

2004 No. 1316

SEEDS

The Seed Potatoes (Fees) (England) Regulations 2004

Made - - - - *11th May 2004*

Laid before Parliament *13th May 2004*

Coming into force - - *22nd June 2004*

The Secretary of State, in exercise of the powers conferred by section 16(1) and (1A)(e) of the Plant Varieties and Seeds Act 1964(a) and now vested in her(b), after consultation with representatives of such interests as appear to her to be concerned, makes the following Regulations:

Title, commencement, extent and application

1.—(1) These Regulations may be cited as the Seed Potatoes (Fees) (England) Regulations 2004 and shall come into force on 22nd June 2004.

(2) These Regulations extend to England and Wales but apply only to England.

Fees

2.—(1) An applicant for classification of seed potatoes shall pay to the Secretary of State in respect of her functions under the Seed Potatoes Regulations 1991(c) listed in the Schedule, or to any person authorised by her to carry out such functions on her behalf, the fees listed in the Schedule in respect of such functions.

(2) The fee specified in the Schedule as payable for each function is subject to any minimum fee there specified.

Withdrawal of application

3. If an applicant for the classification of seed potatoes withdraws his application before the arrival of an inspector for the purpose of inspecting the crop for the first time the applicant shall pay to the Secretary of State or to any person authorised by her to carry out such inspection on her behalf a fee of £15.

(a) 1964 c.14; section 16(1) was amended and section 16(1A) inserted by the European Communities Act 1972 (c.68), section 4(1) and Schedule 4, paragraph 5(1) and (2).

(b) Under the Transfer of Functions (Wales)(No.1) Order 1978 (SI 1978/272), article 2(1) and Schedule 2, the functions of the Minister of Agriculture, Fisheries and Food under the Plant Varieties and Seeds Act 1964 were, so far as they were exercisable in relation to Wales, transferred to the Secretary of State and under the National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999/672), article 2(1) and Schedule 1, the functions transferred to the Secretary of State by the 1978 Order were transferred to the National Assembly for Wales. The remaining functions of the Minister of Agriculture, Fisheries and Food were transferred to the Secretary of State by article 2(2) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (SI 2002/794).

(c) SI 1991/2206, amended by SI 1992/1031, 1993/1878, 1994/2592, 1997/1474, 2000/1788.

Revocation of previous regulations

4. The Seed Potatoes (Fees) Regulations 1998^(a) are revoked in respect of England.

11th May 2004

Ben Bradshaw
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

^(a) SI 1998/1228.

SCHEDULE

Regulation 2

<i>Function</i>	<i>Fee*</i>	<i>(Previous fee)</i>	<i>Minimum fee (Previous minimum fee)</i>	
Inspection of growing crops and provision of seals and labels in respect of applications for classification:—				
as pre-basic seed potatoes	£81.00*	(-)	N/A	(N/A)
as basic seed potatoes: –				
VTSC class	£75.00	(£75.00)	N/A	(N/A)
Super Elite class	£40.50	(£40.50)	£81.00	(£81.00)
Elite class	£40.50	(£40.50)	£81.00	(£81.00)
AA class	£38.50	(£38.50)	£77.00	(£77.00)
as certified seed potatoes	£35.00	(£35.00)	£70.00	(£70.00)
under a scheme or other arrangements in accordance with paragraph 4(c)(ii) of Part II of Schedule 1 to the Seed Potatoes Regulations 1991	£81.00*	(-)	N/A	(N/A)
Inspection of harvested tubers				
Up to two inspections	£12.00	(£12.00)	£24.00	(£24.00)
Third and subsequent inspections	£81.00*	(£81.00)	N/A	(N/A)

* Of the rates listed in this column those that are marked with an asterisk are per hour or part thereof and those not so marked are per half-hectare or part thereof.

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations, which revoke and replace the Seed Potatoes (Fees) Regulations 1998 in respect of England, prescribe the fees payable by applicants for classification of seed potatoes under the Seed Potatoes Regulations 1991.

The Regulations introduce two new categories of fee. These are for the inspection of pre-basic seed potatoes and for the inspection of seed potatoes under a scheme or arrangement as provided for by paragraph 4(c)(ii) of Part II of Schedule 1 to the 1991 Regulations.

All of the other fees prescribed by the Regulations remain unchanged from the 1998 Regulations. All fees represent the cost of performing the services for which charges are made.

A Regulatory Impact Assessment has been prepared and placed in the libraries of both Houses of Parliament. Copies may be obtained from the Plant Health Division of the Department for Environment, Food and Rural Affairs, Foss House, Kings Pool, 1-2 Peasholme Green, York YO1 7PX.

£3.00

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under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
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E0720 5/2004 140720T 19585

ISBN 0-11-049298-6



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