

2002 No. 526

SEEDS

The Seeds (Fees) (Scotland) Regulations 2002

<i>Made</i>	<i>28th November 2002</i>
<i>Laid before the Scottish Parliament</i>	<i>2nd December 2002</i>
<i>Coming into force</i>	<i>31st December 2002</i>

The Scottish Ministers in exercise of the powers conferred by sections 16(1), (1A)(e), (5)(a) and 36 of the Plant Varieties and Seeds Act 1964(a), and of all other powers enabling them in that behalf, after consultation in accordance with section 16(1) of that Act with representatives of such interests as appear to them to be concerned, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Seeds (Fees) (Scotland) Regulations 2002 and shall come into force on 31st December 2002.

(2) These Regulations extend to Scotland only.

Interpretation

2. In these Regulations—

- (a) “licensed crop inspector” means a person for the time being licensed under regulation 10 of the Seeds (Registration, Licensing and Enforcement) Regulations 1985(b) to be a crop inspector;
“licensed seed sampler” means a person for the time being licensed under regulation 10 of the Seeds (Registration, Licensing and Enforcement) Regulations 1985 to be a seed sampler;
“licensed seed testing station” means an establishment for the time being licensed under regulation 9 of the Seeds (Registration, Licensing and Enforcement) Regulations 1985 for the testing of seeds for the purposes of seeds regulations;
“seeds regulations” means Regulations extending to Scotland made under section 16 of the Plant Varieties and Seeds Act 1964 and for the time being in force, and other expressions in the Regulations relating to any crops or seeds have the same meanings as they do in seeds Regulations appropriate to such crops or seeds;
- (b) a reference to a numbered Schedule is a reference to the Schedule to these Regulations which bears that number; and
- (c) the times of payment and the fees specified in columns (2) and (4) respectively of Schedule 6, and the fees specified in column (3) of Schedules 1 to 5, are so specified in relation to the matters specified in column (1) of those Schedules opposite to which they appear.

(a) 1964 c.14; section 16 was amended by the European Communities Act 1972 (c.68), section 4(1) and Schedule 4, paragraph 5(1), (2) and (3); section 38(1), which was amended by S.I. 1978/272, contains a definition of “the Minister” relevant to the exercise of the statutory powers under which these Regulations are made. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).
(b) S.I. 1985/980; relevant amending instruments are S.I. 1987/1098, 1990/611 and 1993/2530.

Fees

3.—(1) Subject to paragraph (5), there shall be paid, in respect of the matters specified in column (1) of Schedules 1 to 5, the fees specified in column (3) of those Schedules, such fees being payable within one month of demand.

(2) There shall be paid, in respect of the matters specified in column (1) of Schedule 6, the fees specified in column (4) of that Schedule, such fees being payable at the times specified in column (2) of that Schedule.

(3) Subject to paragraph (4) below, such fees shall be payable to the Scottish Ministers.

(4) Where—

- (a) the official examination of a crop is undertaken by a licensed crop inspector;
- (b) the official examination of a sample of seeds is undertaken by a licensed seed testing station; or
- (c) the sampling of a seed lot for the purposes of an official examination is undertaken by a licensed seed sampler,

the fee for such official examination or sampling shall be payable to the licensed crop inspector or the licensed seed testing station undertaking the official examination or to the licensed seed sampler undertaking the sampling.

(5) Where an application in respect of a matter specified in column (1) of parts A and B of Schedules 1 to 5 is withdrawn before arrangements have been made for the purpose of an official crop examination, the fee specified in column (3) of those parts shall not be due and if already paid shall be repaid, but less the sum of £2.50 per hectare where the application was in respect of a matter specified in column (1) of part A of those Schedules.

4. Regulation 3 above 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.

5. The Scottish Ministers may exempt any person or class of persons or persons generally from compliance with any of the provisions of these Regulations relating to the payment of fees and any such exemption may be granted subject to conditions.

