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WELSH STATUTORY INSTRUMENTS

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**2018 No. 1179**

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

**PART 2**

Fees relating to plant health

**Import inspection fees**

3.—(1) This regulation applies in relation to a third country consignment [<sup>F1</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>F2</sup>described in [<sup>F3</sup>Part A of Annex 11, or Annex 12, to Commission Implementing Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants]] [<sup>F4</sup>or any machinery or vehicles which have been operated for agricultural or forestry purposes].

[<sup>F5</sup>(2) The fee payable by the importer of a third country consignment in respect of a documentary check of each phytosanitary certificate or phytosanitary certificate for re-export accompanying the consignment, is £5.25. ]

[<sup>F6</sup>(2A) The fees payable by the importer of a third country consignment in respect of liability to a physical check and identity check that may be carried out on the consignment (whether or not any such check is carried out) are—

- (a) (subject to paragraphs (2B) to (2E)) in the case of a consignment originating in an EU Member State, Liechtenstein or Switzerland, where the consignment includes plants, plant products or other objects of one or more descriptions specified in column 1 of the table in Schedule 1A, and originates in a country specified in the corresponding entry in column 2 of that table—
  - (i) the fee or fees specified in column 3 of that table in respect of a physical check of plants or plant products of each such description contained in the consignment; and
  - (ii) the fee or fees specified in column 4 of that table in respect of an identity check of plants or plant products of each such description contained in the consignment;
- (b) in the case of a consignment originating in any other country—
  - (i) in the case of a Schedule 2 cut flower consignment which includes one lot of cut flowers—
    - (aa) the fee specified in column 3 of the table in Schedule 2 in respect of a physical check of those cut flowers; and
    - (bb) the fee specified in column 4 of that table in respect of an identity check of those cut flowers;
  - (ii) in the case of a Schedule 2 cut flower consignment which includes two or more lots of cut flowers—

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- (aa) a fee equal to the highest of the fees specified in column 3 of the table in Schedule 2 in respect of a physical check of any of those lots; and
  - (bb) the fee specified in column 4 of that table in respect of an identity check which corresponds to the fee payable under sub-paragraph (aa);
- (iii) in the case of a Schedule 2 fruit or vegetable consignment which includes one lot of fruit or vegetables—
- (aa) the fee specified in column 3 of the table in Schedule 2 in respect of a physical check of those fruit or vegetables; and
  - (bb) the fee specified in column 4 of that table in respect of an identity check of those fruit or vegetables;
- (iv) in the case of a Schedule 2 fruit or vegetable consignment which includes two or more lots of fruit or vegetables—
- (aa) a fee equal to the highest of the fees specified in column 3 of the table in Schedule 2 in respect of a physical check of any of those lots; and
  - (bb) the fee specified in column 4 of that table in respect of an identity check which corresponds to the fee payable under sub-paragraph (aa);
- (v) in the case of a consignment which includes—
- (aa) plants or plant products of any other description specified in the table in column 1 of Schedule 2, or
  - (bb) machinery or vehicles which have been operated for agricultural or forestry purposes,  
insofar as (in either case) they originate in a country specified in column 2 of that table, the fee or fees specified in columns 3 and 4 of that table in respect of a physical check and identity check, respectively, of the plants or plant products of each such description contained in the consignment (other than any also specified in Schedule 1), and (so far as relevant) of machinery or vehicles;
- (vi) where the consignment includes plants, plant products or other objects of one or more descriptions specified in column 1 of the table in Schedule 1—
- (aa) the fee or fees specified in column 2 of that table in respect of a physical check of plants, plant products or other objects of each such description contained in the consignment;
  - (bb) the fee or fees specified in column 3 of that table in respect of an identity check of plants, plant products or other objects of each such description contained in the consignment.
- (2B) The fees payable under paragraph (2A)(a) in respect of liability to a physical check and identity check of cut flowers or fruit or vegetables are, irrespective of the number of lots contained in the consignment—
- (a) in the case of a consignment including only cut flowers or only fruit or vegetables, those payable in respect of a single lot of the kind in question;
  - (b) in the case of a consignment including both cut flowers and fruit or vegetables, those payable in respect of a single lot of each kind.
- (2C) The fees payable under paragraph (2A)(a) in respect of liability to a physical check and identity check of plants or plant products, so far as the plants or plant products are of a single relevant category and originate in the same country but fall within two or more descriptions specified in

column 1 of the table in Schedule 1A, are the highest of the fees specified in respect of plants or plant products of any such description.

(2D) For the purpose of paragraph (2C), “relevant category”, in relation to plants or plant products, means any of the following categories of plants or plant products—

- (a) bark;
- (b) bulbs;
- (c) corms;
- (d) plants intended for planting;
- (e) rhizomes;
- (f) seeds;
- (g) tissue cultures;
- (h) tubers (other than tubers of potatoes).

(2E) No fee is payable under paragraph (2A)(a) in respect of any consignment imported before [<sup>F7</sup>the end of the transitional staging period], where it would be payable in respect of any plants or plant products specified in Schedule 2A that are contained in that consignment.]

(3) In this regulation—

- [<sup>F8</sup>(a) [<sup>F9</sup>“controlled plant pest” means a GB quarantine pest, a provisional GB quarantine pest, a PFA quarantine pest or a GB regulated non-quarantine pest;]
- [<sup>F10</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;
- [<sup>F11</sup>(aba) . . . . .]
- (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>F12</sup>(ba) “the transitional staging period” has the meaning given in Annex 6 to 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 law, rules on animal health and welfare, plant health and plant protection products.]
- [<sup>F13</sup>(c) . . . . .]

