

2007 No. 499

PLANT HEALTH

**The Plant Health (Import Inspection Fees) (Scotland)
Amendment (No. 2) Regulations 2007**

Made 6th November 2007

Laid before the Scottish Parliament 7th November 2007

*Coming into force in accordance with
regulation 1(1) and (2)*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and section 56(1) and (2) of the Finance Act 1973(b).

Citation and commencement

1.—(1) These Regulations may be cited as the Plant Health (Import Inspection Fees) (Scotland) Amendment (No. 2) Regulations 2007 and come into force on 1st December 2007.

(2) Regulation 5 comes into force on 1st January 2008.

Amendment of the Plant Health (Import Inspection Fees) (Scotland) Regulations 2005

2. The Plant Health (Import Inspection Fees) (Scotland) Regulations 2005(c) are amended in accordance with regulations 3 to 5.

Amendment of regulation 2

3. In regulation 2 (interpretation), after the definition of “normal working hours” insert ““official body of point of entry” has the same meaning as in article 2(1)(k) of the Directive;”.

Amendment of regulation 3

4. For regulation 3 (consignments to which regulations apply) substitute—

“3. These Regulations apply in relation to consignments of—

(a) plants, plant products and other objects of a description specified in the first column of Schedule 1 that are listed in Annex V, Part B of the Directive; or

(a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3) and the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1)(a). The function conferred upon the Minister of the Crown under section 2(2) in so far as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(b) 1973 c.51. The reference to a Government department in section 56(1) is to be read as a reference to the Scottish Administration by virtue of article 2(2) of the Scotland Act (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820) and the functions of the Minister transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998. The requirement to obtain the consent of the Treasury was removed by section 55 of the Scotland Act 1998.

(c) S.S.I. 2005/216, amended by S.S.I. 2007/138.

(b) seeds of *Solanaceae* whether or not listed in Annex V, Part B of the Directive

and which are landed in Scotland from a third country in respect of which article 13d(1) of the Directive requires Member States to collect phytosanitary fees to cover the costs occasioned by documentary checks, identity checks and plant health checks or are the subject of an agreement made under article 12(6) of the Plant Health (Scotland) Order 2005(a).”.

Amendment of Schedule 2

5. For Schedule 2 (reduced import inspection fees for plant health checks) substitute—

“SCHEDULE 2

Regulation 4(3)

IMPORT INSPECTION FEES (REDUCED RATES)

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Genus</i>	<i>Quantity</i>	<i>Country of origin</i>	<i>Fee</i>	<i>Fee (non-daytime working hours)</i>
<i>Cut flowers</i>				
Dianthus	Per consignment			
	— up to 20,000 in number	Colombia	£0.40	£0.60
		Ecuador	£1.98	£2.97
		Turkey	£3.31	£4.96
		Israel	£4.63	£6.95
	— for each additional 1,000 units or part thereof	Colombia	£0.003	£0.004
		Ecuador	£0.01	£0.02
		Turkey	£0.02	£0.03
		Israel	£0.03	£0.05
	— maximum price	Colombia	£3.17	£4.75
		Ecuador	£15.88	£23.83
		Turkey	£26.48	£39.72
Israel		£37.07	£55.60	
Rosa	Per consignment			
	— up to 20,000 in number	Ecuador	£0.40	£0.60
		Colombia, Ethiopia, Kenya	£0.66	£0.99
		Uganda, Zambia	£1.32	£1.98
		Tanzania	£1.98	£2.97
		India, Zimbabwe	£6.62	£9.93
		Ecuador	£0.003	£0.004
	— for each additional 1,000 units or part thereof	Colombia, Ethiopia, Kenya	£0.005	£0.007
		Uganda, Zambia	£0.01	£0.015
		Tanzania	£0.01	£0.02
		India, Zimbabwe	£0.05	£0.07

