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WELSH STATUTORY INSTRUMENTS

2018 No. 1179 (W. 238)

PLANT HEALTH, WALES SEEDS, WALES

The Plant Health etc. (Fees) (Wales) Regulations 2018

<i>Made</i>	- - - -	<i>13 November 2018</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>15 November 2018</i>
<i>Coming into force</i>	- -	<i>10 December 2018</i>

The Welsh Ministers make these Regulations, with the consent of the Treasury, in exercise of the powers conferred by section 56(1) and (2) of the Finance Act 1973 ^{M1} and now vested in them ^{M2}.

Marginal Citations

M1 1973 c. 51: subsection (1) was amended by [S.I. 2011/1043](#).

M2 By virtue of section 59(5) of the [Government of Wales Act 2006 \(c.32\)](#).

PART 1 **W**

General

Title, commencement and application **W**

- 1.—(1) The title of these Regulations is the Plant Health etc. (Fees) (Wales) Regulations 2018.
- (2) They come into force on 10 December 2018.
- (3) They apply in relation to Wales.

Interpretation **W**

2. In these Regulations, “the 2018 Order” means the Plant Health (Wales) Order 2018 ^{M3}.

Marginal Citations

M3 [S.I. 2018/1064 \(W. 223\)](#).

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PART 2 **W**

Fees relating to plant health

Import inspection fees **W**

3.—(1) This regulation applies in relation to a third country consignment which consists of plants, plant products or other objects of a description specified in column 1 of the table in Schedule 1 that are listed in Schedule 5 to the 2018 Order.

(2) The following fees are payable by the importer of a third country consignment—

- (a) in respect of each phytosanitary certificate or phytosanitary certificate for re-export accompanying the consignment, a fee of £9.71;
- (b) in respect of each part of the consignment which consists of a plant, plant product or other object of a description specified in column 1 of the table in Schedule 1 to which subparagraph (c) does not apply, the fee specified in the corresponding entry in column 2 of that table;
- (c) in respect of each part of the consignment which consists of a plant or plant product of a description specified in column 1 of the table in Schedule 2 and which originates in a country specified in column 2 of that table, the fee specified in the corresponding entry in column 3 of that table;
- (d) where an inspector suspects that the consignment is infected with a controlled plant pest and takes a sample from the consignment for laboratory testing to confirm the presence or otherwise of the pest, a fee of £157.08 for each sample tested.

(3) In this regulation—

- (a) “controlled plant pest” has the meaning given in article 32(7)(a) of the 2018 Order;
- (b) “third country consignment” means a consignment that is introduced into Wales from a third country;
- (c) “third country” has the meaning given in article 2(1) of the 2018 Order.

Plant passport authorisation fees **W**

4.—(1) This regulation applies in relation to a plant passport authorisation.

(2) The fees specified in the table in Schedule 3 are payable in respect of an inspection and any associated activities which are carried out—

- (a) in connection with an application for a plant passport authorisation;
- (b) for the purpose of monitoring compliance with any requirements imposed on the holder of a plant passport authorisation.

(3) The fees specified in column 2 of the table in Schedule 3 are payable for each 15 minutes (or part thereof) spent in carrying out the inspection and any associated activities at the relevant premises, subject to the minimum fees specified in the corresponding entries in column 3 of that table.

(4) An additional fee of £18.78 is payable where a person submits an application for a plant passport authorisation in paper form (and not online).

(5) Any fees payable under this regulation are payable by the person applying for a plant passport authorisation or the holder of a plant passport authorisation (as the case may be).

(6) In this regulation—

- (a) “plant passport authorisation” means an authorisation to issue plant passports conferred under article 29 of the 2018 Order;
- (b) “relevant premises”, in relation to an application for a plant passport authorisation or a plant passport authorisation, means the premises which are subject to the application or the authorisation.

Plant health licence fees **W**

5.—(1) The fees specified in the table in Schedule 4 are payable in respect of—

- (a) an application for a licence;
- (b) any other activity specified in column 1 of that table which is carried out in connection with a licence.

(2) The amount of any fee payable in respect of an application for a licence or any other activity specified in column 1 of the table in Schedule 4 is the amount specified in the corresponding entry in column 3 of that table, determined in accordance with the entries in respect of that service (if any) in column 2 of that table.

