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WELSH STATUTORY INSTRUMENTS

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**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 <sup>M1</sup> and now vested in them <sup>M2</sup>.

**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**

General

**Title, commencement and application**

- 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**

[<sup>F1</sup>2.—(1) In these Regulations, “the EU Plant Health Regulation” means Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants.

(2) Words and expressions which are not defined in these Regulations and appear in the EU Plant Health Regulation or in Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed

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law, rules on animal health and welfare, plant health and plant protection products have the same meaning in these Regulations as they have in the EU instrument in question.]

### Textual Amendments

- F1** Reg. 2 substituted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **34(2)**

## PART 2

### Fees relating to plant health

#### Import inspection fees

**3.—**(1) This regulation applies in relation to a third country consignment [<sup>F2</sup>insofar as it includes] plants, plant products or other objects of a description specified in column 1 of the table in Schedule 1 that are [<sup>F3</sup>described in the lists of the Phytosanitary Conditions Regulation that apply for the purposes of Articles 72(1) and 74(1) of the EU Plant Health Regulation][<sup>F4</sup>or any machinery or vehicles which have been operated for agricultural or forestry purposes].

(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 [<sup>F5</sup>£10.51];
- [<sup>F6</sup>(b) in the case of—
  - (i) a Schedule 2 cut flower consignment which includes—
    - (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;]

- (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 [<sup>F7</sup>£147.35] for each sample tested.
- (3) In this regulation—
- [<sup>F8</sup>(a) “controlled plant pest” means—
- (i) a plant pest of a description specified in the lists of the Phytosanitary Conditions Regulation that apply for the purposes of Articles 5(2), 32(3) and 37(2) of the EU Plant Health Regulation;
- (ii) any other plant pest of a description specified in a decision adopted before 14 December 2019 by the European Commission pursuant to Article 16(3) 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;
- [<sup>F9</sup>(aa) “Europe” includes Belarus, the Canary Islands, Georgia, Kazakhstan (except the area east of the Ural river), Russia (except the regions of Tyumen, Chelyabinsk, Irkutsk, Kemerovo, Kurgan, Novossibirsk, Omsk, Sverdlovsk, Tomsk, Chita, Kamchatka, Magadan, Amur and Skhalin, the territories of Krasnoyarsk, Altay, Khabarovsk and Primarie, and the republics of Sakha, Tuva and Buryatia), Ukraine and Turkey (except the area east of the Bosphorus Strait known as Anatolia);]
- (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;
- [ “the Phytosanitary Conditions Regulation” means the implementing act adopted by the
- <sup>F10</sup>(aba) European Commission pursuant to Articles 5(2), 32(2), 37(2), 37(4), 40(2), 41(2), 53(2), 54(2), 72(1), 73, 74(2), 79(2) and 80(2) of the EU Plant Health Regulation;]
- (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;]
- (b) “third country consignment” means a consignment that is introduced into Wales from a third country.
- <sup>F11</sup>(c) .....

### Textual Amendments

- F2** Words in reg. 3(1) substituted (14.11.2019) by [The Plant Health etc. \(Miscellaneous Fees\) \(Wales\) \(Amendment\) Regulations 2019 \(S.I. 2019/1378\)](#), regs. 1(2), **3(2)(a)(i)**
- F3** Words in reg. 3(1) substituted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **34(3)(a)**
- F4** Words in reg. 3(1) inserted (14.11.2019) by [The Plant Health etc. \(Miscellaneous Fees\) \(Wales\) \(Amendment\) Regulations 2019 \(S.I. 2019/1378\)](#), regs. 1(2), **3(2)(a)(ii)**
- F5** Sum in reg. 3(2)(a) substituted (14.11.2019) by [The Plant Health etc. \(Miscellaneous Fees\) \(Wales\) \(Amendment\) Regulations 2019 \(S.I. 2019/1378\)](#), regs. 1(2), **3(2)(b)(i)**
- F6** Reg. 3(2)(b)(c) substituted (14.11.2019) by [The Plant Health etc. \(Miscellaneous Fees\) \(Wales\) \(Amendment\) Regulations 2019 \(S.I. 2019/1378\)](#), regs. 1(2), **3(2)(b)(ii)**

