
WELSH STATUTORY INSTRUMENTS

2018 No. 1179

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

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

2. In these Regulations, “the 2018 Order” means the Plant Health (Wales) Order 2018(1).

PART 2

Fees relating to plant health

Import inspection fees

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

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

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

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(2).

Potatoes originating in Lebanon: fee

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(3).

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(4).

(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.

(2) OJ No L 319, 2.12.2011, p. 112.

(3) 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).

(4) [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(5).

(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.

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 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**Revocations****Revocations**

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