

2019 No. 1257

PLANT HEALTH, ENGLAND
SEEDS, ENGLAND

The Plant Health etc. (Miscellaneous Fees) (England)
(Amendment) Regulations 2019

Made - - - - - *11th September 2019*
Laid before Parliament *12th September 2019*
Coming into force - - - *1st October 2019*

The Secretary of State, with the consent of the Treasury, makes these Regulations in exercise of the powers conferred by—

- (a) in relation to regulation 1, the provisions mentioned in paragraphs (b) and (c);
- (b) in relation to regulation 2, sections 3(1) and 4A of the Plant Health Act 1967^(a) and now vested in the Secretary of State^(b);
- (c) in relation to regulation 3, section 56(1) and (2) of the Finance Act 1973^(c).

Citation and commencement

2. These Regulations may be cited as the Plant Health etc. (Miscellaneous Fees) (England) (Amendment) Regulations 2019 and come into force on 1st October 2019.

Amendment of the Plant Health (Export Certification) (England) Order 2004

3.—(1) The Plant Health (Export Certification) (England) Order 2004^(d) is amended as follows.

(2) In article 4—

- (a) in paragraph (2)—
 - (i) in sub-paragraph (a)—
 - (aa) for “£250” substitute “£750”;
 - (bb) for the words from “column 3” to the end substitute “column 2 of that table”;
 - (ii) in sub-paragraph (b), for the words from “column 4” to the end substitute “column 3 of that table”;

(a) 1967 c. 8; section 3(1) was amended by paragraph 8(2)(a) and (b) of Schedule 4 to the European Communities Act 1972 and S.I. 2011/1043. Section 4A was inserted by section 3 of the Agriculture Act 1986 (c. 49).
(b) The functions of the Minister of Agriculture, Fisheries and Food under the Plant Health Act 1967, in so far as they were not exercisable in relation to Wales, were transferred to the Secretary of State by article 2(2) of S.I. 2002/794.
(c) 1973 c. 51; section 56(1) was amended by S.I. 2011/1043, and prospectively amended by paragraph 17 of Schedule 8 to the European Union (Withdrawal) Act 2018 (c. 16).
(d) S.I. 2004/1404; relevant amending instruments are S.I. 2015/382, 2018/286.

- (b) in paragraph (3), for “columns 3 and 4” substitute “columns 2 and 3”;
- (c) in paragraph (4)—
 - (i) in sub-paragraph (a)—
 - (aa) for “£250” substitute “£750”;
 - (bb) for “£7.43” substitute “£7.88”;
 - (ii) in sub-paragraph (b), for “£14.86” substitute “£15.76”.
- (3) For Schedule 3 substitute—

“SCHEDULE 3

Article 4(1)

Fees for export certification services and pre-export services

<i>(1)</i> <i>Service</i>	<i>(2)</i> <i>Fee (£)</i>	<i>(3)</i> <i>Fee (£)</i>
Inspection of consignment	31.90 for each 15 minutes (or part thereof), subject to a minimum fee of 63.80	63.80 for each 15 minutes (or part thereof), subject to a minimum fee of 127.60
Audit of a grain inspection carried out pursuant to article 3(3)	13.20 for each 15 minutes (or part thereof), subject to a minimum fee of 26.40	26.40 for each 15 minutes (or part thereof), subject to a minimum fee of 52.80
Laboratory examination	16.78 per sample tested	33.56 per sample tested
Issue of certificate	12.76 per certificate	25.52 per certificate
Amendment of a certificate at the request of the exporter	7.88 per certificate	15.76 per certificate”.

Amendment of the Plant Health etc. (Fees) (England) Regulations 2018

- 4.—**(1) The Plant Health etc. (Fees) (England) Regulations 2018(a) are amended as follows.
- (2) In regulation 3—
- (a) in paragraph (1)—
 - (i) for “which consists of” substitute “insofar as it includes”;
 - (ii) at the end insert “or any machinery or vehicles which have been operated for agricultural or forestry purposes”;
 - (b) in paragraph (2)—
 - (i) in sub-paragraph (a), for “£9.71” substitute “£10.51”;
 - (ii) for sub-paragraphs (b) and (c) substitute—
 - “(b) in the case of—
 - (i) a Schedule 2 cut flower consignment which includes—

(a) S.I. 2018/289; relevant amending instruments are S.I. 2018/510, 2019/180.