Revocation

6. The Seeds (Fees) (Scotland) Regulations 2000(a) are hereby revoked.

ALIAN WILSON

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
28th November 2002

SCHEDULE 1

MATTERS ARISING UNDER THE CEREAL SEEDS REGULATIONS 1993(a)

<i>(1)</i> <i>Matter</i>	<i>(2)</i> <i>Old fee</i> £	<i>(3)</i> <i>New fee</i> £
A. <i>Initial fees</i>		
Initial fee per hectare or part thereof for crops intended to produce:-		
(i) pre-basic seed or basic seed	24.60	26.45
(ii) certified seed, certified seed of the first generation of wheat, durum wheat, spelt wheat, barley, triticale and oats or certified seed of rye and maize	6.20	6.70
(iii) certified seed of the second generation of wheat, durum wheat, spelt wheat, barley and oats	5.50	5.90
B. <i>Crop inspection fees</i>		
(i) Fee for the official examination of crops intended to produce pre-basic seed, basic seed, certified seed or certified seed of the first generation and certified seed of the second generation per hectare or part thereof examined.	12.30	13.20
(ii) Fee for the official re-examination of crops intended to produce pre-basic seed, basic seed, certified seed, or certified seed of the first generation and certified seed of the second generation per hectare or part thereof examined, except:-	12.30	13.20
(a) Fee for the official re-examination of crops for wild oats per hectare or part thereof examined	6.15	6.60
(b) Fee for the official re-examination of crops for isolation per hectare or part thereof	2.20	2.40
(c) Fee per crop to authenticate seed lot sown, (where this has not been carried out at crop inspection)	5.50	5.90
C. <i>Seed lot fee</i>		
Fee for the issue of an official certificate (other than in the circumstances described under D below) in respect of a seed lot entered as:-		
(i) breeder's seed, pre-basic seed or basic seed, certified seed, certified seed of the first generation of wheat, durum wheat, spelt wheat, barley, triticale, oats or certified seed of rye and maize	40.65	43.70

<i>(1)</i> <i>Matter</i>	<i>(2)</i> <i>Old fee</i> £	<i>(3)</i> <i>New fee</i> £
(ii) certified seed of the second generation of wheat, durum wheat, spelt wheat, barley and oats	20.30	21.80
D. <i>Seed lot re-entry fee</i> Fee for the issue of an official certificate in respect of a seed lot which was entered for one category and has been withdrawn and is being re-entered as:-		
(i) pre-basic seed or basic seed, certified seed, certified seed of the first generation of wheat, durum wheat, spelt wheat, barley, triticale and oats or certified seed of rye and maize	28.45	30.60
(ii) certified seed of the second generation of wheat, durum wheat, spelt wheat, barley and oats	14.20	15.30
E. <i>Sampling Fees</i> Fee for sampling or re-sampling of a seed lot for the purposes of an official examination, and for sampling or re-sampling imported seed intended for further multiplication	30.90	33.20
F. <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)	35.70	39.40
G. <i>Fees for additional tests</i> Fee for a Tetrazolium seed viability test in certified seed of the first generation of Winter Wheat and Winter Barley	41.90	46.20
H. <i>Official label fees</i> Additional fee for the issue and printing of official labels:-		
(i) tear-resistant labels for breeder's seed, breeder's confirmation seed, pre-basic and seed for export; per seed lot	33.00	35.50
(ii) self-adhesive labels for breeder's confirmation seed, breeder's seed, pre-basic and seed for export; per seed lot	22.90	24.60

SCHEDULE 2

MATTERS ARISING UNDER THE FODDER PLANT SEEDS REGULATIONS
1993(a)

<i>(1)</i> <i>Matter</i>	<i>(2)</i> <i>Old fee</i> £	<i>(3)</i> <i>New fee</i> £
A. <i>Initial fees</i>		
Initial fee per hectare or part thereof for crops intended to produce:–		
(i) pre-basic seed or basic seed of		
(a) grasses, legumes (except field beans and field peas) and crucifers	18.50	19.90
(b) field beans and field peas	16.00	17.20
(ii) certified seed of grasses, legumes (except field beans and field peas white lupin, narrow-leaved lupin (blue lupin), yellow lupin, Hungarian vetch, common vetch, hairy vetch, and lucerne) and crucifers	8.65	9.30
(iii) certified seed of the first generation and certified seed of the second generation of field beans and field peas	7.40	8.00
(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	8.65 (b)	9.30
B. <i>Crop inspection fee</i>		
(i) Fee for the official examination or re-examination of crops intended to produce pre-basic seed, basic seed, certified seed, or certified seed of the first generation and certified seed of the second generation per hectare or part thereof examined	12.30	13.20
(ii) Fee for the official examination or re-examination of certified seed of Scots Timothy crops per hectare or part thereof examined	5.50	5.90
(iii) Fee for the official examination or re-examination of certified seed of the first generation and certified seed of the second generation of field beans and field peas	12.30	13.20

(a) S.I. 1993/2009, amended by S.I. 1993/2529, 1996/1453 and 1997/616 and S.I. 2000/247 and S.S.I. 2002/520.

(b) In previous Regulations this group was part of “certified seed of grass, legumes (except field beans and peas) and crucifers”, which have now been separated out.

