generation, per hectare or part thereof examined		12.90	(—)
C. <i>Seed lot fee</i>			
Fee for the issue of an official certificate in respect of a seed lot entered as:—	On application		
(i) breeder's, pre-basic or basic seed, certified seed of the first generation of wheat, durum wheat, spelt wheat, barley, triticale, oats or certified seed of rye and maize		42.70	(40.65)
(ii) certified seed of the second generation of wheat, durum wheat, spelt wheat, barley and oats		21.30	(20.30)
D. <i>Seed testing fees</i>			
Fee for an official examination of seed for loose smut infection of wheat, durum wheat, spelt wheat and barley (per thousand embryos examined)	Within one month of demand by the Department	37.50	(35.70)

(1) <i>Matter</i>	(2) <i>When Payable</i>	(3) <i>Fee</i>	
		£	£
E. <i>Seed lot re-entry fee</i>			
Fee for the issue of an official certificate in respect of a seed lot which had been entered for one category and been withdrawn and is being re-entered as: –	On application		
(i) pre-basic or basic seed, certified seed of the first generation of wheat, durum wheat, spelt wheat, barley, triticale and oats or certified seed of rye and maize		29.85	(28.45)
(ii) certified seed of the second generation of wheat, durum wheat, spelt wheat, barley and oats		14.90	(14.20)

(a) S.R. 1994 No. 254 as amended by S.R. 1995 No. 366, S.R. 1997 No. 240, S.R. 2000 No. 53 and S.R. 2000 No. 128
(b) The figures in brackets are the fees which were charged by virtue of the Seeds (Fees) Regulations (Northern Ireland) 1999 (S.R. 1999 No. 379)

SCHEDULE 2

Regulation 2

MATTERS ARISING UNDER THE FODDER PLANT SEEDS REGULATIONS
(NORTHERN IRELAND) 1994(a)

(1) <i>Matter</i>	(2) <i>When Payable</i>	(3) <i>Fee</i>	
		£	£(b)
A. Initial fees			
Initial fee per hectare or part thereof for crops intended to produce: –	On application for registration		
(i) pre-basic or basic seed of –			
(a) grasses, legumes (except field beans and field peas) and crucifers		19.45	(18.50)
(b) field beans and field peas		16.80	(16.00)
(ii) certified seed of grasses, legumes (except field beans, field peas, white lupin, narrow-leaved lupin (blue lupin), yellow lupin, Hungarian vetch, common vetch, hairy vetch and lucerne) and crucifers		9.10	(8.65)
(iii) certified seed of the first and second generation of field beans and field peas		7.75	(7.40)
(iv) certified seed of the first generation of white lupin, narrow-leaved lupin (blue lupin), yellow lupin, Hungarian vetch, common vetch, hairy vetch and lucerne		9.10	(—)
B. Crop inspection fees			
Fee for official examination or re-examination of crops intended to produce seed as set out in A(i), (ii) or (iii) per hectare or part thereof examined	Within one month of demand by the Department	12.90	(12.30)
Fee for official examination or re-examination of crops produced from seed of a variety entered for but not added to the National List (or to the equivalent list in another member State) intended to produce certified seed of grasses, legumes (except field beans, field peas, white lupin, narrow-leaved lupin (blue lupin), yellow lupin, Hungarian vetch, common vetch, hairy vetch and lucerne) and crucifers or certified seed of the first generation and certified seed of the second generation of field beans and field peas or certified seed of the first generation of white lupin, narrow-leaved lupin (blue lupin), yellow lupin, Hungarian vetch, common vetch, hairy vetch and lucerne per hectare or part thereof examined.		12.90	(—)
C. Seed lot fee			
Fee for the issue of an official certificate in respect of a seed lot entered as: –	On application		