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- F7** Sum in reg. 3(2)(d) substituted (14.11.2019) by [The Plant Health etc. \(Miscellaneous Fees\) \(Wales\) \(Amendment\) Regulations 2019 \(S.I. 2019/1378\)](#), regs. 1(2), **3(2)(b)(iii)**
- F8** Reg. 3(3)(a)(aa) substituted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **34(3)(b)(i)**
- F9** Reg. 3(3)(aa)-(ad) inserted (14.11.2019) by [The Plant Health etc. \(Miscellaneous Fees\) \(Wales\) \(Amendment\) Regulations 2019 \(S.I. 2019/1378\)](#), regs. 1(2), **3(2)(c)**
- F10** Reg. 3(3)(aba) inserted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **34(3)(b)(ii)**
- F11** Reg. 3(3)(c) omitted (31.1.2020) by virtue of [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **34(3)(b)(iii)**

### Plant passport authorisation fees

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

(2) The [<sup>F12</sup>fee specified in paragraph (3) is] payable in respect of an inspection and any associated activities which are carried out [<sup>F13</sup>by, or on behalf of, the Welsh Ministers]—

- (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.

[<sup>F14</sup>(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.]

(4) An additional fee of [<sup>F15</sup>£20.66] 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 <sup>F16</sup>...;
- (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.

### Textual Amendments

- F12** Words in reg. 4(2) substituted (14.11.2019) by [The Plant Health etc. \(Miscellaneous Fees\) \(Wales\) \(Amendment\) Regulations 2019 \(S.I. 2019/1378\)](#), regs. 1(2), **3(3)(a)**
- F13** Words in reg. 4(2) inserted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **34(4)(a)**
- F14** Reg. 4(3) substituted (14.11.2019) by [The Plant Health etc. \(Miscellaneous Fees\) \(Wales\) \(Amendment\) Regulations 2019 \(S.I. 2019/1378\)](#), regs. 1(2), **3(3)(b)**
- F15** Sum in reg. 4(4) substituted (14.11.2019) by [The Plant Health etc. \(Miscellaneous Fees\) \(Wales\) \(Amendment\) Regulations 2019 \(S.I. 2019/1378\)](#), regs. 1(2), **3(3)(c)**
- F16** Words in reg. 4(6)(a) omitted (31.1.2020) by virtue of [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **34(4)(b)**

### Plant health licence fees

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

- (a) an application for a licence [<sup>F17</sup>made to the Welsh Ministers];
- (b) any other activity specified in column 1 of that table which is carried out in connection with a licence [<sup>F18</sup>granted by the Welsh Ministers].

(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 [<sup>F19</sup>an authorisation for the purposes of any derogation described in Article 8(1) or 48(1) of the EU Plant Health Regulation].

#### Textual Amendments

- F17** Words in [reg. 5\(1\)\(a\)](#) inserted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), [regs. 1\(2\)](#), [34\(5\)\(a\)\(i\)](#)
- F18** Words in [reg. 5\(1\)\(b\)](#) inserted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), [regs. 1\(2\)](#), [34\(5\)\(a\)\(ii\)](#)
- F19** Words in [reg. 5\(5\)](#) substituted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), [regs. 1\(2\)](#), [34\(5\)\(b\)](#)

#### [<sup>F20</sup>Export certification services and pre-export services: fees

**5A.—**(1) The fees specified in the table in Schedule 4A are payable in respect of the services described in column 1 of the table by a person who applies to the Welsh Ministers 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 in Schedule 4A 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 that table;
- (b) in any other case, the amount specified in the corresponding entry in column 3 of that table.

(3) The fees specified in columns 2 and 3 of the table in Schedule 4A 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 the 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 in Schedule 4A, £7.88;
- (b) in any other case, £15.76.

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(5) In this regulation—

“certificate” (“*tystysgrif*”) means either a phytosanitary certificate for export or a phytosanitary certificate for re-export;

“pre-export service” (“*gwasanaeth cyn-allforio*”) 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 to a third country in order to satisfy the phytosanitary requirements of the third country, other than any such inspection or examination required for the issue of a certificate;

“small exporter” (“*allforiwr bach*”), 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

**F20** Reg. 5A inserted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **34(6)**

#### Potatoes originating in Egypt: fee

6.—(1) Where an [<sup>F21</sup>official plant health 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 [<sup>F22</sup>£70.83] 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 <sup>M3</sup>.

#### Textual Amendments

**F21** Words in reg. 6(1) substituted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **34(7)**

**F22** Sum in reg. 6(1) substituted (14.11.2019) by [The Plant Health etc. \(Miscellaneous Fees\) \(Wales\) \(Amendment\) Regulations 2019 \(S.I. 2019/1378\)](#), regs. 1(2), **3(4)**

#### Marginal Citations

**M3** OJ No L 319, 2.12.2011, p. 112.

#### Potatoes originating in Lebanon: fee

<sup>F23</sup>7. ....