(a) S.S.I. 2005/613, amended by S.S.I. 2006/474 and S.S.I. 2007/138.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Genus</i>	<i>Quantity</i>	<i>Country of origin</i>	<i>Fee</i>	<i>Fee (non-daytime working hours)</i>
	— maximum price	Ecuador	£3.17	£4.75
		Colombia, Ethiopia, Kenya	£5.29	£7.94
		Uganda, Zambia	£10.59	£15.89
		Tanzania	£15.88	£23.83
		India, Zimbabwe	£52.96	£79.44
<i>Fruit</i>				
Malus	Per consignment			
	— up to 25,000 kg in weight	Chile	£0.93	£1.39
		New Zealand, South Africa	£1.32	£1.98
		Argentina	£1.98	£2.97
		Brazil, USA	£3.31	£4.96
		China	£4.63	£6.95
	— for each additional 1,000 kg or part thereof	Chile	£0.03	£0.05
		New Zealand, South Africa	£0.05	£0.07
		Argentina	£0.07	£0.11
		Brazil, USA	£0.13	£0.19
		China	£0.18	£0.27
Mangifera	Per consignment			
	— up to 25,000 kg in weight	Brazil	£0.66	£0.99
		Peru	£6.62	£9.93
	— for each additional 1,000 kg or part thereof	Brazil	£0.02	£0.03
		Peru	£0.26	£0.39
Prunus	Per consignment			
	— up to 25,000 kg in weight	South Africa, Turkey	£1.32	£1.98
		Chile	£1.98	£2.97
		Argentina	£3.31	£4.96
		USA	£6.62	£9.93
	— for each additional 1,000 kg or part thereof	South Africa, Turkey	£0.05	£0.07
		Chile	£0.07	£0.11
		Argentina	£0.13	£0.19
		USA	£0.26	£0.39
Pyrus	Per consignment			
	— up to 25,000 kg in weight	South Africa	£1.98	£2.97
		Argentina	£3.31	£4.96
		Chile	£4.63	£6.95
		China	£6.62	£9.93
	— for each additional 1,000 kg or part thereof	South Africa	£0.07	£0.11
		Argentina	£0.13	£0.19
		Chile	£0.18	£0.27

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Genus</i>	<i>Quantity</i>	<i>Country of origin</i>	<i>Fee</i>	<i>Fee (non-daytime working hours)</i>
		China	£0.26	£0.39
Citrus	Per consignment			
	— up to 25,000 kg in weight	Morocco, Turkey	£0.66	£0.99
		USA	£1.32	£1.98
		Uruguay	£1.98	£2.97
		Egypt, Israel, Mexico, Peru	£3.31	£4.96
	— for each additional 1,000 kg or part thereof	Morocco, Turkey	£0.02	£0.03
		USA	£0.05	£0.07
		Uruguay	£0.07	£0.11
Egypt, Israel, Mexico, Peru		£0.13	£0.19	
Momordica	Per consignment			
	— up to 25,000 kg in weight	Suriname	£6.62	£9.93
	— for each additional 1,000 kg or part thereof	Suriname	£0.26	£0.39
Passiflora	Per consignment — up to 25,000 kg in weight	Kenya	£1.32	£1.98
		Colombia	£1.98	£2.97
		Zimbabwe	£4.63	£6.95
		South Africa	£6.62	£9.93
	— for each additional 1,000 kg or part thereof	Kenya	£0.05	£0.07
		Colombia	£0.07	£0.11
		Zimbabwe	£0.18	£0.27
		South Africa	£0.26	£0.39
Vegetables				
Solanum melongena	Per consignment			
	— up to 25,000 kg in weight	Turkey	£3.31	£4.96
	— for each additional 1,000 kg or part thereof	Turkey	£0.13	£0.19

Where the total amount of any fee comprises an amount of less than £0.01, that amount shall be excluded.”.

RICHARD LOCHHEAD
A member of the Scottish Executive

St Andrew’s House,
Edinburgh
6th November 2007

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Plant Health (Import Inspection Fees) (Scotland) Regulations 2005 (“the principal Regulations”). The principal Regulations implement Article 13d of Council Directive 2000/29/EC (O.J. No. L 169, 10.7.00,p.1) which requires Member States to charge fees to cover the costs occasioned by the documentary checks, identity checks and plant health checks of certain imports of plants, plant products and other items from third countries.