<i>(1)</i> <i>Matter</i>	<i>(2)</i> <i>Old fee</i> £	<i>(3)</i> <i>New fee</i> £
C. <i>Seed lot fee</i> Fee for the issue of an official certificate (other than in the circumstances described under D below) in respect of a seed lot entered as:-		
(i) breeder's seed of		
(a) grasses, legumes (except field beans and field peas) and crucifers	33.30	35.80
(b) field beans and field peas	54.20	58.30
(ii) pre-basic seed or basic seed of		
(a) grasses, legumes (except field beans and field peas) and crucifers	62.85	67.60
(b) field beans and field peas	54.20	58.30
(iii) certified seed of grasses, legumes (except field beans and field peas, white lupin, narrow-leaved lupin (blue lupin), yellow lupin, Hungarian vetch, common vetch, hairy vetch, and lucerne) and crucifers	62.85 (a)	67.60
(iv) certified seed of the first generation and certified seed of the second generation of field beans and field peas	50.50	54.30
(v) certified seed of the first generation of white lupin, narrow-leaved lupin (blue lupin), yellow lupin, Hungarian vetch, common vetch, hairy vetch, and lucerne	62.85 (a)	67.60
(vi) commercial seed of the kinds for the time being specified in regulation 3(3) of the Fodder Plant Seeds Regulations 1993	55.45	59.60
D. <i>Seed lot re-entry fee</i> Fee for the issue of an official certificate in respect of a seed lot which was entered for one category and has been withdrawn and is being re-entered as:-		
(i) pre-basic seed or basic seed of		
(a) grasses, legumes (except field beans and field peas) and crucifers	44.00	47.30
(b) field beans and field peas	37.95	40.80
(ii) certified seed of grasses, legumes (except field beans and field peas) white lupin, narrow-leaved lupin (blue lupin), yellow lupin, Hungarian vetch, common vetch, hairy vetch, and lucerne) and crucifers	44.00	47.30
(iii) certified seed of the first generation and certified seed of the second generation of field beans and field peas	35.35	38.00

(a) In previous Regulations this group was part of "certified seed of grass legumes (except field beans and peas) and crucifers", which have now been separated out.

<i>(1)</i> <i>Matter</i>	<i>(2)</i> <i>Old fee</i> £	<i>(3)</i> <i>New fee</i> £
(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.	44.00 (a)	47.30
(v) commercial seed of the kinds for the time being specified in regulation 3(3) of the Fodder Plant Seeds Regulations 1993	38.80	41.70
E. <i>Sampling fees</i> Fee for sampling or re-sampling of a seed lot for the purposes of an official examination and for sampling or re-sampling imported seed intended for further multiplication	30.90	33.20
F. <i>Official label fees</i> Additional fee for the issue and printing of official labels:–		
(i) tear-resistant labels for breeder’s confirmation seed, breeder’s seed, pre-basic seed and seed for export; per seed lot	33.00	35.50
(ii) self adhesive labels for breeder’s confirmation seed, breeder’s seed, pre-basic seed and seed for export; per seed lot	22.90	24.60

(a) In previous Regulations this group was part of “certified seed of grass, legumes (except field beans and peas) and crucifers”, which have now been separated out.

SCHEDULE 3

MATTERS ARISING UNDER THE OIL AND FIBRE PLANT SEEDS
REGULATIONS 1993(a)

<i>(1)</i> <i>Matter</i>	<i>(2)</i> <i>Old fee</i> £	<i>(3)</i> <i>New fee</i> £
A. <i>Initial fees</i> Initial fee per hectare or part thereof for crops intended to produce:–		
(i) pre-basic seed or basic seed	27.15	29.20
(ii) certified seed or certified seed of the first generation, certified seed of the second generation, certified seed of the third generation and commercial seed	12.95	13.90
B. <i>Crop inspection fee</i> Fee for the official examination or re-examination of crops intended to produce pre-basic seed, basic seed, certified seed or certified seed of the first generation, certified seed of the second generation, certified seed of the third generation and commercial seed per hectare or part thereof examined	12.30	13.20
C. <i>Seed lot fee</i> Fee for the issue of an official certificate (other than in the circumstances described under D below) in respect of a seed lot entered as:–		
(i) breeders seed, pre-basic seed or basic seed	49.30	53.00
(ii) certified seed or certified seed of the first generation, certified seed of the second generation, certified seed of the third generation and commercial seed	49.30	53.00
D. <i>Seed lot re-entry fee</i> Fee for the issue of an official certificate in respect of a seed lot which was entered for one category and has been withdrawn and is being re-entered as: pre-basic seed, basic seed, certified seed or certified seed of the first generation, certified seed of the second generation, certified seed of the third generation and commercial seed	34.50	37.10
E. <i>Sampling fees</i> Fee for sampling or re-sampling of a seed lot for the purposes of an official examination and for sampling or re-sampling imported seed intended for further multiplication	30.90	33.20

