

2007 No. 520

SEEDS

**The Seed Potatoes (Fees) (Scotland) Amendment Regulations
2007**

Made - - - - - *21st November 2007*

Laid before the Scottish Parliament *22nd November 2007*

Coming into force - - - *1st January 2008*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 16(1) and (1A)(e) of the Plant Varieties and Seeds Act 1964(a) and all other powers enabling them to do so.

In accordance with section 16(1) of that Act they have consulted with representatives of such interests as appear to them to be concerned.

Citation and commencement

1. These Regulations may be cited as the Seed Potatoes (Fees) (Scotland) Amendment Regulations 2007 and come into force on 1st January 2008.

Interpretation

2. In these Regulations, “the principal Regulations” means the Seed Potatoes (Fees) Scotland Regulations 2005(b).

Amendment to the principal Regulations

3. The principal Regulations are amended in accordance with regulations 4 and 5 of these Regulations.

Amendment inserting cancellation of appointment fee

4. After regulation 4 of the principal Regulations (withdrawal of application), insert—

“Cancellation of an official examination

4A. If an arrangement has been made with an applicant for the carrying out of an official examination (referred to in paragraph 5 of the Schedule) on a particular day, but, on that

(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 Minister”. 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. 2005/279, as amended by S.S.I. 2006/264.

day, the applicant cancels the arrangement, the applicant will be subject to the charging of an administration fee of £25.00.”.

Amendment to the Schedule

5.—(1) The Schedule to the principal Regulations is amended as follows.

(2) In column 1 (matter)—

- (a) in paragraph 1 (crop inspection of Pre-basic TC or Approved Stock), omit “or Approved Stock” and insert “, Approved Stock or test and trial seed potatoes”; and
- (b) in paragraph 5 (official examination), omit “and Approved Stock” and insert “, Approved Stock or test and trial seed potatoes”.

(3) In column 2 (fee), in paragraph 6 (fees for nuclear stock)(a)—

- (a) in row (a) (opposite “initiation of new nuclear stock”), omit “£159.00” and insert “£169.00”;
- (b) in row (b) (opposite “provision of in vitro maintained nuclear stock”), omit “£46.00” and insert “£48.00”; and
- (c) in row (c) (opposite “ in vitro maintenance of nuclear stock”), omit “£65.00” and insert “£69.00”.

Revocation and savings

6. The Seed Potatoes (Fees) (Scotland) Amendment Regulations 2006**(b)** are revoked.

RICHARD LOCHHEAD
A member of the Scottish Executive

St Andrew’s House,
Edinburgh
21st November 2007

(a) The previous amounts were inserted by S.S.I. 2006/264, regulation 2.
(b) S.S.I. 2006/264.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 1st January 2008, amend the Seed Potatoes (Fees) (Scotland) Regulations 2005 (“the 2005 Regulations”), which set fees payable to the Scottish Ministers for certain matters arising under the Seed Potatoes (Scotland) Regulations 2000.

Regulation 4 inserts an administration fee of £25 where an arrangement has been made by an applicant for an official examination of tubers to take place on a particular day but the applicant cancels the arrangement on that day.

Regulation 5 makes provision for fees in connection with crop inspections for test and trial seed potatoes and official examination of tubers in respect of such crops. It also substitutes new fees for nuclear stock in paragraph 6 of the Schedule to the 2005 Regulations as follows–

<i>Matter</i>	<i>Old Fee</i>	<i>New Fee</i>
Fees for nuclear stock–		
(a) initiation of new nuclear stock;	£159.00 (6 microplants)	£169.00 (6 microplants)
(b) provision of in vitro maintained nuclear stock; and	£46.00 (6 microplants)	£48.00 (6 microplants)
(c) in vitro maintenance of nuclear stock.	£65.00 annual fee (per variety)	£69.00 annual fee (per variety)

Regulation 6 revokes the Seed Potatoes (Fees) (Scotland) Amendment Regulations 2006, which amended the 2005 Regulations to insert the old fees for nuclear stock listed above.

A regulatory impact assessment has been prepared in respect of these Regulations and has been placed in the Scottish Parliament Information Centre. Copies can be obtained from The Scottish Government Rural Directorate, Pentland House, Robb’s Loan, Edinburgh, EH14 1TY.

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