(1) <i>Matter</i>	(2) <i>When Payable</i>	(3) <i>Fee</i>	
		£	£
(i) breeder's seed of –			
(a) grasses, legumes (except field beans and field peas) and crucifers		34.95	(33.30)
(b) field beans and field peas		56.90	(54.20)
(ii) pre-basic or basic seed of –			
(a) grasses, legumes (except field beans and field peas) and crucifers		66.00	(62.85)
(b) field beans and field peas		56.90	(54.20)
(iii) certified seed of grasses, legumes (except field beans, field peas, white lupin, narrow-leaved lupin (blue lupin), yellow lupin, Hungarian vetch, common vetch, hairy vetch and lucerne) and crucifers		66.00	(62.85)
(iv) certified seed of the first and second generation of field beans and field peas		53.05	(50.50)
(ivA) certified seed of the first generation of white lupin, narrow-leaved lupin (blue lupin), yellow lupin, Hungarian vetch, common vetch, hairy vetch and lucerne		66.00	(—)
(v) commercial seed of the kinds for the time being specified in regulation 3(2) of the Fodder Plant Seeds Regulations (Northern Ireland) 1994		58.20	(55.45)
D. Seed lot re-entry fee			
Fee for the issue of an official certificate in respect of a seed lot which had been entered for one category and been withdrawn and is being re-entered as: –	On application		
(i) pre-basic or basic seed of –			
(a) grasses, legumes (except field beans and field peas) and crucifers		46.20	(44.00)
(b) field beans and field peas		39.85	(37.95)
(ii) certified seed of grasses, legumes (except field beans, field peas, white lupin, narrow-leaved lupin (blue lupin), yellow lupin, Hungarian vetch, common vetch, hairy vetch and lucerne) and crucifers		46.20	(44.00)
(iii) certified seed of the first and second generation of field beans and field peas		37.10	(35.35)
(iiiA) certified seed of the first generation of white lupin, narrow-leaved lupin (blue lupin), yellow lupin, Hungarian vetch, common vetch, hairy vetch and lucerne		46.20	(—)

(1) <i>Matter</i>	(2) <i>When Payable</i>	(3) <i>Fee</i>	
		£	£
(iv) commercial seed of the kinds for the time being specified in regulation 3(2) of the Fodder Plant Seeds Regulations (Northern Ireland) 1994		40.75	(38.80)

(a) S.R. 1994 No. 252 as amended by S.R. 1996 No. 311, S.R. 1997 No. 240 and S.R. 2000 No. 54
(b) The figures in brackets are the fees which were charged by virtue of the Seeds (Fees) Regulations (Northern Ireland) 1999 (S.R. 1999 No. 379)

SCHEDULE 3

Regulation 2

MATTERS ARISING UNDER THE OIL AND FIBRE PLANT SEEDS REGULATIONS
(NORTHERN IRELAND) 1994(a)

(1) <i>Matter</i>	(2) <i>When Payable</i>	(3) <i>Fee</i>	
		£	£(b)
A. Initial fees			
Initial fee per hectare or part thereof for crops intended to produce: –	On application for registration		
(i) pre-basic or basic seed		28.50	(27.15)
(ii) all other categories of seed		13.60	(12.95)
B. Crop inspection fees			
Fee for official examination or re-examination of crops intended to produce seed as set out in A(i) or (ii) per hectare or part thereof examined	Within one month of demand by the Department	12.90	(12.30)
Fee for official examination or re-examination of crops produced from seed of a variety entered for but not added to the National List (or to the equivalent list in another member State) intended to produce certified seed, certified seed of the first generation, certified seed of the second generation or certified seed of the third generation, per hectare or part thereof examined.		12.90	(—)
C. Seed lot fee			
Fee for the issue of an official certificate in respect of a seed lot entered as: –	On application		
(i) breeder's, pre-basic or basic seed		51.75	(49.30)
(ii) all other categories of seed		51.75	(49.30)
D. Seed testing fees			
Fees for an official examination of seed for: –	Within one month of demand by the Department		
(i) sunflower for <i>Botrytis</i> spp		43.95	(41.85)
(ii) flax and linseed for: –			
(a) <i>Alternaria</i> spp			
(b) <i>Phoma exigua</i> var. <i>linicola</i>			
(c) <i>Colletotrichum lini</i>			
(d) <i>Fusarium</i> spp			
(e) <i>Botrytis</i> spp		36.15	(34.45)
(iii) soya bean for <i>Pseudomonas syringae</i> pv. <i>glycinea</i> spp for one sub-sample test		63.00	(60.00)
for five sub-sample tests		210.00	(200.00)
(iv) soya bean for <i>Diaporthe phaselorum</i> spp		39.40	(37.50)

