

2008 No. 153

PLANT HEALTH

The Plant Health Fees (Scotland) Regulations 2008

Made - - - - *15th April 2008*

Laid before the Scottish Parliament *17th April 2008*

Coming into force - - *1st June 2008*

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 all other powers enabling them to do so.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Plant Health Fees (Scotland) Regulations 2008 and come into force on 1st June 2008.

(2) These Regulations extend to Scotland only.

Interpretation

2. In these Regulations—

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

“licence” means a licence granted by the Scottish Ministers under article 40 or, as the case may be, article 41 of the 2005 Order;

“the 2004 Order” means the Plant Health (*Phytophthora ramorum*) (Scotland) Order 2004(b);

“the 2005 Order” means the Plant Health (Scotland) Order 2005(c);

“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; and

“premises” includes any land or building used for the production or storage of plants, plant products or other objects.

(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), insofar as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(b) S.S.I. 2004/488, as amended by S.S.I. 2007/416.

(c) S.S.I. 2005/613 as amended by S.S.I. 2006/474, 2007/415 and 498.

Fees for inspections for plant passporting purposes

3.—(1) Where an inspection is carried out for the purposes specified in column 1 of Schedule 1 to these Regulations, the fee specified in column 3 shall be paid to the Scottish Ministers according to the area, or each part of the area, specified in column 2 of that Schedule.

(2) Where the premises are situated on more than one site, a separate fee applies in relation to each site, which fee shall be calculated according to the area, or each part of the area, of that site specified in column 2 of Schedule 1 to these Regulations.

Fees for licensing services

4. Where any service described in column 1 of Schedule 2 to these Regulations is undertaken, the fee specified in column 2 of that Schedule opposite the reference to that service shall be paid to the Scottish Ministers.

Fees for potato quarantine testing

5. Where any service described in column 1 of Schedule 3 to these Regulations is undertaken, the fee specified in column 2 of that Schedule opposite the reference to that service shall be paid to the Scottish Ministers.

Revocations

6. The Plant Health Fees (Scotland) Regulations 1996^(a), the Plant Health Fees (Scotland) Amendment Regulations 2004^(b), the Plant Health Fees (Scotland) Amendment Regulations 2005^(c) and the Plant Health Fees (Scotland) Amendment Regulations 2007^(d) are revoked.

RICHARD LOCHHEAD
A member of the Scottish Executive

St Andrew's House,
Edinburgh
15th April 2008

(a) S.I. 1996/1784 as amended by S.S.I. 2004/249, 2005/555 and 2007/314.
(b) S.S.I. 2004/249.
(c) S.S.I. 2005/555.
(d) S.S.I. 2007/314.

SCHEDULE 1

Regulation 3

FEES FOR INSPECTIONS FOR PLANT PASSPORTING PURPOSES

<i>Column 1</i> <i>Service</i>	<i>Column 2</i> <i>Area of premises (Hectares)</i>	<i>Column 3</i> <i>Fee £</i>
Each inspection of premises, plants and plant material (including check of business records) for the purpose of considering an application for, or the continuing operation of an authority to issue plant passports: per site	Not exceeding 1	87.73
	Exceeding 1 but not exceeding 2	121
	Exceeding 2 but not exceeding 4	176.66
	Exceeding 4 but not exceeding 10	232.32
	Exceeding 10 but not exceeding 20	360.58
	Exceeding 20 but not exceeding 35	431.97
	Exceeding 35 but not exceeding 50	508.20
	Each additional 10 hectares or part thereof	66.55

SCHEDULE 2

Regulation 4

FEES IN RESPECT OF LICENSING SERVICES

<i>Column 1</i> <i>Service</i>	<i>Column 2</i> <i>Fee £</i>
1. Consideration of an application for the grant of a licence and the performance of any connected service, including the grant of a licence for articles imported for the following purposes–	
(a) scientific	65
(b) commercial–	
(i) potato breeders' and other quarantine material	65
(ii) other plant material (to include cost of inspection)	70
(c) private (to include cost of inspection)	70
2. Consideration of an application for extension or variation of a licence	25
3. The inspection of premises or of articles for import, per day (where not included under paragraph 1 above)–	
(a) up to and including the first 30 minutes	40
(b) thereafter, for each additional 30 minutes or part thereof	20

SCHEDULE 3

Regulation 5

FEEES IN RESPECT OF POTATO QUARANTINE TESTING

<i>Column 1</i> <i>Service</i>	<i>Column 2</i> <i>Fee £</i>
1. Testing of plant material to be used exclusively by the purchaser of the service	380
2. Testing of plant material not to be used exclusively by the purchaser of the service	180

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which are made under section 2(2) of the European Communities Act 1972, consolidate the Plant Health Fees (Scotland) Regulations 1996, the Plant Health Fees (Scotland) Amendment Regulations 2004, the Plant Health Fees (Scotland) Amendment Regulations 2005 and the Plant Health Fees (Scotland) Amendment Regulations 2007. The Regulations also prescribe increased fees in respect of inspections carried out for the purpose of considering an application for, or the continuing operation of an authority to issue plant passports under article 29 of the Plant Health (Scotland) Order 2005 (“the 2005 Order”) or article 8 of the Plant Health (*Phytophthora ramorum*) (Scotland) Order 2004 (“the 2004 Order”). Other fees are unchanged.

Under the 2005 Order, certain listed plants, plant products and other objects require a plant passport for movement within the European Community, including any trade within the United Kingdom. The 2004 Order applies similar controls to plant material susceptible to the pest *Phytophthora ramorum*. Plant traders of such material must first be authorised to issue plant passports by the Scottish Ministers. The authorisation process involves an inspection of premises and the listed plant material. The fees prescribed by regulation 3 of and Schedule 1 to these Regulations in relation to plant passporting reflect the costs expected to be incurred in undertaking inspections.

These Regulations prescribe (regulation 4 and Schedule 2) the fees for the grant of licences under article 40 or 41 of the 2005 Order to permit the importation of articles which would otherwise be prohibited, including licences for trial or scientific purposes or for work on varietal selection. These Regulations also prescribe (regulation 5 and Schedule 3) fees for potato quarantine testing for material imported under a licence and subject to appropriate quarantine measures (within the meaning of article 41(7) of the 2005 Order).

A Regulatory Impact Assessment has been prepared in respect of the increase in plant passporting fees prescribed in Schedule 1 to these Regulations, and copies can be obtained from the Scottish Government Rural Directorate, Agriculture and Rural Development Division, Pentland House, 47 Robb’s Loan, Edinburgh EH14 1TY. Copies have been placed in the Scottish Parliament Information Centre.

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