- (aa) one lot of cut flowers, the fee specified in respect of those cut flowers in column 3 of the table in Schedule 2;
 - (bb) two or more lots of cut flowers, a fee equal to the amount of the highest of the fees specified in respect of those lots in column 3 of that table;
- (ii) a Schedule 2 fruit or vegetable consignment which includes—
 - (aa) one lot of fruit or vegetables, the fee specified in respect of those fruit or vegetables in column 3 of the table in Schedule 2;
 - (bb) two or more lots of fruit or vegetables, a fee equal to the amount of the highest of the fees specified in respect of those lots in column 3 of that table;
- (c) in the case of a consignment which—
 - (i) includes cut branches of *Phoenix* spp. originating in Costa Rica and no other cut branches to which this regulation applies, the fee specified in respect of those cut branches in column 3 of the table in Schedule 2;
 - (ii) in the case of any other consignment to which this regulation applies—
 - (aa) where the consignment includes any machinery or vehicles that have been operated for agricultural or forestry purposes, a fee of £5.98;
 - (bb) where the consignment includes plants, plant products or other objects of a description specified in column 1 of the table in Schedule 1, the fee or fees specified in respect of those plants, plant products or other objects in column 2 of that table;”;
 - (iii) in sub-paragraph (d), for “£157.08” substitute “£147.35”;
- (c) in paragraph (3), after the definition for “controlled plant pest”, insert—
 - “(aa) “Europe” has the meaning given in article 2(1) of the 2015 Order;
 - (ab) “lot” means one or more units of a single commodity, identifiable by its homogeneity of composition and origin, which form part of a consignment;
 - (ac) “Schedule 2 cut flower consignment” means a consignment which includes cut flowers of a description specified in column 1 of the table in Schedule 2 originating in a country specified in column 2 of that table and does not include any other cut flowers to which this regulation applies;
 - (ad) “Schedule 2 fruit or vegetable consignment” means a consignment which includes fruit or vegetables of a description specified in column 1 of the table in Schedule 2 originating in a country specified in column 2 of that table and does not include any other fruit or vegetables to which this regulation applies;”.
- (3) In regulation 4—
 - (a) in paragraph (2), for “fees specified in the table in Schedule 3 are” substitute “fee specified in paragraph (3) is”;
 - (b) for paragraph (3) substitute—

“(3) A fee of £61.58 is payable for each 15 minutes (or part thereof) spent in carrying out the inspection and any associated activities at the relevant premises, subject to a minimum fee of £123.16.”;
 - (c) in paragraph (4), for “£18.78” substitute “£20.66”.
- (4) In regulation 6(1) for “£60.40” substitute “£70.83”.
- (5) In regulation 8—
 - (a) in paragraph (4), for “£14.76” substitute “£15.76”;
 - (b) after paragraph (4) insert—

“(4A) Where a person submits an application for the provision of printed labels, the following additional fee is payable—

 - (a) in the case of an application submitted online, £11.45;

(b) in the case of an application submitted in paper form, £15.61.”.

(6) For regulation 9(2) substitute—

“(2) A fee of £26.00 per each 15 minutes (or part thereof) is payable in respect of time spent in carrying out an official examination and any associated activities at the relevant premises for the purposes of certifying the material, subject to a minimum fee of £52.00.”.

(7) For Schedule 1 substitute—

“SCHEDULE 1 Regulation 3(1)
Import inspection fees

<i>Column 1</i> <i>Plant, plant product or other object</i>	<i>Column 2</i> <i>Fee (£)</i>
Cuttings, seedlings (except forestry reproductive material), young plants of strawberries or of vegetables	173.91
Shrubs, trees (other than cut Christmas trees), other woody nursery plants including forest reproductive material (other than seed)	182.38
Bulbs, corms, rhizomes, tubers, intended for planting (other than tubers of potatoes)	205.04
Seeds, tissue cultures	128.13
Other plants intended for planting, not specified elsewhere in this table	182.38
Cut flowers	42.75
Branches with foliage, parts of conifers (other than cut Christmas trees)	33.99
Cut Christmas trees	119.64
Leaves of plants, such as herbs, spices and leafy vegetables	71.68
Fruits, vegetables (other than leafy vegetables)	53.10
Tubers of potatoes	156.69
Soil and growing medium, bark	119.64
Grain	142.98
Other plants or plant products not specified elsewhere in this table, except forest trees	22.73”.