These Regulations–

- (a) extend the application of the principal Regulations to consignments consisting of goods in transit within the European Community in respect of which the Scottish Ministers have agreed with the official body of point of entry for those goods, in accordance with the Plant Health (Scotland) Order 2005, to be responsible for certain matters; and
- (b) substitute a new Schedule 2 to the principal Regulations, to give effect to the latest agreed reduced rates for inspections of certain material (Schedule 2 to the principal Regulations includes provision for reduced rates for certain plants and plant products agreed under the procedure provided for in Articles 13d(2) and 18(2) of the Directive).

The changes to the fees made by these Regulations, which are set at a proportion of the standard fee (described in Schedule 1 to the principal Regulations) corresponding to the rate of inspection, are based on the agreed inspection rates set out in the table below.

<i>Genus</i>	<i>Country of origin</i>	<i>Previous rate of inspection</i>	<i>Initial fee⁽¹⁾</i>	<i>New rate of inspection⁽²⁾</i>	<i>Initial fee, specified in Schedule 2</i>
Cut Flowers					
<i>Aster</i>	Zimbabwe	50%	£6.62	100%	-
<i>Dianthus</i>	Israel	25%	£3.31	35%	£4.63
<i>Dianthus</i>	Morocco	50%	£6.62	100%	-
<i>Rosa</i>	Ecuador	5%	£0.66	3%	£0.40
<i>Rosa</i>	Ethiopia	25%	£3.31	5%	£0.66
<i>Rosa</i>	Israel	10%	£1.32	100%	-
<i>Rosa</i>	Kenya	1%	£0.13	5%	£0.66
<i>Rosa</i>	Tanzania	25%	£3.31	15%	£1.98
<i>Rosa</i>	Uganda	5%	£0.66	10%	£1.32
<i>Rosa</i>	Zimbabwe	25%	£3.31	50%	£6.62
Fruit					
<i>Fortunella</i>	Israel	50%	£6.62	100%	-
<i>Fortunella</i>	South Africa	75%	£9.93	100%	-
<i>Malus</i>	USA	15%	£1.98	25%	£3.31
<i>Mangifera</i>	Brazil	10%	£1.32	5%	£0.66
<i>Passiflora</i>	South Africa	75%	£9.93	50%	£6.62
<i>Prunus</i>	Argentina	15%	£1.98	25%	£3.31
<i>Prunus</i>	Chile	10%	£1.32	15%	£1.98
<i>Prunus</i>	Turkey	15%	£1.98	10%	£1.32
<i>Prunus</i>	USA	35%	£4.63	50%	£6.62
<i>Pyrus</i>	Argentina	15%	£1.98	25%	£3.31
<i>Pyrus</i>	Chile	25%	£3.31	35%	£4.63
<i>Pyrus</i>	South Africa	10%	£1.32	15%	£1.98
<i>Citrus</i>	Israel	15%	£1.98	25%	£3.31

<i>Genus</i>	<i>Country of origin</i>	<i>Previous rate of inspection</i>	<i>Initial fee⁽¹⁾</i>	<i>New rate of inspection⁽²⁾</i>	<i>Initial fee, specified in Schedule 2</i>
<i>Citrus</i>	Peru	75%	£9.93	25%	£3.31
<i>Citrus</i>	Turkey	15%	£1.98	5%	£0.66
<i>Citrus</i>	USA	15%	£1.98	10%	£1.32
<i>Citrus</i>	Zimbabwe	75%	£9.93	100%	-
Vegetables					
<i>Solanum Melongena</i>	Turkey	75%	£9.93	25%	£3.31

⁽¹⁾ Initial fee per consignment for cut flowers (up to 20,000 in number) and fruit and vegetables (up to 25,000 kg in weight). Corresponding fees are set in the Regulations for additional quantities, maximum price per consignment and non-daytime working hours.

⁽²⁾ Consignments subject to an inspection rate of 100% are excluded from the reduced rate inspection scheme and are subject to the import inspection fees specified in Schedule 1 to the principal Regulations.

No Regulatory Impact Assessment has been prepared for this instrument as it has no impact on the cost of business.

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**The Plant Health (Import Inspection Fees) (Scotland)
Amendment (No. 2) Regulations 2007**

£3.00

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under the authority and superintendence of Carol Tullo, the Queen's Printer for Scotland