
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 305

PLANT HEALTH

**The Plant Health (Import Inspection Fees)
(Scotland) Amendment (No. 2) Regulations 2009**

Made - - - - 2nd September 2009
*Laid before the Scottish
Parliament* - - - - 3rd September 2009
Coming into force in accordance with regulation 1(2)

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972⁽¹⁾ and section 56(1) and (2) of the Finance Act 1973⁽²⁾ and all other powers enabling them to do so.

Citation and commencement

1.—(1) These Regulations may be cited as the Plant Health (Import Inspection Fees) (Scotland) Amendment (No. 2) Regulations 2009.

(2) These Regulations come into force on 25th September 2009, except for regulation 4 which comes into force on 1st January 2010.

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

2. The Plant Health (Import Inspection Fees) (Scotland) Regulations 2005⁽³⁾ are amended in accordance with regulations 3 and 4.

Amendments coming into force on 25th September 2009

3. In Schedule 2 (import inspection fees (reduced rates))—

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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) and the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1)(a). 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) 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.
- (3) S.S.I. 2005/216 as amended by S.S.I. 2007/138, 2007/499 and 2009/8.

- (a) for the entry for *Rosa*, substitute the entry for *Rosa* set out in the Schedule to these Regulations;
- (b) after the entry for *Prunus*, insert the entry for *Psidium* set out in the Schedule to these Regulations.

Amendment coming into force on 1st January 2010

4. For Schedule 2, 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>				
<i>Dianthus</i>	Per consignment			
	— up to 20,000 in number	Colombia	£0.39	£0.59
		Ecuador	£1.98	£2.97
		Kenya, Turkey	£3.31	£4.96
		Israel	£6.62	£9.93
	— for each additional 1,000 units or part thereof	Colombia	£0.003	£0.004
		Ecuador	£0.01	£0.02
		Kenya, Turkey	£0.02	£0.03
		Israel	£0.05	£0.07
	— maximum price	Colombia	£3.17	£4.76
		Ecuador	£15.88	£23.83
		Kenya, Turkey	£26.48	£39.72
	Israel	£52.96	£79.44	
<i>Rosa</i>	Per consignment			
	— up to 20,000 in number	Ecuador	£0.39	£0.59
		Colombia	£0.66	£0.99
		Ethiopia, Kenya	£1.32	£1.98
		Tanzania	£1.98	£2.97
		Zambia	£6.62	£9.93
	— for each additional	Ecuador	£0.003	£0.004

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

Column 1	Column 2	Column 3	Column 4	Column 5
<i>Genus</i>	<i>Quantity</i>	<i>Country of origin</i>	<i>Fee</i>	<i>Fee (non-daytime working hours)</i>
	1,000 units or part thereof	Colombia	£0.005	£0.007
		Ethiopia, Kenya	£0.01	£0.015
		Tanzania	£0.01	£0.02
		Zambia	£0.05	£0.07
	— maximum price	Ecuador	£3.17	£4.76
		Colombia	£5.30	£7.94
		Ethiopia, Kenya	£10.59	£15.88
		Tanzania	£15.88	£23.83
		Zambia	£52.96	£79.44
	Fruit			
<i>Citrus</i>	Per consignment			
	— up to 25,000 kg in weight	Turkey	£0.39	£0.59
		Morocco	£0.66	£0.99
		Israel, Uruguay, USA	£1.98	£2.97
		Egypt, Mexico	£3.31	£4.96
		Peru	£4.63	£6.95
		Honduras	£6.62	£9.93
	— for each additional 1,000 kg or part thereof	Turkey	£0.01	£0.02
		Morocco	£0.02	£0.03
		Israel, Uruguay, USA	£0.07	£0.11
		Egypt, Mexico	£0.13	£0.19
		Peru	£0.18	£0.27
		Honduras	£0.26	£0.39
<i>Malus</i>	Per consignment			
	— up to 25,000 kg in weight	Chile	£0.92	£1.39
		Argentina, New Zealand, South Africa	£1.32	£1.98

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

<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>
		Brazil	£1.98	£2.97
		China, USA	£3.31	£4.96
	— for each additional 1,000 kg or part thereof	Chile	£0.03	£0.05
		Argentina, New Zealand, South Africa	£0.05	£0.07
		Brazil	£0.07	£0.11
		China, USA	£0.13	£0.19
<i>Mangifera</i>	Per consignment			
	— up to 25,000 kg in weight	Brazil	£1.32	£1.98
	— for each additional 1,000 kg or part thereof	Brazil	£0.05	£0.07
<i>Passiflora</i>	Per consignment			
	— up to 25,000 kg in weight	Columbia, Kenya	£1.32	£1.98
		Zimbabwe	£4.63	£6.95
		South Africa	£6.62	£9.93
	— for each additional 1,000 kg or part thereof	Columbia, Kenya	£1.32	£1.98
		Zimbabwe	£0.18	£0.27
		South Africa	£0.26	£0.39
<i>Prunus</i>	Per consignment			
	— up to 25,000 kg in weight	Chile, South Africa, Turkey	£1.32	£1.98
		Argentina	£4.63	£6.95
		USA	£6.62	£9.93
	— for each additional 1,000 kg or part thereof	Chile, South Africa, Turkey	£0.05	£0.07
		Argentina	£0.18	£0.27
		USA	£0.26	£0.39
<i>Psidium</i>	Per consignment			
	— up to 25,000 kg in weight	Brazil	£9.93	£14.89