(8) For Schedule 2 substitute—

“SCHEDULE 2

Regulation 3(2)(c)

Import inspection fees: reduced rates

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Genus</i>	<i>Country of origin</i>	<i>Fee (£)</i>
Cut flowers		
<i>Aster</i>	Zimbabwe	32.06
<i>Dianthus</i>	Colombia	1.28
	Ecuador	6.41
	Kenya	2.14
	Turkey	6.41
	Colombia	1.28
<i>Rosa</i>	Ecuador	0.43
	Ethiopia	2.14
	Kenya	4.28
	Tanzania	21.38
	Zambia	4.28
	Branches with Foliage	
<i>Phoenix</i>	Costa Rica	17.00
Fruit		
<i>Actinidia</i>	Any third country	2.66
<i>Carica papaya</i>	Any third country	2.66
<i>Citrus</i>	Egypt	39.83
	Morocco	1.59
	Peru	5.31
	Turkey	1.59
	USA	13.28
	Israel	13.28
<i>Citrus lemon and citrus aurantifolia</i>	Israel	13.28
<i>Cydonia</i>	Any third country in Europe	2.66
<i>Fragaria</i>	Any third country	2.66
<i>Malus</i>	Argentina	18.59
	Brazil	26.55
	Chile	2.66
	Any third country in Europe	2.66
	New Zealand	5.31
	South Africa	2.66
	Brazil	26.55
	Colombia	3.72
	Kenya	13.28
	South Africa	18.59
<i>Mangifera</i>	Vietnam	13.28
	Zimbabwe	26.55
	Any third country	2.66
	Argentina	39.83
	Chile	5.31
<i>Prunus</i>	Any third country in Europe	2.66
	Morocco	26.55
	Turkey	18.59
	USA	26.55
	South Africa	2.66
	Any third country	2.66
	Argentina	39.83
	Chile	5.31
	Any third country in Europe	2.66
	Morocco	26.55
Turkey	18.59	
USA	26.55	
<i>Prunus other than prunus</i>	South Africa	2.66

<i>persica</i>		
<i>Pyrus</i>	Argentina	7.97
	Chile	7.97
	China	26.55
	Any third country in Europe	2.66
	South Africa	5.31
<i>Ribes</i>	Any third country in Europe	2.66
<i>Rubus</i>	Any third country	2.66
<i>Vaccinium</i>	Argentina	13.28
	Any third country in Europe	2.66
<i>Vitis</i>	Any third country	2.66
Vegetables		
<i>Solanum lycopersicon</i>	Canary Islands	2.66
	Morocco	2.66
<i>Solanum melongena</i>	Turkey	13.28".

(9) Omit Schedule 3.

(10) For Schedule 4 substitute—

“SCHEDULE 4 Regulation 5(1)
Plant health licence fees

In this Schedule—

“period 1” means the period ending on 31st March 2020;

“period 2” means the period beginning on 1st April 2020 and ending on 30th September 2020.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Type of application or inspection</i>	<i>Date of application</i>	<i>Fee (£)</i>
Application for a licence for scientific or trial purposes, other than— —a licence in respect of the analysis of soil or other growing medium —a licence for scientific or trial purposes covering 5 or more items		995.36
Application for a licence for scientific or trial purposes covering 5 or more items		995.36, plus 52.45 per item in excess of 5 items
Application for a licence in respect of the analysis of soil or other growing medium, other than a licence in respect of the analysis of soil or other growing		745.41

medium covering 5 or more items		
Application for a licence in respect of the analysis of soil or other growing medium covering 5 or more items		745.41, plus 52.45 per item in excess of 5 items
Application for a variation of a licence with changes requiring scientific or technical assessment		380.25
Application for any other licence		42.50
Issue of an annual letter of authority		42.50
Monitoring compliance with licence terms and conditions	In the case of monitoring undertaken during period 1	69.75 for each 15 minutes (or part thereof), subject to a minimum fee of 139.50
	In the case of monitoring undertaken during period 2	81.25 for each 15 minutes (or part thereof), subject to a minimum fee of 162.50
	In the case of monitoring undertaken on or after 1st October 2020	92.67 for each 15 minutes (or part thereof), subject to a minimum fee of 185.34".

