

2007 No. 720

PLANT HEALTH, ENGLAND

**The Plant Health (Plant Passport Fees) (England) Regulations
2007**

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| <i>Made</i> - - - - | <i>6th March 2007</i> |
| <i>Laid before Parliament</i> | <i>12th March 2007</i> |
| <i>Coming into force</i> - - | <i>6th April 2007</i> |

The Secretary of State, with the consent of the Treasury, makes the following Regulations in exercise of the powers conferred by section 56 of the Finance Act 1973(a).

Title, commencement, extent and application

1.—(1) These Regulations may be cited as the Plant Health (Plant Passport Fees) (England) Regulations 2007 and come into force on 6th April 2007.

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

Interpretation

2. In these Regulations—

“the 2004 Order” means the Plant Health (*Phytophthora ramorum*) (England) Order 2004(b);

“the 2005 Order” means the Plant Health (England) Order 2005(c);

“authority” means an authority to issue plant passports conferred under article 8 of the 2004 Order or, as the case may be, under article 29 of the 2005 Order; and

“plant passport” has the meaning given by—

(a) article 2 of the 2004 Order in respect of an authority under that Order; or

(b) article 2(1) of the 2005 Order in respect of an authority under that Order.

Fee for inspections for plant passporting purposes

3.—(1) The fee specified in paragraph (2) shall be paid to the Secretary of State in respect of any inspection (including a check of business records) carried out in connection with—

(a) an application for an authority; or

(b) ensuring compliance with any requirements imposed on the holder of an authority by virtue of article 8 of the 2004 Order or article 29 of the 2005 Order.

(2) The fee is £20.25 for each quarter of an hour or part thereof spent on site by an inspector with a minimum of £40.50 in respect of any visit.

(a) 1973 c. 51.

(b) S.I. 2004/2590.

(c) S.I. 2005/2530.

Revocations

4. The following Regulations are revoked insofar as they apply to England—

- (a) the Plant Passport (Plant Health Fees) (England and Wales) Regulations 1993^(a); and
- (b) the Plant Passport (Plant Health Fees) (England and Wales) (Amendment) Regulations 1997^(b).

1st March 2007

Jeff Rooker
Minister of State
Department for Environment, Food and Rural Affairs

We consent

6th March 2007

Alan Campbell
Dave Watts
Two of the Lords Commissioners of Her Majesty's Treasury

^(a) S.I. 1993/1642.
^(b) S.I. 1997/1961.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to England only, prescribe fees in respect of inspections carried out for the purpose of conferring authority to issue plant passports (including check of business records) under either the Plant Health (England) Order 2005 (S.I. 2005/2530) or the Plant Health (*Phytophthora ramorum*) (England) Order 2004 (S.I. 2004/2590) (“the Orders”).

Under the Orders, certain listed plants, plant products and other objects require a plant passport for movement within the European Community including any trade within the United Kingdom. Producers, traders and importers of such material may be authorised to issue plant passports by the Secretary of State. The initial authorisation process involves an inspection of premises and the listed plant material and includes a check on business records and further inspections may be carried out subsequent to the grant of authority to ensure compliance with relevant requirements.

The fees payable in respect of such inspections are specified in regulation 3(2).

Regulation 4 revokes S.I. 1993/1642 and S.I. 1997/1961. The level of fees remains unchanged from S.I. 1997/1961 but now apply also to authorisations under the Plant Health (*Phytophthora ramorum*) (England) Order 2004 (“the 2004 Order”).

A regulatory impact assessment was prepared in respect of the predecessor to the 2004 Order (S.I. 2002/2573) which foresaw the charging of the fee for plant passporting purposes to which these Regulations relate. This was 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.

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