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SCOTTISH STATUTORY INSTRUMENTS

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**2007 No. 314**

**PLANT HEALTH**

**The Plant Health Fees (Scotland) Amendment Regulations 2007**

<i>Made</i>	- - - -	<i>5th June 2007</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>7th June 2007</i>
<i>Coming into force</i>	- -	<i>1st July 2007</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972<sup>(1)</sup> and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the Plant Health Fees (Scotland) Amendment Regulations 2007 and shall come into force on 1st July 2007.

**Amendment to the Plant Health Fees (Scotland) Regulations 1996**

2. The Plant Health Fees (Scotland) Regulations 1996<sup>(2)</sup> are amended in accordance with regulation 3.

**Amendment of regulation 2**

3. In regulation 2(1) (interpretation)–

(a) for the definition of “authority” substitute

““authority” means an authority to issue plant passports conferred under article 8 of the 2004 Order or, as the case may be, under article 29 of the 2005 Order”;

(b) after the definition of “the Order” insert

““the 2004 Order” means the Plant Health (*Phytophthora ramorum*) (Scotland) Order 2004<sup>(3)</sup>; “the 2005 Order” means the Plant Health (Scotland) Order 2005<sup>(4)</sup>”; and

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(1) 1972 c. 68. Section 2(2) was amended by the Scotland Act 1998 (c. 46), Schedule 8, paragraph 15(3). The functions conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, in so far as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(2) S.I.1996/1784 (S148) as amended by S.S.I. 2004/249 and S.S.I. 2005/555.

(3) S.S.I. 2004/488.

(4) S.S.I. 2005/613 as amended by S.S.I. 2006/474.

(c) for the definition of “plant passport” substitute

““plant passport” has the meaning given by–

- (i) article 2(1) of the 2004 Order in respect of an authority under that Order; or
- (ii) article 2(1) of the 2005 Order in respect of an authority under that Order”.

St Andrew’s House,  
Edinburgh  
5th June 2007

*RICHARD LOCKHEAD*  
A member of the Scottish Executive

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## EXPLANATORY NOTE

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

These Regulations, which extend to Scotland only, amend the Plant Health Fees (Scotland) Regulations 1996 which prescribe fees in respect of inspections carried out for the purpose of conferring authority to issue plant passports under the Plant Health (Scotland) Order 2005 (which replaced the Plant Health (Great Britain) Order 1993) or the Plant Health (*Phytophthora ramorum*) (Scotland) Order 2004 (“the Orders”).

Under the Orders, certain listed plants, plant producers and other objects require a plant passport for movement within the European Community including any trade within the United Kingdom. Producers, traders and importers of such material may be authorised to issue plant passports by the Scottish Ministers. The initial authorisation process involves an inspection of premises and the listed plant material and includes a check on business records and further inspections may be carried out subsequent to the grant of authority to ensure compliance with relevant requirements.

The level of fees remains unchanged from the Plant Health Fees (Scotland) Amendment Regulations 2005 but these now apply also to authorisations under the Plant Health (*Phytophthora ramorum*) (Scotland) Order 2004.

No regulatory impact assessment has been carried out in respect of these Regulations as they have no impact on costs to business.