

2015 No. 1996

PLANT HEALTH, ENGLAND

**The Plant Health (Fees) (England) (Amendment) Regulations
2015**

<i>Made</i>	- - - -	<i>8th December 2015</i>
<i>Laid before Parliament</i>		<i>10th December 2015</i>
<i>Coming into force</i>	- -	<i>1st January 2016</i>

The Secretary of State makes these Regulations, with the consent of the Treasury, in exercise of the powers conferred by section 56(1) of the Finance Act 1973(a).

Citation and commencement

1. These Regulations may be cited as the Plant Health (Fees) (England) (Amendment) Regulations 2015 and come into force on 1st January 2016.

Amendment of the Plant Health (Fees) (England) Regulations 2014

2. The Plant Health (Fees) (England) Regulations 2014(b) are amended as follows.

Substitution of regulation 3

3. For regulation 3 (seed potatoes: fees), substitute—

“Seed potatoes: fees

3.—(1) The fees specified in Schedule 4 are payable in respect of the functions specified in column 1 of the table in that Schedule which relate to an application for either of the following—

- (a) the certification of seed potatoes in accordance with regulation 10 of the Seed Potatoes (England) Regulations 2015(c);
- (b) an authorisation, including a renewal of authorisation, to market seed potatoes in accordance with regulation 11 of those Regulations.

(2) The fee payable in respect of a function specified in column 1 of the table in Schedule 4 is subject to any minimum fee specified in respect of that function in column 3 of that table.

(3) The fee in respect of a function specified in Schedule 4 must be paid to the Secretary of State or to any person who is authorised by the Secretary of State to carry out that

(a) 1973 c.51; section 56(1) was amended by S.I. 2011/1043, article 6(1)(e).

(b) S.I. 2014/601, amended by S.I. 2014/3243; there are other amending instruments but none is relevant.

(c) S.I. 2015/1953.

function under the Seed Potatoes (England) Regulations 2015 on behalf of the Secretary of State.”.

Substitution of Schedule 2

4. For Schedule 2 (import inspection fees: reduced rates)(a), substitute—

“SCHEDULE 2 Regulation 2(2)(a)(ii) and (3)(b)

Import Inspection Fees: Reduced Rates

<i>Column 1 Genus</i>	<i>Column 2 Quantity</i>	<i>Column 3 Country of origin</i>	<i>Column 4 Fee for each consignment or relevant part of a consignment (daytime working hours) (£)</i>	<i>Column 5 Fee for each consignment or relevant part of a consignment (non-daytime working hours) (£)</i>
Cut flowers				
<i>Dianthus</i>	up to 20,000 in number	Colombia	1.43	2.15
		Ecuador	7.18	10.77
		Kenya	4.78	7.18
		Turkey	11.96	17.95
	each additional 1,000 or part thereof	Colombia	0.01, up to a maximum of 11.48	0.01, up to a maximum of 17.23
		Ecuador	0.05, up to a maximum of 57.43	0.08, up to a maximum of 86.15
		Kenya	0.04, up to a maximum of 38.29	0.06, up to a maximum of 57.43
		Turkey	0.09, up to a maximum of 95.73	0.13, up to a maximum of 143.59
<i>Rosa</i>	up to 20,000 in number	Colombia	1.43	2.15
		Ecuador	1.43	2.15
		Ethiopia	2.39	3.59
		Kenya	2.39	3.59
		Tanzania	7.18	10.77
		Zambia	7.18	10.77
	each additional 1,000 or part thereof	Colombia	0.01, up to a maximum of 11.48	0.01, up to a maximum of 17.23
		Ecuador	0.01, up to a maximum of 11.48	0.01, up to a maximum of 17.23
		Ethiopia	0.02, up to a maximum of 19.14	0.03, up to a maximum of 28.71

(a) Schedule 2 was substituted by S.I. 2014/3243, regulation 4.

<i>Column 1 Genus</i>	<i>Column 2 Quantity</i>	<i>Column 3 Country of origin</i>	<i>Column 4 Fee for each consignment or relevant part of a consignment (daytime working hours) (£)</i>	<i>Column 5 Fee for each consignment or relevant part of a consignment (non-daytime working hours) (£)</i>
		Kenya	0.02, up to a maximum of 19.14	0.03, up to a maximum of 28.71
		Tanzania	0.05, up to a maximum of 57.43	0.08, up to a maximum of 86.15
		Zambia	0.05, up to a maximum of 57.43	0.08, up to a maximum of 86.15
Branches with foliage				
<i>Phoenix</i>	up to 100 kg	Costa Rica	16.75	25.13
	each additional 100 kg or part thereof	Costa Rica	1.66, up to a maximum of 134.02	2.49, up to a maximum of 201.03
Fruit				
<i>Citrus</i>	up to 25,000 kg	Egypt	7.18	10.77
		Israel	4.78	7.18
		Mexico	4.78	7.18
		Morocco	2.39	3.59
		Peru	4.78	7.18
		Tunisia	23.93	35.90
		Turkey	1.43	2.15
	USA	7.18	10.77	
	each additional 1,000 kg or part thereof	Egypt	0.28	0.43
		Israel	0.19	0.28
		Mexico	0.19	0.28
		Morocco	0.09	0.14
		Peru	0.19	0.28
		Tunisia	0.95	1.43
Turkey		0.05	0.08	
USA	0.28	0.43		
<i>Malus</i>	up to 25,000 kg	Argentina	11.96	17.95
		Brazil	11.96	17.95
		Chile	2.39	3.59
		New Zealand	4.78	7.18
		South Africa	2.39	3.59
		USA	23.93	35.90
	each additional 1,000 kg or part thereof	Argentina	0.47	0.71
		Brazil	0.47	0.71
		Chile	0.09	0.14
		New Zealand	0.19	0.28
		South Africa	0.09	0.14
USA	0.95	1.43		
<i>Passiflora</i>	up to 25,000 kg	Colombia	4.78	7.18