<i>(1)</i> <i>Matter</i>	<i>(2)</i> <i>Old fee</i> £	<i>(3)</i> <i>New fee</i> £
F. <i>Seed testing fees</i>		
Fees for an official examination of seed for:–		
(i) sunflower for <i>Botrytis</i> spp	41.85	46.15
(ii) flax and linseed for:–		
(a) <i>Alternaria</i> spp	34.45	37.95
(b) <i>Phoma exigua</i> var. <i>linicola</i>	34.45	37.95
(c) <i>Colletotrichum lini</i>	34.45	37.95
(d) <i>Fusarium</i> spp	34.45	37.95
(e) <i>Botrytis</i> spp	34.45	37.95
(iii) soya bean for <i>Pseudomonas syringae</i> pv. <i>glycinea</i> spp for:–		
(a) for one sub-sample test	60.00	66.15
(b) for five sub-sample tests	200.00	220.50
(iv) soya bean for <i>Diaporthe phaselorum</i> spp	37.50	41.35
G. <i>Official label fees</i>		
Additional fee for the issue and printing of official labels:–		
(i) tear-resistant labels for breeder's confirmation seed, breeder's seed, pre-basic seed and seed for export; per seed lot	33.00	35.50
(ii) self adhesive labels for breeder's confirmation seed, breeder's seed, pre-basic seed and seed for export; per seed lot	22.90	24.60

SCHEDULE 4

MATTERS ARISING UNDER THE BEET SEEDS REGULATIONS 1993(a)

<i>(1)</i> <i>Matter</i>	<i>(2)</i> <i>Old fee</i> £	<i>(3)</i> <i>New fee</i> £
A. <i>Initial fees</i> Initial fee per hectare or part thereof for crops intended to produce:–		
(i) pre-basic seed or basic seed	32.05	34.50
(ii) certified seed	14.80	15.90
B. <i>Crop inspection fee</i> Fee for the official examination or re-examination of crops intended to produce pre-basic seed, basic seed or certified seed per hectare or part thereof examined	12.30	13.20
C. <i>Seed lot fee</i> Fee for the issue of an official certificate (other than in the circumstances described under D below) in respect of a seed lot entered as:–		
(i) pre-basic seed or basic seed	60.40	64.90
(ii) certified seed	59.10	63.50
D. <i>Seed lot re-entry fee</i> Fee for the issue of an official certificate in respect of a seed lot which was entered for one category and has been withdrawn and is being re-entered as:–		
(i) pre-basic seed or basic seed	42.30	45.50
(ii) certified seed	41.40	44.50
E. <i>Sampling fees</i> Fee for sampling or re-sampling of a seed lot for the purpose of an official examination and for sampling or re-sampling imported seed intended for further multiplication	30.90	33.20
F. <i>Official label fees</i> Additional fee for the issue and printing of official labels:–		
(i) tear-resistant labels for breeder's confirmation seed, breeder's seed, pre-basic seed and seed for export; per seed lot	33.00	35.50
(ii) self adhesive labels for breeder's confirmation seed, breeder's seed, pre-basic seed and seed for export; per seed lot	22.90	24.60

SCHEDULE 5

MATTERS ARISING UNDER THE VEGETABLE SEEDS REGULATIONS 1993(a)

<i>(1)</i> <i>Matter</i>	<i>(2)</i> <i>Old fee</i> £	<i>(3)</i> <i>New fee</i> £
A. <i>Initial fees</i> Initial fee for crops intended to produce:–		
(i) pre-basic seed or basic seed of		
(a) all kinds, except peas, broad beans, cucumber, gherkin and tomato, per hectare or part thereof	43.10	46.30
(b) peas and broad beans per hectare or part thereof	27.15	29.20
(c) cucumber, gherkin and tomato, per crop	43.10	46.30
(ii) certified seed of		
(a) all kinds, except peas, broad beans, cucumber, gherkin and tomato, per hectare or part thereof	23.35	25.10
(b) peas and broad beans per hectare or part thereof	11.10	11.90
(c) cucumber, gherkin and tomato, per crop	23.35	25.10
B. <i>Crop inspection fee</i> Fee for the official examination or re-examination of crops intended to produce:		
(i) A(i)(a) or (b) and A(ii)(a) or (b) above, per hectare or part thereof examined	12.30	13.20
(ii) A(i)(c) and A(ii)(c) above, per crop examined	12.30	13.20
C. <i>Seed lot fee</i> Fee for the issue of an official certificate (other than in the circumstances described under D below) in respect of a seed lot entered	98.55	105.90
D. <i>Seed lot re-entry fee</i> Fee for the issue of an official certificate in respect of a seed lot which was entered for one category and has been withdrawn and is being re-entered as pre-basic seed, basic seed or certified seed	69.00	74.20
E. <i>Sampling fees</i> Fee for sampling or re-sampling of a seed lot for the purposes of an official examination and for sampling or re-sampling imported seed intended for further multiplication	30.90	33.20

