

2005 No. 906

PLANT HEALTH, ENGLAND

**The Plant Health (Import Inspection Fees) (England)
Regulations 2005**

<i>Made</i> - - - -	<i>22nd March 2005</i>
<i>Laid before Parliament</i>	<i>24th March 2005</i>
<i>Coming into force</i> - -	<i>20th April 2005</i>

The Secretary of State for Environment, Food and Rural Affairs, in exercise of the powers conferred on her by section 56(1) of the Finance Act 1973(a), with the consent of the Treasury, hereby makes the following Regulations:

Title, commencement, extent and application

1.—(1) These Regulations may be cited as the Plant Health (Import Inspection Fees) (England) Regulations 2005 and shall come into force on 20th April 2005.

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

Interpretation

2. In these Regulations—

“consignment” has the same meaning as in Article 2(1)(p) of the Directive;

“daytime working hours” means any time between the hours of 8.30 a.m. to 5.00 p.m. on any day except a Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971(b) in England;

“the Directive” means Council Directive 2000/29/EC of 8th May 2000(c) on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community as last amended by Commission Directive 2005/15/EC of 28th February 2005(d);

“documentary check” has the same meaning as in Article 13a(1)(b)(i) of the Directive;

“identity check” has the same meaning as in Article 13a(1)(b)(ii) of the Directive;

“plant” has the same meaning as in Article 2(1)(a) of the Directive;

“plant health check” has the same meaning as in Article 13a(1)(b)(iii) of the Directive;

“plant intended for planting” has the same meaning as in Article 2(1)(d) of the Directive;

“plant product” has the same meaning as in Article 2(1)(b) of the Directive; and

(a) 1973 c. 51.

(b) 1971 c. 80.

(c) OJ No. L 169, 10.7.00, p. 1.

(d) OJ No. L 56, 2.3.2005, p. 12.

“third country” means a country or territory other than one within the European Community.

Consignments to which these Regulations apply

3. These Regulations apply to consignments of plants, plant products and other objects of a description specified in the first column of Schedule 1, landed in England from a third country, in respect of which Article 13d(1) of the Directive requires member States to charge phytosanitary fees to cover the costs occasioned by documentary checks, identity checks and plant health checks.

Fees

4.—(1) An importer of a consignment to which these Regulations apply shall pay to the Secretary of State the fees specified in this regulation.

(2) In respect of a plant health check carried out on any consignment of plants, plant products or other objects, other than a consignment of a plant or plant product to which paragraph (3) applies, the fee payable shall be—

- (a) the fee specified in the third column of Schedule 1 in respect of a check carried out during daytime working hours; or
- (b) the fee specified in the fourth column of that Schedule in respect of a check carried out outside those hours.

(3) In respect of a plant health check carried out, or which, but for Article 13a(2) of the Directive (providing for such checks to be carried out at reduced frequency), would have been required to be carried out, on a consignment of any plant or plant product listed in the first column of Schedule 2 and originating from a country listed in the third column of that Schedule, the fee payable, in accordance with Article 13d(2) of the Directive, shall be—

- (a) the fee specified in the fourth column of Schedule 2 in respect of a check carried out during daytime working hours; and
- (b) the fee specified in the fifth column of that Schedule in respect of a check carried out outside those hours.

(4) In respect of a documentary check or an identity check carried out on any consignment the fee payable shall be the fee specified for that check in the third column of Schedule 3.

