
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 413

The Seed (Fees) (Scotland) Regulations 2011

Citation, commencement and extent

1. These Regulations may be cited as the Seed (Fees) (Scotland) Regulations 2011 and come into force on 1st January 2012.
2. These Regulations extend to Scotland only.

Interpretation

- 3.—(1) In these Regulations—

“the 2006 Regulations” means the Seed (Registration, Licensing and Enforcement) (Scotland) Regulations 2006⁽¹⁾;

“the relevant person” means—

- (a) a licensed crop inspector, where the fee is for an official examination carried out by a licensed crop inspector;
- (b) a licensed seed sampler, where the fee is for the sampling of a seed lot for the purposes of an official examination carried out by a licensed seed sampler; or
- (c) in any other case, the Scottish Ministers; and

“the Seed Marketing Regulations” means—

- (a) the Vegetable Seeds Regulations 1993⁽²⁾;
- (b) the Oil and Fibre Plant Seed (Scotland) Regulations 2004⁽³⁾;
- (c) the Cereal Seed (Scotland) Regulations 2005⁽⁴⁾;
- (d) the Fodder Plant Seed (Scotland) Regulations 2005⁽⁵⁾; and
- (e) the Beet Seed (Scotland) (No. 2) Regulations 2010⁽⁶⁾.

(2) Other words and expressions used in these Regulations have the same meaning as they do in the Seed Marketing Regulations or, as the case may be, the 2006 Regulations.

Fees for matters set out in Schedule 1

4.—(1) Paragraph (2) applies to matters set out in Schedule 1 relating to the Seed Marketing Regulations.

- (2) Where this paragraph applies—

- (a) the relevant person must charge the appropriate fee for the matter set out in Schedule 1; and

(1) S.S.I. 2006/313, as amended by S.S.I. 2007/536 and S.I. 2011/1043.

(2) S.I. 1993/2008; as amended in relation to Scotland by S.I. 1996/1452, 1997/616, 1999/1863, S.S.I. 2000/250, S.I. 2001/3510, S.S.I. 2007/305, S.S.I. 2010/219 and S.S.I. 2010/425.

(3) S.S.I. 2004/317, amended by S.S.I. 2006/313, 2007/224 and 536, 2009/223 and 2010/219.

(4) S.S.I. 2005/328, amended by S.S.I. 2006/313 and 448, 2007/224 and 536, 2009/223 and 2010/219.

(5) S.S.I. 2005/329, amended by S.S.I. 2006/313 and 448, 2007/224 and 536, 2009/233 and 330, and 2010/219.

(6) S.S.I. 2010/148.

- (b) the fee must be paid to the relevant person within one month of demand.

Fees for matters set out in Schedule 2

- 5.—(1) Paragraph (2) applies to matters set out in Schedule 2 relating to the 2006 Regulations.
- (2) Where this paragraph applies—
- (a) the Scottish Ministers must charge the appropriate fee for the matter set out in Schedule 2; and
 - (b) the fee must be paid to the Scottish Ministers within the relevant timescale set out in Schedule 2.

Reduced or additional fees

6.—(1) Where an application in respect of a matter set out in Schedule 1 is withdrawn before arrangements have been made for the purposes of an official examination, the appropriate fee set out in paragraph A of Schedule 1 (initial fee) is—

- (a) reduced to the sum of £2.75 per hectare or part thereof; and
- (b) otherwise not due (and if already paid must be repaid).

(2) Where an application in respect of a matter set out in Schedule 1 is not made by the applicable date, a fee of £29.00 per crop must be charged by the relevant person in addition to the appropriate fee set out in paragraph A of Schedule 1, and the fee must be paid to the relevant person within one month of demand.

- (3) Where in relation to an application in respect of a matter set out in Schedule 1—
- (a) arrangements have been made for an official examination to be carried out by a licensed crop inspector; and
 - (b) the applicant subsequently requests that the examination be carried out instead by the Scottish Ministers,

a fee of £29.00 per crop must be charged by the Scottish Ministers in addition to the appropriate fee set out in paragraph B of Schedule 1, and the fee must be paid to the Scottish Ministers within one month of demand.

(4) In paragraph (2), “the applicable date” means the date for enabling arrangements to be made for an official examination of a crop grown to produce seed of a species to which the Seed Marketing Regulations apply.

Exemptions

7. The Scottish Ministers may exempt any person from compliance with any provision in these Regulations relating to the payment of fees, subject to any conditions the Scottish Ministers think appropriate.

Revocations

8. The Seeds (Fees) (Scotland) Regulations 2007⁽⁷⁾ and regulation 24 of the Beet Seed (Scotland) (No. 2) Regulations 2010 are revoked.

(7) [S.S.I. 2007/536](#), amended by [S.S.I. 2010/148](#).

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