(11) For Schedule 5 substitute—

“SCHEDULE 5

Regulation 8(1)

Seed potatoes: fees

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Activity</i>	<i>Fee (£)</i>	<i>Minimum fee (£)</i>
Soil sampling and testing for Potato Cyst Nematode		
Soil sampling and testing for the purposes of paragraph 4, 7 or 10 of Schedule 1 to the Seed Potatoes (England) Regulations 2015(a)	24.75 for each hectare (or part thereof) sampled and tested	

(a) S.I. 2015/1953.

Inspection of growing crop

Certification as pre-basic seed potatoes: Union grade PBTC	30.39 for each 15 minutes (or part thereof)	60.78
Certification as pre-basic seed potatoes: Union grade PB	12.16 per each 0.1 hectare (or part thereof) inspected	60.75
Certification as basic seed potatoes: Union grade S	10.57 per each 0.1 hectare (or part thereof) inspected	105.70
Certification as basic seed potatoes: Union grade SE	10.57 per each 0.1 hectare (or part thereof) inspected	105.70
Certification as basic seed potatoes: Union grade E	10.33 per each 0.1 hectare (or part thereof) inspected	103.30
Certification as certified seed potatoes: Union grade A or B	9.39 per each 0.1 hectare (or part thereof) inspected	93.90

Inspection of harvested tubers

Inspection	40.55 for each 15 minutes (or part thereof)	81.10
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Provision of labels and seals in respect of application

Printed labels for bags holding 50 kgs of seed potatoes or less	0.05 per label
Printed labels and seals for bags holding more than 50 kgs of seed potatoes	0.11 per label (including seal)
Blank labels and seals	0.16 per label (including seal)".

9th September 2019

We consent

11th September 2019

Gardiner of Kimble
Parliamentary Under Secretary of State
Department of Environment, Food and Rural Affairs

David Rutley
Mike Freer
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 (Export Certification) (England) Order 2004 (S.I. 2004/1404) (the “2004 Regulations”) and the Plant Health etc. (Fees) (England) Regulations 2018 (S.I. 2018/289) (the “2018 Regulations”).

These Regulations amend the 2004 Regulations to provide for increases in the fees for services in respect of applications for phytosanitary certificates (including phytosanitary certificates for re-export) and related pre-export services, and to increase the maximum amount for services to which the concessionary rate for small exporters applies, from £250 to £750.

These Regulations amend the 2018 Regulations, which specify fees payable to the Secretary of State in relation to plant health services and the certification of seed potatoes and fruit plants and fruit plant propagating material, as follows.

Regulation 3(2) amends regulation 3 of the 2018 Regulations to provide the fees payable for phytosanitary certificates (including fees for mixed consignments) and for sample testing.

Regulation 3(3) amends regulation 4 of the 2018 Regulations to provide for a reduced fee for a plant passport authorisation.

Regulation 3(6) amends regulation 9(2) of the 2018 Regulations to provide for an increased fee for certification of fruit plants and its propagating material.

Regulation 3(7) substitutes Schedule 1 to the 2018 Regulations, which sets out import inspection fees payable by the importer of a third country consignment for plant health checks in respect of certain plants and plant products.

Regulation 3(8) substitutes Schedule 2 to the 2018 Regulations, which 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). This regulation gives 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 (published on 10 December 2018 and revised on 15 April 2019).

Regulation 3(10) substitutes Schedule 4 of the 2018 Regulations which sets out the fees for plant health licences and includes a change to the fee for monitoring compliance with licence terms and conditions which is being increased over three periods.

Regulation 3(11) substitutes Schedule 5 of the 2018 Regulations which sets out fees for soil sampling and testing and certification of seed potatoes including the provision of labels.

An 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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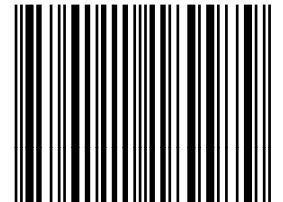
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