21st March 2005

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

We consent,

22nd March 2005

Nick Ainger
John Heppell
Two of the Lords Commissioners
of Her Majesty's Treasury

SCHEDULE 1

Regulations 3 and 4(2)

IMPORT INSPECTION FEES FOR PLANT HEALTH CHECKS

<i>Plant, plant product or other object</i>	<i>Quantity</i>	<i>Fee (daytime working hours)</i>	<i>Fee (non-daytime working hours)</i>
Cuttings, seedlings (except forestry reproductive material), young plants of strawberries or of vegetables	Per consignment		
	— up to 10,000 in number	£13.24	£19.86
	— for each additional 1,000 units	£0.52	£0.78
Shrubs, trees (other than cut Christmas trees), other woody nursery plants including forest reproductive material (other than seed)	— maximum price	£105.92	£158.88
	Per consignment		
	— up to 1,000 in number	£13.24	£19.86
Bulbs, corms, rhizomes, tubers, intended for planting (other than tubers of potatoes)	— for each additional 100 units	£0.33	£0.49
	— maximum price	£105.92	£158.88
	Per consignment		
Seeds, tissue cultures	— up to 200 kg in weight	£13.24	£19.86
	— for each additional 10 kg	£0.12	£0.18
	— maximum price	£105.92	£158.88
Other plants intended for planting, not specified elsewhere in this Schedule	Per consignment		
	— up to 100 kg in weight	£5.67	£8.50
	— for each additional 10 kg	£0.13	£0.19
Cut flowers	— maximum price	£105.92	£158.88
	Per consignment		
	— up to 20,000 in number	£13.24	£19.86
Branches with foliage, parts of conifers (other than cut Christmas trees)	— for each additional 1,000 units	£0.10	£0.15
	— maximum price	£105.92	£158.88
	Per consignment		
Cut Christmas trees	— up to 100 kg in weight	£13.24	£19.86
	— for each additional 100 kg	£1.32	£1.98
	— maximum price	£105.92	£158.88

	— up to 1,000 in number	£13.24	£19.86
	— for each additional 100 units	£1.32	£1.98
	— maximum price	£105.92	£158.88
Leaves of plants, such as herbs, spices and leafy vegetables	Per consignment		
	— up to 100 kg in weight	£13.24	£19.86
	— for each additional 10 kg	£1.32	£1.98
	— maximum price	£105.92	£158.88
Fruits, vegetables (other than leafy vegetables)	Per consignment		
	— up to 25,000 kg in weight	£13.24	£19.86
	— for each additional 1,000 kg	£0.52	£0.78
Tubers of potatoes	Per lot		
	— up to 25,000 kg in weight	£39.72	£59.58
	— for each additional 25,000 kg	£39.72	£59.58
Soil and growing medium, bark	Per consignment		
	— up to 25,000 kg in weight	£13.24	£19.86
	— for each additional 1,000 kg	£0.52	£0.78
	— maximum price	£105.92	£158.88
Grain	Per consignment		
	— up to 25,000 kg in weight	£13.24	£19.86
	— for each additional 1,000 kg	£0.52	£0.78
	— maximum price	£529.60	£794.40
Other plants or plant products not specified elsewhere in this Schedule, except forest trees	Per consignment	£13.24	£19.86

SCHEDULE 2

Regulation 4(3)

REDUCED IMPORT INSPECTION FEES FOR PLANT HEALTH CHECKS

<i>Genus</i>	<i>Quantity</i>	<i>Country of origin</i>	<i>Fee (daytime working hours)</i>	<i>Fee (non-daytime working hours)</i>
<i>Cut flowers</i>				
Aster	Per consignment			
	— up to 20,000 in number	Zimbabwe	£3.31	£4.96
	— for each additional 1,000 units	Zimbabwe	£0.02	£0.03
	— maximum price	Zimbabwe	£26.48	£39.72
Dianthus	Per consignment			
	— up to 20,000 in number	Colombia	£0.40	£0.60
		Ecuador	£1.98	£2.97
		Morocco, Turkey	£3.31	£4.96
	— for each additional 1,000 units	Colombia	£0.003	£0.004
		Ecuador	£0.01	£0.015
		Morocco, Turkey	£0.02	£0.03
	— maximum price	Colombia	£3.17	£4.75
		Ecuador	£15.88	£23.82
Morocco, Turkey		£26.48	£39.72	
Rosa	Per consignment			
	— up to 20,000 in number	Ecuador, Kenya, Uganda, Zimbabwe	£0.66	£0.99
		Colombia	£1.32	£1.98
	— for each additional 1,000 units	Ecuador, Kenya, Uganda, Zimbabwe	£0.005	£0.007
		Colombia	£0.01	£0.015
	— maximum price	Ecuador, Kenya, Uganda, Zimbabwe	£5.29	£7.94
	Colombia	£10.59	£15.89	
<i>Fruit</i>				
Malus	Per consignment			
	— up to 25,000 kg in weight	Chile, South Africa	£1.32	£1.98

