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STATUTORY INSTRUMENTS

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**2018 No. 289**

**The Plant Health etc. (Fees) (England) Regulations 2018**

**PART 2**

Fees relating to plant health

**[<sup>F1</sup>Export certification services and pre-export services: fees**

**5A.**—(1) [<sup>F2</sup>Subject to paragraph (4A),] the fees specified in the table in Schedule 4A (“the table”) are payable in respect of the services described in column 1 of the table by a person who applies to the Secretary of State for a certificate or a pre-export service.

(2) The amount of the fee in respect of any service described in column 1 of the table is—

(a) in the case of a small exporter who, at the date of the application, has only been liable during the financial year in which the application is made to pay fees of £750 or less in respect of the services described in column 1 of the table, the amount specified in the corresponding entry in column 2 of the table;

(b) in any other case, the amount specified in the corresponding entry in column 3 of the table.

(3) The fees specified in columns 2 and 3 of the table in respect of an inspection of a consignment or an audit of a grain inspection are payable for each 15 minutes (or part thereof) spent in carrying out the inspection or audit and any associated activities, subject to the minimum fees specified in those entries.

(4) Where a person submits an application for a certificate or a pre-export service or a request to amend a certificate in paper form (and not online), the following additional fee is payable in respect of the application or request—

(a) in the case of a small exporter who, at the date of the application or request, has only been liable during the financial year in which the application or request is made to pay fees of £750 or less in respect of the services described in column 1 of the table, £7.88;

(b) in any other case, £15.76.

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<sup>F3</sup>(4A) The fees specified in Schedule 4A are not payable in respect of a consignment to be transported to Northern Ireland—

(a) by a person acting otherwise than in the course of a business, where the consignment is not to be placed on the market; or

(b) for delivery to—

(i) a professional operator whose principal place of business is in Northern Ireland or

(ii) any person resident in Northern Ireland, where the consignment is not to be placed on the market or used for the purposes of any business.

(4B) Paragraph (4A) ceases to have effect at the end of 31st December [<sup>F4</sup>2023].]

(5) In this regulation—

*Status: Point in time view as at 22/07/2022. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the The Plant Health etc. (Fees) (England) Regulations 2018, Section 5A. (See end of Document for details)*

“certificate” means either a phytosanitary certificate for export or a phytosanitary certificate for re-export;

“pre-export service” means any plant health inspection or examination, including by the taking of samples, which is required to be carried out in relation to a plant, plant product or other object which is to be exported <sup>F5</sup>... in order to satisfy the [<sup>F6</sup>relevant phytosanitary import requirements within the meaning of Article 99a of the Plant Health Regulation], other than any such inspection or examination required for the issue of a certificate;

[<sup>F7</sup>“professional operator” means any person, governed by public or private law, involved professionally in, and legally responsible for, one or more of the following activities concerning plants, plant products and other objects—

- (a) planting;
- (b) breeding;
- (c) production, including growing, multiplying and maintaining;
- (d) introduction into, and movement within and out of Northern Ireland;
- (e) making available on the market;
- (f) storage, collection, dispatching and processing.]

“small exporter” means a person who—

- (a) in the financial year in which the application or request is made—
  - (i) is not a taxable person for the purposes of the Value Added Tax Act 1994; or
  - (ii) does not make a taxable supply of plants, plant products, seeds, soil or agricultural machinery for the purposes of the Value Added Tax Act 1994; or
- (b) in the financial year preceding the year in which the application or request is made, exported goods which were accompanied by a certificate the total value of which was less than £5,000.]

#### Textual Amendments

- F1** Reg. 5A inserted (14.12.2019) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) Regulations 2019 \(S.I. 2019/1488\)](#), regs. 1(1), **38(6)**
- F2** Words in [reg. 5A\(1\)](#) inserted (27.5.2021) by [The Plant Health etc. \(Miscellaneous Fees\) \(Amendment\) \(England\) Regulations 2021 \(S.I. 2021/623\)](#), regs. 1(2), **3(2)(a)**
- F3** [Reg. 5A\(4A\)\(4B\)](#) inserted (27.5.2021) by [The Plant Health etc. \(Miscellaneous Fees\) \(Amendment\) \(England\) Regulations 2021 \(S.I. 2021/623\)](#), regs. 1(2), **3(2)(b)**
- F4** Word in [reg. 5A\(4B\)](#) substituted (22.7.2022) by [The Plant Health etc. \(Miscellaneous Fees\) \(Amendment\) \(England\) Regulations 2022 \(S.I. 2022/836\)](#), regs. 1(1), **3(3)**
- F5** Words in [reg. 5A\(5\)](#) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 2(2)(b), **4(5)(a)**
- F6** Words in [reg. 5A\(5\)](#) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 2(2)(b), **4(5)(b)**
- F7** Words in [reg. 5A\(5\)](#) inserted (27.5.2021) by [The Plant Health etc. \(Miscellaneous Fees\) \(Amendment\) \(England\) Regulations 2021 \(S.I. 2021/623\)](#), regs. 1(2), **3(2)(c)**

**Status:**

Point in time view as at 22/07/2022. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the The Plant Health etc. (Fees) (England) Regulations 2018, Section 5A.