(3) The fee payable in respect of the monitoring of licence terms and conditions is payable for each 15 minutes (or part thereof) spent in carrying out the inspection and any associated activities at the premises which are subject to the licence, subject to the minimum fee specified.

(4) Any fee payable under this regulation is payable by the person who submits an application for a licence or the licence holder (as the case may be).

(5) In this regulation, “licence” means a licence described in article 40 or 41 of the 2018 Order.

Potatoes originating in Egypt: fee **W**

6.—(1) Where an inspector takes a sample of potatoes originating in Egypt in order to ascertain whether, for the purposes of paragraph 5 of the Annex to the Decision, those potatoes are infected with *Ralstonia solanacearum* (Smith) Yabuuchi et al., the importer must pay a fee of £60.40 in respect of each lot sampled.

(2) In paragraph (1), “the Decision” means Commission Implementing Decision 2011/787/EU authorising Member States temporarily to take emergency measures against the dissemination of *Ralstonia solanacearum* (Smith) Yabuuchi et al. as regards Egypt ^{M4}.

Marginal Citations

M4 OJ No L 319, 2.12.2011, p. 112.

Potatoes originating in Lebanon: fee **W**

7.—(1) Where an inspector takes a sample of potatoes originating in Lebanon in order to ascertain whether, for the purposes of Article 4 of the Decision, those potatoes are infected with *Clavibacter michiganensis* subspecies (Spieckerann and Kotthoff) Davis et al., the importer must pay a fee of £60.40 in respect of each lot sampled.

(2) In paragraph (1), “the Decision” means Commission Implementing Decision 2013/413/EU authorising Member States to provide for derogations from certain provisions of Council Directive 2000/29/EC in respect of potatoes, other than potatoes intended for planting, originating in the regions of Akkar and Bekaa of Lebanon ^{M5}.

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Marginal Citations

M5 OJ No L 205, 1.8.2013, p. 13, as amended by Commission Implementing Decision (EU) 2015/2057 (OJ No L 300, 17.11.2015, p. 43).

PART 3 **W**

Fees relating to the certification of seed potatoes and fruit plants and fruit plant propagating material

Seed potatoes: fees **W**

8.—(1) The fees specified in the table in Schedule 5 are payable in respect of the activities specified in column 1 of that table which relate to an application for the certification of seed potatoes in accordance with regulation 10 of the Seed Potatoes (Wales) Regulations 2016 ^{M6}.

(2) The fees specified in column 2 of the table in Schedule 5 are payable subject to the minimum fees (if any) specified in the corresponding entries in column 3 of that table.

(3) The fees specified in column 2 of the table in Schedule 5 in respect of an inspection of growing crops for certification as Union grade PBTC and an inspection of harvested tubers are payable for each 15 minutes (or part thereof) spent in carrying out the inspection and any associated activities at the relevant premises.

(4) An additional fee of £14.76 is payable where a person submits an application for the certification of seed potatoes in paper form (and not online).

(5) Any fees payable under this regulation are payable by the applicant.

(6) In paragraph (3), “relevant premises” means the premises at which the growing crops for certification as Union grade PBTC or the harvested tubers to be inspected are located.

Marginal Citations

M6 [S.I. 2016/106](#) (W. 52), to which there are amendments not relevant to these Regulations.

Fruit plants and fruit plant propagating material: fees **W**

9.—(1) The fee specified in paragraph (2) is payable in connection with an application for the certification of fruit plants and fruit plant propagating material in accordance with regulation 9 of the Marketing of Fruit Plant and Propagating Material (Wales) Regulations 2017 ^{M7}.

(2) A fee of £72.00 per hour (or part thereof) is payable in respect of the time spent in carrying out an official examination and any associated activities at the relevant premises for the purposes of certifying the material.

(3) Any fees payable under this regulation are payable by the applicant.

(4) In paragraph (2), “relevant premises” means the premises at which the material to be certified is located.

Marginal Citations

M7 [S.I. 2017/691](#) (W. 163).

PART 4 **W**

Payment of fees

Payment of fees **W**

10. Fees payable under these Regulations are payable to the Welsh Ministers on demand.

Suspension of registration **W**

11.—(1) Where any sum due by way of, or on account of, any fee or any part of a fee payable by a registered plant trader under Part 2 of these Regulations remains unpaid, the Welsh Ministers may—

- (a) recover the sum as a civil debt, or
- (b) after giving one month's written notice, suspend the trader's registration until such sum has been paid.