*Status: Point in time view as at 18/02/2022.*

*Changes to legislation: There are currently no known outstanding effects for the The Plant Health etc. (Fees) (Wales) Regulations 2018, PART 2. (See end of Document for details)*

### Textual Amendments

- F1** 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)**
- F2** 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)**
- F3** Words in reg. 3(1) substituted (31.12.2020) by The Plant Health (Amendment etc.) (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1628), regs. 1(2)(b), **2(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** Reg. 3(2) substituted (17.6.2021) by The Plant Health etc. (Fees) (Wales) (Amendment) Regulations 2021 (S.I. 2021/713), regs. 1, **2(2)(a)**
- F6** Reg. 3(2A)-(2E) inserted (17.6.2021) by The Plant Health etc. (Fees) (Wales) (Amendment) Regulations 2021 (S.I. 2021/713), regs. 1, **2(2)(b)**
- F7** Words in reg. 3(2E) substituted (18.2.2022) by The Plant Health etc. (Fees) (Amendment) (Wales) (EU Exit) Regulations 2022 (S.I. 2022/149), regs. 1, **2(2)(a)**
- 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** Words in reg. 3(3)(a) substituted (31.12.2020) by The Plant Health (Amendment etc.) (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1628), regs. 1(2)(b), **2(3)(b)(i)**
- F10** 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)**
- F11** Reg. 3(3)(aba) omitted (31.12.2020) by virtue of The Plant Health (Amendment etc.) (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1628), regs. 1(2)(b), **2(3)(b)(ii)**
- F12** Reg. 3(3)(ba) inserted (18.2.2022) by The Plant Health etc. (Fees) (Amendment) (Wales) (EU Exit) Regulations 2022 (S.I. 2022/149), regs. 1, **2(2)(b)**
- F13** 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>F14</sup>fee specified in paragraph (3) is] payable in respect of an inspection and any associated activities which are carried out [<sup>F15</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>F16</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>F17</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 [<sup>F18</sup>UK]plant passports [<sup>F19</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

- F14** 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)**
- F15** 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)**
- F16** 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)**
- F17** 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)**
- F18** Word in reg. 4(6)(a) inserted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **2(4)**
- F19** 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>F20</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>F21</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>F22</sup>an authorisation [<sup>F23</sup>described in regulation 20(1)(a) or (b)(i) or 21(1)(b) of the Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020]].

#### Textual Amendments

- F20** 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)**
- F21** 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)**
- F22** 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)**
- F23** Words in reg. 5(5) substituted (13.11.2020) by [The Official Controls \(Plant Health and Genetically Modified Organisms\) \(Wales\) \(Amendment\) Regulations 2020 \(S.I. 2020/1134\)](#), regs. 1, **3**

**[<sup>F24</sup>Export certification services and pre-export services: fees**

**5A.**—(1) [<sup>F25</sup>Subject to paragraph (4A),] 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.

[<sup>F26</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 31 December 2022.]

(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 <sup>F27</sup>... in order to satisfy the [<sup>F28</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>F29</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” (“*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

- F24** 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)**
- F25** Words in reg. 5A(1) inserted (17.6.2021) by [The Plant Health etc. \(Fees\) \(Wales\) \(Amendment\) Regulations 2021 \(S.I. 2021/713\)](#), regs. 1, **2(3)(a)**
- F26** Reg. 5A(4A)(4B) inserted (17.6.2021) by [The Plant Health etc. \(Fees\) \(Wales\) \(Amendment\) Regulations 2021 \(S.I. 2021/713\)](#), regs. 1, **2(3)(b)**
- F27** Words in reg. 5A(5) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **2(5)(a)**
- F28** Words in reg. 5A(5) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **2(5)(b)**
- F29** Words in reg. 5A(5) inserted (17.6.2021) by [The Plant Health etc. \(Fees\) \(Wales\) \(Amendment\) Regulations 2021 \(S.I. 2021/713\)](#), regs. 1, **2(3)(c)**

#### Potatoes originating in Egypt: fee

6.—(1) Where an [<sup>F30</sup>official plant health inspector] takes a sample of potatoes originating in Egypt in order to ascertain whether <sup>F31</sup>... those potatoes are infected with *Ralstonia solanacearum* (Smith) Yabuuchi et al., the importer must pay a fee of [<sup>F32</sup>£70.83] in respect of each lot sampled.

<sup>F33</sup>(2) .....

#### Textual Amendments

- F30** 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)**
- F31** Words in reg. 6(1) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **2(6)(a)**
- F32** 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)**
- F33** Reg. 6(2) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **2(6)(b)**

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**Changes to legislation:** There are currently no known outstanding effects for the The Plant Health etc. (Fees) (Wales) Regulations 2018, PART 2. (See end of Document for details)

**Potatoes originating in Lebanon: fee**

<sup>F34</sup>**6A.** .....

**Textual Amendments**

**F34** Reg. 6A omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **2(7)**

**Potatoes originating in Lebanon: fee**

<sup>F35</sup>**7.** .....

**Textual Amendments**

**F35** 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)**



**Status:**

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There are currently no known outstanding effects for the The Plant Health etc. (Fees) (Wales) Regulations 2018, PART 2.