(1) <i>Matter</i>	(2) <i>When Payable</i>	(3) <i>Fee</i>	
		£	£
E. <i>Seed lot re-entry fee</i>			
Fee for the issue of an official certificate in respect of a seed lot which had been entered for one category and been withdrawn and is being re-entered as: –	On application		
(i) pre-basic or basic seed		36.25	(34.50)
(ii) all other categories of seed		36.25	(34.50)

(a) S.R. 1994 No. 255 as amended by S.R. 1996 No. 312, S.R. 1997 No. 240 and S.R. 2000 No. 55
(b) The figures in brackets are the fees which were charged by virtue of the Seeds (Fees) Regulations (Northern Ireland) 1999 (S.R. 1999 No. 379)

SCHEDULE 4

Regulation 2

MATTERS ARISING UNDER THE BEET SEEDS REGULATIONS (NORTHERN IRELAND) 1994(a)

(1) <i>Matter</i>	(2) <i>When Payable</i>	(3) <i>Fee</i>	
		£	£(b)
A. Initial fees			
Initial fee per hectare or part thereof for crops intended to produce: –	On application for registration		
(i) pre-basic or basic seed		33.65	(32.05)
(ii) certified seed		15.55	(14.80)
B. Crop inspection fees			
Fee for official examination or re-examination of crops intended to produce seed as set out in A(i) or (ii) per hectare or part thereof examined	Within one month of demand by the Department	12.90	(12.30)
Fee for official examination or re-examination of crops produced from seed of a variety entered for but not added to the National List (or to the equivalent list in another member State) intended to produce certified seed, per hectare or part thereof examined.		12.90	(—)
C. Seed lot fee			
Fee for the issue of an official certificate in respect of a seed lot entered as: –	On application		
(i) pre-basic or basic seed		63.40	(60.40)
(ii) certified seed		62.05	(59.10)
D. Seed lot re-entry fee			
Fee for the issue of an official certificate in respect of a seed lot which had been entered for one category and been withdrawn and is being re-entered as: –	On application		
(i) pre-basic or basic seed		44.40	(42.30)
(ii) certified seed		43.45	(41.40)

(a) S.R. 1994 No. 251 as amended by S.R. 1997 No. 240 and S.R. 2000 No. 52

(b) The figures in brackets are the fees which were charged by virtue of the Seeds (Fees) Regulations (Northern Ireland) 1999 (S.R. 1999 No. 379)

SCHEDULE 5

Regulation 2

MATTERS ARISING UNDER THE VEGETABLE SEEDS REGULATIONS
(NORTHERN IRELAND) 1994(a)

(1) <i>Matter</i>	(2) <i>When Payable</i>	(3) <i>Fee</i>	
		£	£(b)
A. Initial fees			
Initial fee for crops intended to produce: –	On application for registration		
(i) pre-basic or basic seed of –			
(a) all kinds, except peas, broad beans, cucumber, gherkin and tomato, per hectare or part thereof entered		45.25	(43.10)
(b) peas and broad beans per hectare or part thereof entered		28.50	(27.15)
(c) cucumber, gherkin and tomato, per crop entered		45.25	(43.10)
(ii) certified seed of –			
(a) all kinds, except peas, broad beans, cucumber, gherkin and tomato, per hectare or part thereof entered		24.50	(23.35)
(b) peas and broad beans per hectare or part thereof entered		11.65	(11.10)
(c) cucumber, gherkin and tomato, per crop entered		24.50	(23.35)
B. Crop inspection fees			
Fee for official examination or re-examination of crops intended to produce: –	Within one month of demand by the Department		
(i) A(i)(a) or (b) and A(ii)(a) or (b) per hectare or part thereof examined		12.90	(12.30)
(ii) A(i)(c) and A(ii)(c) per crop examined		12.90	(12.30)
Fee for official examination or re-examination of crops produced from seed of a variety entered for but not added to the National List (or to the equivalent list in another member State) intended to produce: –			
(i) A(ii)(a) or (b) per hectare or part thereof examined		12.90	(—)
(ii) A(ii)(c) per crop examined		12.90	(—)
C. Seed lot fee			
Fee for the issue of an official certificate in respect of a seed lot entered	On application	103.50	(98.55)