<i>Column 1 Genus</i>	<i>Column 2 Quantity</i>	<i>Column 3 Country of origin</i>	<i>Column 4 Fee for each consignment or relevant part of a consignment (daytime working hours) (£)</i>	<i>Column 5 Fee for each consignment or relevant part of a consignment (non-daytime working hours) (£)</i>
		Kenya	7.18	10.77
		South Africa	16.75	25.13
		Zimbabwe	35.90	53.85
	each additional 1,000 kg or part thereof	Colombia	0.19	0.28
		Kenya	0.28	0.43
		South Africa	0.66	1.00
		Zimbabwe	1.43	2.15
<i>Prunus</i>	up to 25,000 kg	Argentina	35.90	53.85
		Chile	4.78	7.18
		Morocco	23.93	35.90
		South Africa	4.78	7.18
		Turkey	4.78	7.18
		USA	23.93	35.90
	each additional 1,000 kg or part thereof	Argentina	1.43	2.15
		Chile	0.19	0.28
		Morocco	0.95	1.43
		South Africa	0.19	0.28
		Turkey	0.19	0.28
		USA	0.95	1.43
<i>Pyrus</i>	up to 25,000 kg	Argentina	4.78	7.18
		Chile	7.18	10.77
		China	35.90	53.85
		South Africa	4.78	7.18
	each additional 1,000 kg or part thereof	Argentina	0.19	0.28
		Chile	0.28	0.43
		China	1.43	2.15
		South Africa	0.19	0.28
<i>Vaccinium</i>	up to 25,000 kg	Argentina	11.96	17.95
	each additional 1,000 kg or part thereof	Argentina	0.47	0.71
Vegetables				
<i>Capsicum</i>	up to 25,000 kg	Israel	2.39	3.59
		Morocco	2.39	3.59
	each additional 1,000 kg or part thereof	Israel	0.09	0.14
		Morocco	0.09	0.14
<i>Momordica</i>	up to 25,000 kg	Surinam	11.96	17.95
	each additional 1,000 kg or part thereof	Surinam	0.47	0.71
<i>Solanum melongena</i>	up to 25,000 kg	Kenya	4.78	7.18
		Turkey	4.78	7.18

<i>Column 1 Genus</i>	<i>Column 2 Quantity</i>	<i>Column 3 Country of origin</i>	<i>Column 4 Fee for each consignment or relevant part of a consignment (daytime working hours) (£)</i>	<i>Column 5 Fee for each consignment or relevant part of a consignment (non-daytime working hours) (£)</i>
	each additional 1,000 kg or part thereof	Kenya	0.19	0.28
		Turkey	0.19	0.28"

Amendment of Schedule 4

5. In Schedule 4 (seed potatoes: fees), in column 1 of the table—

- (a) for “super elite 1, super elite 2 or super elite 3” substitute “grade S”;
- (b) for “elite 1, elite 2 or elite 3” substitute “grade SE”;
- (c) for “A” substitute “grade E”.

Gardiner of Kimble
Lords Spokesman

2nd December 2015

Department for Environment, Food and Rural Affairs

We consent

David Evennett
Mel Stride

8th December 2015

Two of the Lords Commissioners of Her Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Plant Health (Fees) (England) Regulations 2014 (S.I. 2014/601) (“the principal Regulations”).

Regulation 3 of the principal Regulations provides for the payment of fees in relation to certain statutory functions arising under the Seed Potatoes (England) Regulations 2006 (S.I. 2006/1161). The Seed Potatoes (England) Regulations 2006 have been replaced by the Seed Potatoes (England) Regulations 2015 (S.I. 2015/1953). These Regulations make minor amendments to regulation 3 of, and Schedule 4 to, the principal Regulations to reflect certain changes in terminology and other changes made by the Seed Potatoes (England) Regulations 2015. The fees which are payable under regulation 3 of the principal Regulations remain unchanged.

Schedule 2 to the principal Regulations (“Schedule 2”) sets out reduced rate fees for certain plants and plant products which are subject to reduced levels of plant health checks agreed under the procedure provided for in Articles 13a(2) and 18(2) of Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ No 169, 10.7.2000, p1). Regulation 4 of these Regulations amends Schedule 2 to give effect to the latest notification published by the European Commission of the reduced plant health checks which are applicable to certain plants and plant products.

The inspection rates in respect of the following commodities referred to in Schedule 2 have increased, with matching increases in fees: *Dianthus* from Kenya (from 5% to 10%), *Passiflora* from Kenya (from 10% to 15%), *Prunus* from Argentina (from 50% to 75%), *Prunus* from the USA (from 10% to 50%) and *Pyrus* from China (from 50% to 75%).

Fruit of *Citrus* from Uganda and *Psidium* from Brazil are no longer eligible for reduced rate fees since these commodities are subject to an inspection rate of 100%. Accordingly, the relevant entries are removed from Schedule 2 and the fees in Schedule 1 to the principal Regulations are applied to these consignments.

The inspection rates in respect of the following commodities referred to in Schedule 2 have decreased, with matching decreases in fees: *Rosa* from Ethiopia (from 10% to 5%), *Citrus* from Tunisia (from 75% to 50%), *Capsicum* from Morocco (from 10% to 5%) and *Momordica* from Surinam (from 35% to 25%).

A full impact assessment has not been produced for this instrument as no impact, or no significant, impact on the private, voluntary or public sector is foreseen.

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