(2) In paragraph (1), “plant trader” (“*masnachwr planhigion*”), “registered” (“*cofrestredig*”) and “registration” (“*cofrestru*”) have the meanings given in article 2(1) of the 2018 Order.

PART 5 **W**

Revocations

Revocations **W**

12. The instruments listed in Schedule 6 are revoked.

13 November 2018

Hannah Blythyn
Minister for Environment under authority of
the Cabinet Secretary for Energy, Planning and
Rural Affairs, one of the Welsh Ministers

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SCHEDULE 1 **W**

Regulation 3(1)

Import inspection fees

<i>Column 1 Plant, plant product or other object</i>	<i>Column 2 Fee (£)</i>
Cuttings, seedlings (except forestry reproductive material), young plants of strawberries or of vegetables	139.84
Shrubs, trees (other than cut Christmas trees), other woody nursery plants including forest reproductive material (other than seed)	152.41
Bulbs, corms, rhizomes, tubers, intended for planting (other than tubers of potatoes)	233.18
Seeds, tissue cultures	117.81
Other plants intended for planting, not specified elsewhere in this table	152.41
Cut flowers	33.42
Branches with foliage, parts of conifers (other than cut Christmas trees)	64.67
Cut Christmas trees	122.89
Leaves of plants, such as herbs, spices and leafy vegetables	75.30
Fruits, vegetables (other than leafy vegetables)	57.45
Tubers of potatoes	156.63
Soil and growing medium, bark	122.85
Grain	133.23
Other plants or plant products not specified elsewhere in this table, except forest trees	11.16

SCHEDULE 2 **W**

Regulation 3(2)(c)

Import inspection fees: reduced rates

<i>Column 1 Genus</i>	<i>Column 2 Country of origin</i>	<i>Column 3 Fee (£)</i>
Cut flowers		
<i>Aster</i>	Zimbabwe	25.07
<i>Dianthus</i>	Colombia	1.00
	Ecuador	5.01
	Kenya	1.67
	Turkey	5.01

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<i>Rosa</i>	Colombia	1.00
	Ecuador	1.00
	Ethiopia	1.67
	Kenya	1.67
	Tanzania	5.01
	Zambia	3.34
Branches with foliage		
<i>Phoenix</i>	Costa Rica	22.63
Fruit		
<i>Citrus</i>	Morocco	2.87
	Peru	5.74
	Turkey	1.72
	USA	8.62
<i>Citrus limon and citrus aurantifolia</i>	Israel	14.36
<i>Malus</i>	Argentina	20.11
	Brazil	43.09
	Chile	2.87
	New Zealand	5.74
	South Africa	2.87
<i>Passiflora</i>	Columbia	4.02
	Kenya	14.36
	South Africa	20.11
	Vietnam	20.11
	Zimbabwe	28.73
<i>Prunus</i>	Argentina	43.09
	Chile	5.74
	Morocco	14.36
	Turkey	20.11
	USA	14.36
<i>Prunus, other than prunus persica</i>	South Africa	2.87
<i>Pyrus</i>	Argentina	8.62
	Chile	8.62
	China	28.73
	South Africa	5.74

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<i>Vaccinium</i>	Argentina	14.36
Vegetables		
<i>Capsicum</i>	Morocco	2.87
<i>Lycopersicon</i>	Canary Islands	2.87
	Morocco	2.87
<i>Momordica</i>	Surinam	20.11
<i>Solanum melongena</i>	Kenya	5.74
	Turkey	14.36

SCHEDULE 3 **W**

Regulation 4(2)

Plant passport authorisation fees

W

In this Schedule—

“period 1” means the period ending on 31 March 2019.

<i>Column 1 Date of inspection and any associated activities</i>	<i>Column 2 Fee (£)</i>	<i>Column 3 Minimum fee (£)</i>
Where the date of the inspection and associated activities falls in period 1	66.91 for each 15 minutes (or part thereof)	133.82
Where the date of the inspection and associated activities falls on or after 1 April 2019	73.85 for each 15 minutes (or part thereof)	147.70

SCHEDULE 4 **W**

Regulation 5(1)

Plant health licence fees

W

In this Schedule—

“period 1” means the period ending on 31 March 2019.