#### Textual Amendments

- F23** Reg. 7 omitted (31.1.2020) by virtue of [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **34(8)**

## PART 3

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

#### Seed potatoes: fees

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 <sup>M4</sup>.

(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 [<sup>F24</sup>£15.76] is payable where a person submits an application for the certification of seed potatoes in paper form (and not online).

[<sup>F25</sup>(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.]

(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.

#### Textual Amendments

- F24** Sum in reg. 8(4) substituted (14.11.2019) by [The Plant Health etc. \(Miscellaneous Fees\) \(Wales\) \(Amendment\) Regulations 2019 \(S.I. 2019/1378\)](#), regs. 1(2), **3(5)(a)**

- F25** Reg. 8(4A) inserted (14.11.2019) by [The Plant Health etc. \(Miscellaneous Fees\) \(Wales\) \(Amendment\) Regulations 2019 \(S.I. 2019/1378\)](#), regs. 1(2), **3(5)(b)**

#### Marginal Citations

- M4** [S.I. 2016/106 \(W. 52\)](#), to which there are amendments not relevant to these Regulations.

#### Fruit plants and fruit plant propagating material: fees

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 <sup>M5</sup>.

**Status:** Point in time view as at 31/01/2020.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Plant Health etc. (Fees) (Wales) Regulations 2018*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

[<sup>F26</sup>(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.]

(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.

#### Textual Amendments

**F26** Reg. 9(2) substituted (14.11.2019) by [The Plant Health etc. \(Miscellaneous Fees\) \(Wales\) \(Amendment\) Regulations 2019 \(S.I. 2019/1378\)](#), regs. 1(2), **3(6)**

#### Marginal Citations

**M5** [S.I. 2017/691](#) (W. 163).

## PART 4

### Payment of fees

#### Payment of fees

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

#### Suspension of registration

**11.**—(1) Where any sum due by way of, or on account of, any fee or any part of a fee payable by a [<sup>F27</sup>registered professional operator] 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 [<sup>F28</sup>operator's] registration until such sum has been paid.

<sup>F29</sup>(2) .....

#### Textual Amendments

**F27** Words in [reg. 11\(1\)](#) substituted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **34(9)(a)(i)**

**F28** Word in [reg. 11\(1\)\(b\)](#) substituted (31.1.2020) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **34(9)(a)(ii)**

**F29** [Reg. 11\(2\)](#) omitted (31.1.2020) by virtue of [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) \(Wales\) Regulations 2020 \(S.I. 2020/44\)](#), regs. 1(2), **34(9)(b)**



## **PART 5**

### **Revocations**

#### **Revocations**

- 12.** The instruments listed in Schedule 6 are revoked.

*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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[<sup>F30</sup>SCHEDULE 1

Regulation 3(1)

Import inspection fees

**Textual Amendments**

**F30** Sch. 1 substituted (14.11.2019) by [The Plant Health etc. \(Miscellaneous Fees\) \(Wales\) \(Amendment\) Regulations 2019 \(S.I. 2019/1378\)](#), regs. 1(2), 3(7)

| <i>Column 1</i>   | <i>Column 2</i> |
|---|-----------------|
| <i>Plant, plant product or other object</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]          |

[<sup>F31</sup>SCHEDULE 2

Regulation 3(2)(c)

Import inspection fees: reduced rates

**Textual Amendments**

**F31** Sch. 2 substituted (14.11.2019) by [The Plant Health etc. \(Miscellaneous Fees\) \(Wales\) \(Amendment\) Regulations 2019 \(S.I. 2019/1378\)](#), regs. 1(2), 3(8)

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| <i>Column 1</i>                             | <i>Column 2</i>             | <i>Column 3</i> |
|---|-----------------------------|-----------------|
| <i>Genus</i>                                | <i>County of origin</i>     | <i>Fee (£)</i>  |
| <b>Cut flowers</b>                          |                             |                 |
| <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            |
|   |                             |                 |
| <b>Branches with Foliage</b>                |                             |                 |
| <i>Phoenix</i>                              | Costa Rica                  | 17.00           |
| <b>Fruit</b>                                |                             |                 |
| <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           |
| <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            |
| <i>Mangifera</i>                            | Brazil                      | 26.55           |

