

2015 No. 350

PLANT HEALTH, ENGLAND

PLANT HEALTH, SCOTLAND

**The Plant Health (Fees) (Forestry) (England and Scotland)
Regulations 2015**

<i>Made</i> - - - -	<i>23rd February 2015</i>
<i>Laid before Parliament</i>	<i>25th February 2015</i>
<i>Coming into force</i> - -	<i>6th April 2015</i>

The Forestry Commissioners are designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Union and make these Regulations in exercise of the powers conferred by that section.

Title, commencement and application

1. These Regulations—

- (a) may be cited as the Plant Health (Fees) (Forestry) (England and Scotland) Regulations 2015;
- (b) come into force on 6th April 2015; and
- (c) apply in relation to England and Scotland only.

Interpretation

2.—(1) In these Regulations—

“approved place of inspection” has the meaning given in article 3 of the Order;

“controlled consignment” means a consignment within the meaning of Article 2(1)(p) of the Directive, or a consignment which an inspector reasonably suspects to be such a consignment, of any of the following relevant material to which Part 2 of the Order applies—

- (a) isolated bark of a type listed in Schedule 5, Part A, paragraph 3 or Part B, paragraph 3 to the Order; or
- (b) wood of a type listed in Schedule 5, Part A, paragraph 4 or Part B, paragraph 1 to the Order, other than wood packaging material which is actually in use in the transport of objects of all kinds;

(a) S.I. 1996/266, amended by S.I. 2011/1043; there are other amending instruments but none is relevant. Under section 1(2) of the Plant Health Act 1967 (c. 8), as amended by article 4(1) of, and paragraph 43 of Schedule 2 to, the Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), the Forestry Commissioners are the competent authority for England and Scotland as regards the protection of forest trees and timber from attack by pests.

(b) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).

“the Directive” means 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(a);

“documentary check” has the meaning given by Article 13a(1)(b)(i) of the Directive;

“identity check” has the meaning given by Article 13a(1)(b)(ii) of the Directive;

“licence” means a licence to carry out any activity to which article 38 or 39 of the Order applies;

“the Order” means the Plant Health (Forestry) Order 2005(b);

“plant health check” has the meaning given by Article 13a(1)(b)(iii) of the Directive;

“plant passport authority” means an authority to issue plant passports granted by the Forestry Commissioners under article 28 of the Order;

“remedial notice” means a notice served under article 31(1) or (4) or 33(3) of the Order; and

“remedial work” means any steps taken by a person for the purposes of complying with a remedial notice, or by an inspector under article 32(1) of the Order.

(2) Words and expressions which are not defined in these Regulations and which appear in the Order have the same meaning in these Regulations as they have in the Order.

Fees

3.—(1) Fees payable under this regulation are payable to the Forestry Commissioners.

(2) The fee payable for an inspection and associated activities in connection with the granting, variation, or suspension of a plant passport authority or for monitoring compliance with that authority is specified in Schedule 1.

(3) The fee payable in connection with an application for a licence (including an application for an extension or variation of a licence), for an inspection and associated activities in connection with an application for a licence or for monitoring compliance with the terms and conditions of a licence is specified in Schedule 2.

(4) The importer of a controlled consignment must pay—

- (a) in the case of a plant health check in respect of the consignment, the fee specified for the relevant type of consignment in item 1 or 2 of the table in Schedule 3;
- (b) in the case of a documentary check in respect of the consignment, the fee specified in item 1 of the table in Schedule 4;
- (c) in the case of an identity check in respect of the consignment, the fee specified in item 2 of the table in Schedule 4.

(5) Where, at the request of an importer of a controlled consignment, a plant health check is carried out on the consignment at an approved place of inspection, the importer must pay the fee of £30 for each visit made by an inspector in the course of conducting the plant health check at the approved place of inspection, in addition to the fee payable under paragraph (4)(a).

(6) The person on whom a remedial notice is served or who is given notice under article 32(1) of the Order must pay the fee specified in Schedule 5 for the carrying out or the monitoring by an inspector of remedial work and associated activities in connection with a controlled consignment.

Revocations

4. The following Regulations are revoked—

- (a) the Plant Health (Fees) (Forestry) Regulations 2006(c);

(a) OJ No L 169, 10.7.2000, p1, as last amended by Regulation (EU) No 652/2014 of the European Parliament and of the Council (OJ No L 189, 27.6.2014, p1).

(b) S.I. 2005/2517; relevant amending instruments are S.I. 2009/594, 2012/2707, 2013/755, 2691, 2014/2420.

(c) S.I. 2006/2697, as amended by S.I. 2008/702, 2009/2956, 2010/2001, 2013/755, 2014/589.

- (b) the Plant Health (Fees) (Forestry) (Amendment) Regulations 2008**(a)**;
- (c) the Plant Health (Fees) (Forestry) (Amendment) Regulations 2009**(b)**;
- (d) the Plant Health (Fees) (Forestry) (Amendment) Regulations 2010**(c)**; and
- (e) the Plant Health (Fees) (Forestry) (Amendment) (England and Scotland) Regulations 2014**(d)**.