(1) <i>Matter</i>	(2) <i>When Payable</i>	(3) <i>Fee</i>	
		£	£
D. <i>Seed lot re-entry fee</i>			
Fee for the issue of an official certificate in respect of a seed lot which had been entered for one category and been withdrawn and is being re-entered	On application	72.45	(69.00)

(a) S.R. 1994 No. 250 as amended by S.R. 1996 No. 313, S.R. 1997 No. 240 and S.R. 2000 No. 56
(b) The figures in brackets are the fees which were charged by virtue of the Seeds (Fees) Regulations (Northern Ireland) 1999 (S.R. 1999 No. 379)

SCHEDULE 6

Regulation 2

MATTERS ARISING UNDER THE SEEDS (REGISTRATION, LICENSING AND ENFORCEMENT) REGULATIONS (NORTHERN IRELAND) 1994(a)

(1) <i>Matter</i>	(2) <i>When Payable</i>	(3) <i>Fee</i>	£	£(b)
A. Representations by, and hearings of, a seed merchant, processor or packer				
(i) Fee for making written representations to the Department	On making representations		32.35	(30.80)
(ii) Fee for being heard by a person appointed by the Department	On applying to be heard		64.70	(61.60)
B. Licensed Seed Testing Establishments				
(i) Annual fee payable during the currency of the licence (or a proportion thereof in respect of a part of a year)	Within one month of demand by the Department, annually in advance		2,135.00	(2,033.00)
(ii) Fee payable by the owner or person in charge of a Licensed Seed Testing Station in respect of an official examination of seed	Within one month of demand by the Department, annually in arrears		9.20	(8.75)
C. Examination fees				
(i) Examination for crop inspector in respect of				
— cereals				
— field beans, field peas and pulses, or				
— grasses and herbage legumes				
(a) examination	Before the examination		149.95	(—)
(b) re-sit of examination (other than cereals)	Before the examination		149.95	(—)
(c) re-sit of either part of cereals examination	Before the examination		74.95	(—)
(d) re-test	Before the examination		74.95	(—)
(ii) Examination for crop inspector in respect of				
— sugar beet, or				
— fodder and oil				
— crucifers; turnips; fodder beet and mangels; flax and linseed; soya beans				
(a) examination	Before the examination		93.70	(—)
(b) re-sit of examination	Before the examination		93.70	(—)
(c) re-test	Before the examination		74.95	(—)
(iii) Examination for seed sampler	Before the examination		93.70	(—)

(a) S.R. 1994 No. 253

(b) The figures in brackets are the fees which were charged by virtue of the Seeds (Fees) Regulations (Northern Ireland) 1999 (S.R. 1999 No. 379)

EXPLANATORY NOTE

(This note is not part of the Regulations.)

Regulations controlling the marketing of cereal seeds, fodder plant seeds, beet seeds, oil and fibre plant seeds and vegetable seeds (“seed regulations”) provide that, with certain exceptions, seeds of these categories may only be marketed if they are derived from crops which on inspection are found to meet certain standards and if upon subsequent testing samples of the seed also meet certain standards.

These Regulations, which are made under the Seeds Act (Northern Ireland) 1965, prescribe fees for certain initial applications, crop inspection fees, seed lot fees, seed testing fees and fees in relation to licensed seed testing establishments. Fees are also prescribed in relation to the making of written representations by, and hearings involving, seed merchants, processors or packers. They also provide that the same fees shall be payable in relation to breeder’s confirmations as are payable in relation to official certificates (regulation 2(2)).

The matters in respect of which the revised fees are prescribed are listed in Schedules 1 to 6, and the fees which were chargeable by virtue of the Seeds (Fees) Regulations (Northern Ireland) 1999 are indicated in brackets. New fees have been introduced for examinations of crops produced from seed of a variety entered for but not added to the National List (or to the equivalent list in another member State) intended to produce certified seed, certified seed of the first generation, certified seed of the second generation or certified seed of the third generation. Provision is also made for fees to be charged for examinations for crop inspectors and seed samplers.

A uniform increase of 5% has been applied to all fees and has been rounded to the nearest five pence except in the case of the annual fee for Licensed Seed Testing Stations, which has been rounded to the nearest £1.

The Regulations revoke and replace the Seeds (Fees) Regulations (Northern Ireland) 1999 (regulation 4).

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