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

Column 1	Column 2	Column 3	Column 4	Column 5
<i>Genus</i>	<i>Quantity</i>	<i>Country of origin</i>	<i>Fee</i>	<i>Fee (non-daytime working hours)</i>
	— for each additional 1,000 kg or part thereof	Brazil	£0.39	£0.58
<i>Pyrus</i>	Per consignment			
	— up to 25,000 kg in weight	Argentina, South Africa	£1.98	£2.97
		Chile, China	£4.63	£6.95
	— for each additional 1,000 kg or part thereof	Argentina, South Africa	£0.07	£0.11
Chile, China		£0.18	£0.27	
<i>Vegetables</i>				
<i>Solanum melongena</i>	Per consignment			
	— up to 25,000 kg in weight	Turkey	£1.32	£1.98
	— for each additional 1,000 kg or part thereof	Turkey	£0.05	£0.07”.

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

St Andrew’s House,
Edinburgh
2nd September 2009

RICHARD LOCHHEAD
A member of the Scottish Executive

Status: This is the original version (as it was originally made).

SCHEDULE

Regulation 3

<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>Rosa</i>	Per consignment			
	— up to 20,000 in number	Ecuador	£0.40	£0.60
		Colombia	£0.66	£0.99
		Ethiopia, Kenya	£1.32	£1.98
		Tanzania	£1.98	£2.97
		Zambia	£3.31	£4.96
	— for each additional 1,000 units or part thereof	Ecuador	£0.003	£0.004
		Colombia	£0.005	£0.007
		Ethiopia, Kenya	£0.01	£0.015
		Tanzania	£0.01	£0.02
		Zambia	£0.02	£0.03
	— maximum price	Ecuador	£3.17	£4.75
		Colombia	£5.29	£7.94
		Ethiopia, Kenya	£10.59	£15.89
Tanzania		£15.88	£23.83	
Zambia		£26.48	£39.72	
<i>Psidium</i>	Per consignment			
	— up to 25,000 kg in weight	Brazil	£9.93	£14.89
	— for each additional 1,000 kg or part thereof	Brazil	£0.39	£0.58

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 (OJ No L 169, 10.7.00, p.1) as last amended by Commission Directive 2009/7/EC of 10 February 2009 (OJ No L 40, 11.2.2009, p.12), 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 objects from third countries.

These Regulations amend 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 below:

Genus	Country of origin	Previous rate of inspection	Initial fee ⁽¹⁾	New rate of inspection	Initial fee, specified in Schedule 2
Cut Flowers					
<i>Dianthus</i>	Israel	35%	£4.63	50%	£6.62
<i>Dianthus</i>	Kenya	10%	£1.32	25%	£3.31
<i>Rosa</i>	India	50%	£6.62	100% ⁽²⁾⁽³⁾	
<i>Rosa</i>	Uganda	50%	£6.62	100% ⁽²⁾⁽³⁾	
<i>Rosa</i>	Zambia	25%	£3.31	50%	£6.62
Fruit					
<i>Mangifera</i>	Brazil	5%	£0.66	10%	£1.32
<i>Psidium</i>	Brazil	100%	£13.24	75%	£9.93
<i>Prunus</i>	Argentina	25%	£3.31	35%	£4.63
<i>Pyrus</i>	Argentina	25%	£3.31	15%	£1.98
<i>Pyrus</i>	China	50%	£6.62	35%	£4.63
<i>Citrus</i>	Honduras	75%	£9.93	50%	£6.62

- (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.
- (3) New rates apply from 25th September 2009. Other changes apply from 1st January 2010.

Status: This is the original version (as it was originally made).

Genus	Country of origin	Previous rate of inspection	Initial fee ⁽¹⁾	New rate of inspection	Initial fee, specified in Schedule 2
<i>Citrus</i>	Israel	25%	£3.31	15%	£1.98
<i>Citrus</i>	Peru	25%	£3.31	35%	£4.63
Vegetables					
<i>Solanum melongena</i>	Turkey	15%	£1.98	10%	£1.32

- (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.
- (3) New rates apply from 25th September 2009. Other changes apply from 1st January 2010.

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