Sealed with the official seal of the Forestry Commissioners

23rd February 2015

Wilma Harper
Secretary to the Forestry Commissioners

(a) S.I. 2008/702.
(b) S.I. 2009/2956.
(c) S.I. 2010/2001.
(d) S.I. 2014/589.

SCHEDULE 1

Regulation 3(2)

Fees for inspections in connection with a plant passport authority

<i>Type of inspection</i>	<i>Fee</i>
Inspection and associated activities (including travelling and office time) in connection with the granting, variation or suspension of a plant passport authority or for monitoring compliance with that authority—	
(f) up to and including the first hour;	£37
(g) thereafter, for each additional 15 minutes or part thereof	£9.25

SCHEDULE 2

Regulation 3(3)

Fees in connection with licences

<i>Item</i>	<i>Type of application or inspection</i>	<i>Fee</i>
1.	Application for a licence	£305
2.	Application for an extension or variation of a licence with changes requiring scientific or technical assessment	£100
3.	Application for an extension of a licence with no changes or for an extension or variation of a licence with changes not requiring scientific or technical assessment	£12
4.	Inspection and associated activities (including travelling and office time) in connection with item 1, 2 or 3 or for monitoring compliance with licence terms and conditions—	
	(h) up to and including the first hour;	£37
	(i) thereafter, for each additional 15 minutes or part thereof	£9.25

SCHEDULE 3

Regulation 3(4)(a)

Fees for plant health checks

<i>Item</i>	<i>Description of relevant material in consignment subject to a plant health check</i>	<i>Unit</i>	<i>Fee</i>
1.	Isolated bark, wood shavings, wood chips or sawdust	Per consignment —up to 25000kg —for each additional 1000kg or part thereof	£31.20 £0.49 Up to a maximum fee of £98 per consignment
2.	Wood (other than wood in the form of isolated bark, wood shavings, wood chips or sawdust)	Per consignment —up to 100m ³ —for each additional m ³ or part thereof	£31.20 £0.25

SCHEDULE 4

Regulation 3(4)(b) and (c)

Fees for documentary checks and identity checks

<i>Item</i>	<i>Type of check</i>	<i>Unit</i>	<i>Fee</i>
1.	Documentary check	Per consignment	£7.20
2.	Identity check	Per consignment —for each load of up to 30m ³ forming part of the consignment contained in one truck, railway wagon or comparable container —for each bulk load of less than 100m ³ —for each bulk load of 100m ³ or more	£7.20 £7.20 £14.40

SCHEDULE 5

Regulation 3(6)

Fees for the carrying out or monitoring of remedial work

<i>Remedial work</i>	<i>Fee</i>
The carrying out or monitoring by an inspector of remedial work and associated activities (including travelling and office time) in connection with a controlled consignment—	
(j) up to and including the first hour;	£37
(k) thereafter, for each additional 15 minutes or part thereof	£9.25

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Plant Health (Fees) (Forestry) Regulations 2006 (S.I. 2006/2697) in relation to England and Scotland.

They implement Article 13d 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 L 169, 10.7.2000, p1). Article 13d requires member States to collect fees for documentary, identity and plant health checks carried out on certain consignments of wood, wood products and isolated bark originating in countries outside the European Union (“controlled consignments”).

Regulation 3 requires the following fees to be paid to the Forestry Commissioners—

- (a) the fees specified in Schedule 1 for inspections in connection with an authority to issue plant passports under article 28 of the Plant Health (Forestry) Order 2005 (S.I. 2005/2517);
- (b) the fees specified in Schedule 2 in connection with licences to which article 38 or 39 of the principal Order applies;
- (c) the fees specified in Schedule 3 and regulation 3(5) for plant health checks on controlled consignments;
- (d) the fees specified in Schedule 4 for documentary checks and identity checks on controlled consignments;
- (e) the fees specified in Schedule 5 for the carrying out or monitoring of remedial work by an inspector under the Plant Health (Forestry) Order 2005 in connection with controlled consignments.

Schedule 3A to the Plant Health (Fees) (Forestry) Regulations 2006 (S.I. 2006/2697) set out reduced rate fees in relation to plant health checks on consignments of *Acer saccharum* from Canada. Under the procedure provided for in Articles 13a(2) and 18(2) of Council Directive 2000/29/EC, these consignments are no longer subject to reduced levels of plant health checks and are therefore no longer eligible for reduced rate fees.

Otherwise the fees remain the same as in the Plant Health (Fees) (Forestry) Regulations 2006.

An impact assessment has not been produced for this instrument as no impact on business or the private or voluntary sectors is foreseen. The Explanatory Memorandum for this instrument is available from the Forestry Commission, Silvan House, 231 Corstorphine Road, Edinburgh, EH12 7AT and alongside the instrument at www.legislation.gov.uk.

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