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| <i>Column 1</i>                         | <i>Column 2</i>             | <i>Column 3</i> |
|---|-----------------------------|-----------------|
| <i>Genus</i>                            | <i>County of origin</i>     | <i>Fee (£)</i>  |
| <i>Passiflora</i>                       | Colombia                    | 3.72            |
|   | Kenya                       | 13.28           |
|   | South Africa                | 18.59           |
|   | Vietnam                     | 13.28           |
|   | Zimbabwe                    | 26.55           |
| <i>Persea americana</i>                 | Any third country           | 2.66            |
| <i>Prunus</i>                           | 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 persica</i> | South Africa                | 2.66            |
| <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            |
| <b>Vegetables</b>                       |                             |                 |
| <i>Solanum lycopersicon</i>             | Canary Islands              | 2.66            |
|   | Morocco                     | 2.66            |
| <i>Solanum melongena</i>                | Turkey                      | 13.28]          |

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### Textual Amendments

**F32** Sch. 3 omitted (14.11.2019) by virtue of [The Plant Health etc. \(Miscellaneous Fees\) \(Wales\) \(Amendment\) Regulations 2019 \(S.I. 2019/1378\)](#), regs. 1(2), **3(9)**

## [<sup>F33</sup>SCHEDULE 4

Regulation 5(1)

### Plant health licence fees

### Textual Amendments

**F33** Sch. 4 substituted (14.11.2019) by [The Plant Health etc. \(Miscellaneous Fees\) \(Wales\) \(Amendment\) Regulations 2019 \(S.I. 2019/1378\)](#), regs. 1(2), **3(10)**

In this Schedule—

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

“period 2” means the period beginning on 1 April 2020 and ending on 30 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—<br>— a licence in respect of the analysis of soil or other growing medium<br>— 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 medium covering 5 or more items                             |                            | 745.41   |
| 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   |

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| <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 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 1 October 2020 | 92.67 for each 15 minutes (or part thereof), subject to a minimum fee of 185.34] |

[<sup>F34</sup>SCHEDULE 4A

Regulation 5A

Fees for export certification services and pre-export services

**Textual Amendments**

**F34** Sch. 4A inserted (31.1.2020) by The Official Controls (Animals, Feed and Food, Plant Health Fees etc.) (Wales) Regulations 2020 (S.I. 2020/44), regs. 1(2), **34(10)**

| <i>(1)</i>  | <i>(2)</i>   | <i>(3)</i>  |
|---|--|---|
| <i>Service</i>  | <i>Fee - small exporter (£)</i>  | <i>Fee – other exporter (£)</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                               | 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 (including laboratory testing)     | 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]  |

## [F35] SCHEDULE 5

Regulation 8(1)

## Seed potatoes: fees

**Textual Amendments**

**F35** Sch. 5 substituted (14.11.2019) by [The Plant Health etc. \(Miscellaneous Fees\) \(Wales\) \(Amendment\) Regulations 2019 \(S.I. 2019/1378\)](#), regs. 1(2), **3(11)**

| <i>Column 1</i>   | <i>Column 2</i>   | <i>Column 3</i>        |
|---|---|------------------------|
| <i>Activity</i>   | <i>Fee (£)</i>  | <i>Minimum fee (£)</i> |
| <b>Soil sampling and testing for Potato Cyst Nematode</b>   |   |                        |
| Soil sampling and testing for the purposes of paragraph 4, 7 or 9 of Schedule 1 to the Seed Potatoes (Wales) Regulations 2016 | 24.75 for each hectare (or part thereof) sampled and tested |                        |
| <b>Inspection of growing crop</b>   |   |                        |
| 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                  |
| <b>Inspection of harvested tubers</b>   |   |                        |
| Inspection  | 40.55 for each 15 minutes (or part thereof)                 | 81.10                  |
| <b>Provision of labels and seals in respect of application</b>  |   |                        |
| 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)]                            |                        |

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## [<sup>F35</sup>SCHEDULE 6

Regulation 12

### Revocations

- The Plant Health (Fees) (Wales) Regulations 2014 <sup>M6</sup>.
- The Plant Health (Fees) (Wales) (Amendment) Regulations 2015 <sup>M7</sup>.]

#### Marginal Citations

- M6** [S.I. 2014/1792](#) (W. 185), amended by [S.I. 2015/777](#) (W. 61).  
**M7** [S.I. 2015/777](#) (W. 61).

#### Marginal Citations

- M6** [S.I. 2014/1792](#) (W. 185), amended by [S.I. 2015/777](#) (W. 61).  
**M7** [S.I. 2015/777](#) (W. 61).

## 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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