		Argentina, New Zealand	£1.98	£2.97
		Brazil	£3.31	£4.96
		China	£6.62	£9.93
	— for each additional 1,000 kg	Chile, South Africa	£0.05	£0.07
		Argentina, New Zealand	£0.07	£0.10
		Brazil	£0.13	£0.19
		China	£0.26	£0.39
Mangifera	Per consignment			
	— up to 25,000 kg in weight	Brazil	£1.32	£1.98
		South Africa	£6.62	£9.93
	— for each additional 1,000 kg	Brazil	£0.05	£0.07
		South Africa	£0.26	£0.39
Prunus	Per consignment			
	— up to 25,000 kg in weight	Chile, South Africa, Turkey	£1.32	£1.98
		Argentina	£1.98	£2.97
	— for each additional 1,000 kg	Chile, South Africa, Turkey	£0.05	£0.07
		Argentina	£0.07	£0.10
Pyrus	Per consignment			
	— up to 25,000 kg in weight	South Africa	£1.32	£1.98
		Argentina	£1.98	£2.97
		Chile	£3.31	£4.96
		China	£6.62	£9.93
	— for each additional 1,000 kg	South Africa	£0.05	£0.07
		Argentina	£0.07	£0.10
		Chile	£0.13	£0.19
		China	£0.26	£0.39
Citrus	Per consignment			
	— up to 25,000 kg in weight	Morocco	£0.66	£0.99
		Turkey	£0.92	£1.38
		USA	£1.32	£1.98
		Israel, Mexico, Uruguay	£1.98	£2.97
	— for each additional 1,000 kg	Morocco	£0.02	£0.03
		Turkey	£0.03	£0.04
		USA	£0.05	£0.07
		Israel, Mexico, Uruguay	£0.07	£0.10

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

SCHEDULE 3

Regulation 4(4)

IMPORT INSPECTION FEES FOR DOCUMENTARY CHECKS AND IDENTITY CHECKS

<i>Check</i>	<i>Quantity</i>	<i>Fee</i>
Documentary check	Per consignment	£5.29
Identity check	Per consignment — up to a size of a truck load, a railway wagon load or the load of a container of comparable size	£5.29
	— bigger than the above size	£10.58

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations, which apply to England and come into force on 20th April 2005, implement Article 13d of Council Directive 2000/29/EC of 8th May 2000 (OJ No. L 169, 10.7.00, p. 1), as last amended by Commission Directive 2005/15/EC of 28th February 2005 (OJ No. L 56, 2.3.2005, p. 12), (“the Directive”), 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 provided for in Article 13a(1) of the Directive.

An importer is required to pay the fee specified in Schedule 1 for plant health checks which are carried out, except where reduced import inspection fees apply (regulation 4(2) and (3)). Schedule 2 specifies reduced fees which apply, whether or not an inspection is in fact carried out, in respect of plant health checks of certain cut flowers and fruits originating in the countries specified in that Schedule (regulation 4(3)).

An importer is required to pay the fee specified in Schedule 3 for documentary checks and identity checks (regulation 4(4)).

A Regulatory Impact Assessment has been prepared and placed in the Library of each House of Parliament. Copies can be obtained from Plant Health Division, Defra, Foss House, Kings Pool, Peasholme Green, York YO1 7PX.

£3.00

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