
WELSH STATUTORY INSTRUMENTS

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 [^{F1}insofar as it includes] plants, plant products or other objects of a description specified in column 1 of the table in Schedule 1 that [^{F2}fall within][^{F3}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]^{F4}....

[^{F5}(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.]

[^{F6}(2A) Subject to paragraphs (2B), (2C) and (2E), 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, where a consignment includes plants, plant products or other objects of a description specified in column 1 of the table, which originate in a country specified in the corresponding entry in column 2 of the table—

- (a) the fee specified in column 3 of the table in respect of a physical check of plants, plant products or other objects of each such description included in the consignment; and
- (b) the fee specified in column 4 of the table in respect of an identity check of plants, plant products or other objects of each such description included in the consignment.]

[^{F7}(2B) The fees specified under paragraph (2A) in respect of liability to a physical check and identity check of cut flowers, fruit, vegetables or leaves are payable in respect of a single lot of the kind in question.]

[^{F8}(2C) Where a consignment includes two or more plants, plant products or other objects falling within a single category specified in column 1 of the table, the fee payable under paragraph (2A) in respect of liability to a physical check or identity check of the plants, plant products or other objects within the category in question is—

- (a) so far as the consignment includes two or more lots either of cut flowers or of fruit, vegetables or leaves—
 - (i) the fee payable in respect of a single lot of cut flowers or of fruit, vegetables or leaves (as the case may be); or
 - (ii) where different amounts are specified in relation to the lots in question, a fee equal to the highest of the fees relating to liability to a physical check or identity check (as the case may be);

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- (b) so far as the consignment includes any other plants, plant products or other objects which originate in the same country—
- (i) the fee payable in respect of a single plant, plant product or other object of any of the descriptions in question; or
 - (ii) where different amounts are specified in relation to those plants, plant products or other objects, a fee equal to the highest of the fees relating to liability to a physical check or identity check (as the case may be).]

^{F9}(2D)

[^{F10}(2E) No fee is payable under paragraph (2A) in respect of any consignment originating in an EU Member State, Liechtenstein or Switzerland that is imported before the end of the transitional staging period, in respect of any plants or plant products specified in Schedule 2A that are contained in the consignment.]

[^{F11}(2F) Where an inspector suspects that a third country consignment is infected with a controlled plant pest and takes a sample from the consignment for laboratory testing to confirm whether the pest is present, the fee payable by the importer of the third country consignment is £147.35 for each sample tested.

(2G) For the purposes of this regulation, the table and Schedule 2A—

- (a) “leaves” means vegetables, herbs and spices, so far as they take the form of leaves with or without stems or stalks attached, and the loose leaves of any other plants;
- (b) “vegetables”, except in sub-paragraph (a), means vegetables other than in so far as they take the form of leaves.]

[^{F12}(3) In this regulation—

- (a) “category”, in relation to anything specified in column 1 of the table in Schedule 1, means a grouping which is listed in column 1 in bold typeface;
- (b) “controlled plant pest” means a GB quarantine pest, a provisional GB quarantine pest, a PFA quarantine pest or a GB regulated non-quarantine pest;
- (c) “description”, in relation to anything specified in column 1 of the table in Schedule 1, means the specific description in respect of which a fee is specified;
- (d) “lot” means one or more units of a single commodity, identifiable by its homogeneity of composition and origin, which form part of a consignment;
- (e) “the table” means the table in Schedule 1;
- (f) “third country consignment” means a consignment that is introduced into Wales from a third country;
- (g) “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.]

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 (22.7.2022) by [The Plant Health etc. \(Fees\) \(Amendment\) \(Wales\) \(EU Exit\) \(No. 2\) Regulations 2022 \(S.I. 2022/804\)](#), regs. 1, **2(2)(a)(i)**
- 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)**

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- F4** Words in reg. 3(1) omitted (22.7.2022) by virtue of *The Plant Health etc. (Fees) (Amendment) (Wales) (EU Exit) (No. 2) Regulations 2022* (S.I. 2022/804), regs. 1, **2(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) substituted (22.7.2022) by *The Plant Health etc. (Fees) (Amendment) (Wales) (EU Exit) (No. 2) Regulations 2022* (S.I. 2022/804), regs. 1, **2(2)(b)**
- F7** Reg. 3(2B) substituted (22.7.2022) by *The Plant Health etc. (Fees) (Amendment) (Wales) (EU Exit) (No. 2) Regulations 2022* (S.I. 2022/804), regs. 1, **2(2)(c)**
- F8** Reg. 3(2C) substituted (22.7.2022) by *The Plant Health etc. (Fees) (Amendment) (Wales) (EU Exit) (No. 2) Regulations 2022* (S.I. 2022/804), regs. 1, **2(2)(d)**
- F9** Reg. 3(2D) omitted (22.7.2022) by virtue of *The Plant Health etc. (Fees) (Amendment) (Wales) (EU Exit) (No. 2) Regulations 2022* (S.I. 2022/804), regs. 1, **2(2)(e)**
- F10** Reg. 3(2E) substituted (22.7.2022) by *The Plant Health etc. (Fees) (Amendment) (Wales) (EU Exit) (No. 2) Regulations 2022* (S.I. 2022/804), regs. 1, **2(2)(f)**
- F11** Reg. 3(2F)(2G) inserted (22.7.2022) by *The Plant Health etc. (Fees) (Amendment) (Wales) (EU Exit) (No. 2) Regulations 2022* (S.I. 2022/804), regs. 1, **2(2)(g)**
- F12** Reg. 3(3) substituted (22.7.2022) by *The Plant Health etc. (Fees) (Amendment) (Wales) (EU Exit) (No. 2) Regulations 2022* (S.I. 2022/804), regs. 1, **2(2)(h)**

Plant passport authorisation fees

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

(2) The [^{F13}fee specified in paragraph (3) is] payable in respect of an inspection and any associated activities which are carried out [^{F14}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.

[^{F15}(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 [^{F16}£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 [^{F17}UK]plant passports ^{F18}...;
- (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

- F13** 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)**
- F14** 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)**
- F15** 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)**

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- F16** 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)**
- F17** 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)**
- F18** 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—
- an application for a licence [^{F19}made to the Welsh Ministers];
 - any other activity specified in column 1 of that table which is carried out in connection with a licence [^{F20}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 [^{F21}an authorisation [^{F22}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

- F19** 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)**
- F20** 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)**
- F21** 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)**
- F22** 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**

[^{F23}Export certification services and pre-export services: fees

5A.—(1) [^{F24}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—

- 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.

[^{F25}(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 [^{F26}2023].]

(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 ^{F27}... in order to satisfy the [^{F28}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;

[^{F29}“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

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- (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

- F23** 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)**
- F24** 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)**
- F25** [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)**
- F26** Word in [reg. 5A\(4B\)](#) substituted (22.7.2022) by [The Plant Health etc. \(Fees\) \(Amendment\) \(Wales\) \(EU Exit\) \(No. 2\) Regulations 2022 \(S.I. 2022/804\)](#), regs. 1, **2(3)**
- 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 [^{F30}official plant health inspector] takes a sample of potatoes originating in Egypt in order to ascertain whether ^{F31}... those potatoes are infected with *Ralstonia solanacearum* (Smith) Yabuuchi et al., the importer must pay a fee of [^{F32}£70.83] in respect of each lot sampled.

^{F33}(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)**

Potatoes originating in Lebanon: fee

^{F34}**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)**

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Potatoes originating in Lebanon: fee

F357.

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)**

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