<i>(1)</i> <i>Matter</i>	<i>(2)</i> <i>Old fee</i> £	<i>(3)</i> <i>New fee</i> £
F. <i>Official label fees</i>		
Additional fee for the issue and printing of official labels:–		
(i) tear-resistant labels for breeder’s confirmation seed, breeder’s seed, pre-basic seed and seed for export; per seed lot	33.00	35.50
(ii) self adhesive labels for breeder’s confirmation seed, breeder’s seed, pre-basic seed and seed for export; per seed lot	22.90	24.60

SCHEDULE 6

MATTERS ARISING UNDER THE SEEDS (REGISTRATION, LICENSING AND ENFORCEMENT) REGULATIONS 1985(a)

(1) <i>Matter</i>	(2) <i>When payable</i>	(3) <i>Old fee</i> £	(4) <i>New fee</i> £
A. Representations by, and hearings of, a seed merchant, processor or packer			
(i) Fee for making written representations to the Scottish Ministers	On making representations	30.80	33.95
(ii) Fee for being heard by a person appointed by the Scottish Ministers	On applying to be heard	61.60	67.95
B. Licensed Seed Testing Stations			
(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 or on behalf of the Scottish Ministers, annually in advance	2,033.00	1,800.00
(ii) Fee payable by a Licensed Seed Testing Station in respect of an official examination of seed	Within one month of demand by or on behalf of the Scottish Ministers, annually in arrears	8.75	9.65
C. Crop Inspection Courses and Examination			
Fee for:-			
(i) crop inspection course	Fee payable within one month of demand by or on behalf of the Scottish Ministers	455.00	500.00
(ii) initial examination and compulsory re-tests		60.00	66.00
D. Seed Sampling Course and Examination			
Fee for:-			
(i) tuition and examination for seed samplers licence (administrative and sampling elements)	Fee payable within one month of demand by or on behalf of the Scottish Ministers	230.00	280.00
(ii) tuition and examination for seed samplers licence (administrative elements only)		60.00	74.00
E. Seed Analyst Course and Examination			
Fee for:-			
(i) Laboratory Management Course Registration	Fee payable within one month of demand by or on behalf of the Scottish Ministers	400.00	450.00
(ii) Laboratory Management Course Daily Attendance		310.00	360.00

(a) S.I. 1985/980, amended by S.I. 1987/1098, 1990/611 and 1993/2530.

<i>(1)</i> <i>Matter</i>	<i>(2)</i> <i>When payable</i>	<i>(3)</i> <i>Old fee</i> £	<i>(4)</i> <i>New fee</i> £
(iii) Analyst Course Registration		1,050.00	1,200.00
(iv) Analyst Course additional and retake divisions (per division)		100.00	126.00
(v) Analyst Course daily attendance		300.00	340.00

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe revised fees in respect of matters arising under the Cereal Seeds Regulations 1993 (as amended), the Fodder Plant Seeds Regulations 1993 (as amended), the Oil and Fibre Plant Seeds Regulations 1993 (as amended), the Beet Seeds Regulations 1993 (as amended), the Vegetable Seeds Regulations 1993 (as amended) and the Seeds (Registration, Licensing and Enforcement) Regulations 1985 (as amended) (regulation 3). They revoke the Seeds (Fees) (Scotland) Regulations 2000.

The matters in respect of which the revised fees are prescribed are listed in the Schedules to these Regulations. They allow for a reduced charge for the annual licence for seed testing stations. All other fees have been increased.

A Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies can be obtained from the Scottish Executive Environment and Rural Affairs Department, Pentland House, 47 Robb's Loan, Edinburgh, EH14 1TY.

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£3.00

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under the authority and superintendence of Carol Tullo, the Queen's Printer for Scotland
200 12/02 19593