<i>Column 1 Type of application or inspection</i>	<i>Column 2 Date of application</i>	<i>Column 3 Fee (£)</i>
Application for a licence for scientific or trial purposes, other than—	In the case of an application made in period 1	948.51
	In the case of an application made on or after 1 April 2019	995.36

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— 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		
Application for a licence for scientific or trial purposes covering 5 or more items	In the case of an application made in period 1	948.51, plus 52.45 per item in excess of 5
	In the case of an application made on or after 1 April 2019	995.36, plus 52.45 per item in excess of 5
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 medium covering 5 or more items	In the case of an application made in period 1	705.20
	In the case of an application made on or after 1 April 2019	745.41
Application for a licence in respect of the analysis of soil or other growing medium covering 5 or more items	In the case of an application made in period 1	705.20, plus 52.45 per item in excess of 5
	In the case of an application made on or after 1 April 2019	745.41, plus 52.45 per item in excess of 5
Application for a variation of a licence with changes requiring scientific or technical assessment	In the case of an application made in period 1	351.81
	In the case of an application made on or after 1 April 2019	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		17.50 for each 15 minutes (or part thereof), subject to a minimum fee of £35

SCHEDULE 5 **W**

Regulation 8(1)

Seed potatoes: fees

<i>Column 1 Activity</i>	<i>Column 2 Fee (£)</i>	<i>Column 3 Minimum fee (£)</i>
Soil sampling and testing for Potato Cyst Nematode		
Soil sampling and testing for the purposes of paragraph 4, 7 or 9 of Schedule 1 to the Seed Potatoes (Wales) Regulations 2016	21.53 for each hectare (or part thereof) sampled and tested	
Inspection of growing crops		

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Certification as pre-basic seed potatoes: Union grade PBTC	33.62 for each 15 minutes (or part thereof)	67.24
Certification as pre-basic seed potatoes: Union grade PB	33.62 per each ¼ hectare (or part thereof) inspected	67.24
Certification as basic seed potatoes: Union grade S	58.47 per each ½ hectare (or part thereof) inspected	116.94
Certification as basic seed potatoes: Union grade SE	58.47 per each ½ hectare (or part thereof) inspected	116.94
Certification as basic seed potatoes: Union grade E	57.17 per each ½ hectare (or part thereof) inspected	114.34
Certification as certified seed potatoes: Union grade A or B	51.97 per each ½ hectare (or part thereof) inspected	103.94
Inspection of harvested tubers		
Inspection	31.84 for each 15 minutes (or part thereof)	63.69
Provision of labels and seals in respect of applications		
Printed labels and seals	0.48 per label/seal	
Blank labels and seals	0.12 per label/seal	

SCHEDULE 6 **W**

Regulation 12

Revocations

W

- The Plant Health (Fees) (Wales) Regulations 2014 ^{M8}.
- The Plant Health (Fees) (Wales) (Amendment) Regulations 2015 ^{M9}.

Marginal Citations

- M8** [S.I. 2014/1792](#) (W. 185), amended by [S.I. 2015/777](#) (W. 61).
M9 [S.I. 2015/777](#) (W. 61).

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to Wales, specify fees payable to the Welsh Ministers in relation to plant health services and the certification of seed potatoes, fruit plants and fruit plant propagating material. They revoke and replace the Plant Health Fees (Wales) Regulations 2014 (S.I. 2014/1792 (W. 185)).

The fees specified in regulations 3, 6 and 7 are payable in relation to imports of plants, plant products and other objects from third countries pursuant to the requirements of Article 13 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, p. 1).

The fees specified in regulations 4 and 5 are payable in relation to other inspections and activities carried out pursuant to Council Directive [2000/29/EC](#).

The fees specified in regulation 8 are payable in relation to certain inspections and other activities carried out pursuant to Council Directive [2002/56/EC](#) on the marketing of seed potatoes (OJ No L 193, 20.7.2002, p. 60).

The fees specified in regulation 9 are payable in relation to certain inspections and other activities carried out pursuant to Council Directive [2008/90/EC](#) on the marketing of fruit plant propagating material and fruit plants intended for fruit production (OJ No L 267, 8.10.2008, p. 8).

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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