

2005 No. 279

SEEDS

The Seed Potatoes (Fees) (Scotland) Regulations 2005

Made - - - - 25th May 2005

Laid before the Scottish Parliament 26th May 2005

Coming into force - - 18th June 2005

The Scottish Ministers, in exercise of the powers conferred by section 16(1), (1A)(e) and (5)(a) of the Plant Varieties and Seeds Act 1964(a), and all other powers enabling them in that behalf, and 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 Seed Potatoes (Fees) (Scotland) Regulations 2005 and shall come into force on 18th June 2005.

(2) These Regulations shall extend to Scotland only.

Interpretation

2. In these Regulations “Approved Stock” means seed potatoes that are to be subjected to crop inspection or official examination for the purposes of regulation 3(5) of the Seed Potatoes (Scotland) Regulations 2000(b).

Payment of Fees

3. Fees shall be paid to the Scottish Ministers in respect of the matters arising under the Seed Potatoes (Scotland) Regulations 2000 and specified in relation to an entry in column 1 of the Schedule to these Regulations, calculated on the basis corresponding to that entry specified in column 2 of that Schedule.

Withdrawal of application

4.—(1) If an application for crop inspection referred to in paragraph 2 of the Schedule is withdrawn before the arrival of an inspector for the purpose of inspecting the crop for the first time the fee paid will be refunded to an applicant, subject to the charging of an administration fee of £1.50 per half-hectare.

(a) 1964 (c.14); section 16 was amended by the European Communities Act 1972 (c.68), section 4(1) and paragraph 5(1) and (2) of Schedule 4 and by the Agriculture Act 1986 (c.49), section 2: section 16 is applied to seed potatoes by section 29(1); section 29 was amended by the European Communities Act 1972, section 4(1) and paragraph 5(4) of Schedule 4. See section 38 for the definition of “the Ministers”. 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.S.I. 2000/201 as amended by S.S.I. 2005/280.

(2) If the labels and seals referred to in paragraph 4 of the Schedule are returned unused within 2 months of issue, the fee paid will be refunded to an applicant, subject to the charging of an administration fee of £1.00 per tonne.

Exemptions

5. The Scottish Ministers may exempt any person, class of person, or persons generally, from compliance in whole or in part, with the provisions of these Regulations in relation to the payment of fees and any exemption so made may be made subject to conditions.

Revocation

6. The Seed Potatoes (Fees) (Scotland) Regulations 2004(a) are hereby revoked.

Pentland House,
Edinburgh
25th May 2005

ROSS FINNIE
A member of the Scottish Executive

(a) S.S.I 2004/250.

SCHEDULE

Regulations 3 and 4

| <i>Column 1</i> <i>Matter</i> | <i>Column 2</i> <i>Fee</i> |
|---|---|
| 1. Crop inspection in respect of crops for which an application has been made for inspection as Pre-basic TC or Approved Stock. | £25.00 per half hour or part thereof |
| 2. Crop inspection in respect of crops for which an application has been made for inspection as Pre-basic class generations 1 to 4, Super Elite or Elite. | £29.00 per half-hectare or part thereof |
| 3. Scientific testing of a sample taken from a crop in respect of which an application has been made for inspection. | £165.00 per sample |
| 4. Provision of any number of official labels and seals reasonably required in respect of crops classified as Pre-basic class generations 1 to 4, Super Elite, Elite or A, which fee shall include an official examination of tubers. | £3.00 per tonne or part thereof of crop duly classified |
| 5. Official examination of tubers in respect of crops for which an application has been made for inspection as Pre-basic TC and Approved Stock, which fee shall include the provision of any number of official labels and seals reasonably required. | £25 per half hour or part thereof |
| 6. Fees for nuclear stock— | |
| (a) Initiation of new nuclear stock; | £152.00 (6 microplants) |
| (b) Provision of in vitro maintained nuclear stock; and | £44.00 (6 microplants) |
| (c) In vitro maintenance of nuclear stock. | £62.00 annual fee (per variety) |

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations which extend to Scotland only prescribe the fees payable in respect of certain matters arising under the Seed Potatoes (Scotland) Regulations 2000 (regulation 3 and the Schedule). The Virus Tested Stem Cutting (VTSC) class in those Regulations has been replaced by 2 additional generations of class Pre-basic, 3 and 4.

These Regulations prescribe the fees payable—

- (a) for the carrying out of crop inspections, tuber inspections and the provision of official labels and seals as regards the classes of seed potatoes known as the Pre-basic TC, Pre-basic 1 to 4, Super Elite and Elite and as regards Approved Stock (regulation 3 and the Schedule);
- (b) for the initiation, provision and maintenance of nuclear stock (regulation 3 and the Schedule);
- (c) for administration where an application for inspection as Pre-basic class generations 1 to 4, Super Elite or Elite is withdrawn before the arrival of an inspector due to inspect the crop for the first time (regulation 4 and the Schedule); and
- (d) for administration where labels and seals are returned unused in respect of Pre-basic 1 to 4, Super Elite, Elite or A (regulation 4 and the Schedule).

Fees for the provision of official labels for Pre-basic 1 and 2, previously charged under paragraph 5 of the Schedule to the Seed Potatoes (Fees) (Scotland) Regulations 2004, have been consolidated with the new Pre-basic 3 and 4 class generations under paragraph 4 of the Schedule to these Regulations.

The Scottish Ministers may exempt any person, class of persons, or persons generally from compliance, in whole or in part, with the provisions of these Regulations (regulation 5).

These Regulations come into force on 18th June 2005.

The Regulations revoke the Seed Potatoes (Fees) (Scotland) Regulations 2004 (regulation 6).

No Regulatory Impact Assessment has been prepared in respect of these Regulations.

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