

2006 No. 1160

SEEDS, ENGLAND

The Seed Potatoes (Fees) (England) Regulations 2006

<i>Made</i> - - - -	<i>21st April 2006</i>
<i>Laid before Parliament</i>	<i>25th April 2006</i>
<i>Coming into force</i> - -	<i>17th May 2006</i>

The Secretary of State makes the following Regulations 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).

In accordance with section 16(1) of that Act she has consulted with representatives of such interests as appear to her to be concerned by the following Regulations:

Title, commencement, extent and application

1.—(1) These Regulations may be cited as the Seed Potatoes (Fees) (England) Regulations 2006 and come into force on 17th May 2006.

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

Fees

2.—(1) An applicant for—

- (a) certification of seed potatoes in accordance with regulation 9 of the Seed Potatoes (England) Regulations 2006(c), or
- (b) authorisation to market seed potatoes in accordance with regulation 8 of those Regulations,

shall pay to the Secretary of State in respect of any of her functions under the Seed Potatoes (England) Regulations 2006 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 in respect of each function is subject to any minimum fee specified in relation to that function.

(a) 1964 c.14; section 16 was amended by section 4(1) of, and paragraph 5(1), (2) and (3) of Schedule 4 to, the European Communities Act 1972 (c.68), S.I. 1977/1112, and section 2 of the Agriculture Act 1986 (c.49); see section 38(1) for a definition of “the Minister”.

(b) Under the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794) the functions of the Minister of Agriculture, Fisheries and Food under the Plant Varieties and Seeds Act 1964 which remained vested in that Minister at the date of the Order were transferred to the Secretary of State.

(c) S.I. 2006/1161.

Revocations

3. The Seed Potatoes (Fees)(England) Regulations 2004(a) are revoked.

Date 21st April 2006

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

(a) S.I. 2004/1316.

SCHEDULE

Regulation 2

<i>Function</i>	<i>Fee⁽¹⁾</i>	<i>(Previous fee)</i>	<i>Minimum fee</i>	<i>(Previous minimum fee)</i>
Inspection of growing crops and provision of seals and labels in respect of applications—				
for certification as pre-basic seed potatoes	£81.00*	<i>(£81.00)</i>	N/A	<i>(N/A)</i>
for certification as basic seed potatoes, classified as—				
Super Elite 1, Super Elite 2 or Super Elite 3	£40.50	<i>(£40.50)</i>	£81.00	<i>(£81.00)</i>
Elite 1, Elite 2 or Elite 3	£40.50	<i>(£40.50)</i>	£81.00	<i>(£81.00)</i>
A	£38.50	<i>(£38.50)</i>	£77.00	<i>(£77.00)</i>
for certification as certified seed potatoes	£35.00	<i>(£35.00)</i>	£70.00	<i>(£70.00)</i>
for authorisation to market seed potatoes in accordance with regulation 8 of the Seed Potatoes (England) Regulations 2006	£81.00*	<i>(£81.00)⁽²⁾</i>	N/A	<i>(N/A)</i>
Inspection of harvested tubers				
Up to two inspections	£12.00	<i>(£12.00)</i>	£24.00	<i>(£24.00)</i>
Third and subsequent inspections	£81.00*	<i>(£81.00)</i>	N/A	<i>(N/A)</i>

⁽¹⁾ 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.

⁽²⁾ Fee payable under the previous scheme for unlisted varieties (under paragraph 4(c)(ii) of Part II of Schedule 1 to the Seed Potatoes Regulations 1991(a)).

(a) S.I. 1991/2206, to which there are amendments not relevant to these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Seed Potatoes (Fees) Regulations 2004 (SI 2004/1316), in order to reflect changes made by the Seed Potatoes (England) Regulations 2006 (SI 2006/1161) in the approach taken to official certification of seed potatoes as pre-basic seed potatoes, basic seed potatoes and certified seed potatoes and to the inspection of and provision of seals and labels for seed potatoes belonging to varieties for which an application for entry in a National List has been submitted but not yet determined (which potatoes are now permitted to be marketed for test and trial purposes). The changes primarily reflect changes in terminology and there are no changes to the amount of fees currently payable.

A regulatory impact assessment has not been prepared for this instrument, as it has no impact on the costs of businesses, charities or voluntary bodies.

£3.00

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