
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 1

SEEDS

The Seeds (Fees) (Scotland) Regulations 2000

Made - - - - *11th January 2000*
Laid before the Scottish
Parliament - - - - *14th January 2000*
Coming into force - - *5th February 2000*

The Scottish Ministers in exercise of the powers conferred on them by section 16(1), (1A)(e), (5) (a) and section 36 of the Plant Varieties and Seeds Act 1964⁽¹⁾, after consultation in accordance with the said section 16(1) with representatives of such interests as appear to them to be concerned, hereby make the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Seeds (Fees) (Scotland) Regulations 2000 and shall come into force on 5th February 2000.

(2) These Regulations extend to Scotland only.

Interpretation

2. In these Regulations, unless the context otherwise requires—

(a) “licensed crop inspector” means the person for the time being licensed under Regulation 10 of the Seeds (Registration, Licensing and Enforcement) Regulations 1985⁽²⁾ to be a crop inspector;

“licensed seed sampler” means a person for the time being licensed under Regulation 10 of the Seeds (Registration, Licensing and Enforcement) Regulations 1985 to be a seed sampler;

“licensed seed testing station” means an establishment for the time being licensed under Regulation 9 of the Seeds (Registration, Licensing and Enforcement) Regulations 1985 for the testing of seeds for the purposes of seeds regulations;

(1) 1964 c. 14; section 16 was amended by the European Communities Act 1972 (c. 68), section 4(1) and Schedule 4, paragraph 5(1), (2) and (3); section 38(1), which was amended by S.I. 1978/272, contains a definition of “the Minister” relevant to the exercise of the statutory powers under which these Regulations are made. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(2) S.I. 1985/980; relevant amending instruments are S.I. 1987/1098 and 1993/2530.

“seeds regulations” means Regulations extending to Scotland made under section 16 of the Plant Varieties and Seeds Act 1964 and for the time being in force, and other expressions in the Regulations relating to any crops or seeds have the same meanings as in seeds Regulations appropriate to such crops or seeds;

- (b) a reference to a numbered Schedule is to the Schedule of these Regulations which bears that number; and
- (c) the times of payment and the fees specified in columns (2) and (3) respectively of Schedules 1 to 6 are so specified in relation to the matters specified in column (1) of those Schedules opposite to which they appear.

Fees

3.—(1) There shall be paid in respect of the matters specified in column (1) of Schedules 1 to 6 the fees specified in column (3) of those Schedules, such fees being payable at the times specified in column (2) of those Schedules.

- (2) Subject to paragraphs (3) and (4) below, such fees shall be payable to the Scottish Ministers.
- (3) The fees specified in column (3) of Schedule 6 shall be payable to the Scottish Ministers.
- (4) Where—
 - (a) the official examination of a crop is undertaken by a licensed crop inspector,
 - (b) the official examination of a sample of seeds is undertaken by a licensed seed testing station, or
 - (c) the sampling of a seed lot for the purposes of an official examination is undertaken by a licensed seed sampler,

the fee for such official examination or sampling shall be payable to the licensed crop inspector or the licensed seed testing station undertaking the official examination or to the licensed seed sampler undertaking the sampling.

4. Regulation 3 above shall apply to matters listed in column (1) of Schedules 1 to 6 arising in relation to breeder’s confirmations as it does to matters so listed arising in relation to official certificates.

5. The Scottish Ministers may exempt any person or class of persons or persons generally from compliance with any of the provisions of these Regulations relating to the payment of fees and any such exemption may be granted subject to conditions.

Revocation

- 6.** The Regulations listed in Schedule 7 are hereby revoked.

St Andrew’s House,
Edinburgh
11th January 2000

ROSS FINNIE
A member of the Scottish Executive

SCHEDULE 1

Regulation 3

MATTERS ARISING UNDER THE CEREAL SEEDS REGULATIONS 1993(3)

<i>(1)</i> <i>Matter</i>	<i>(2)</i> <i>Fee payable within one month of demand by or on behalf of the Scottish Ministers</i>	<i>(3)</i> <i>Fee £</i>
A. Initial fees		
Initial fee per hectare or part thereof for crops intended to produce:—		
(i) pre basic or basic seed		24.60
(ii) certified seed of the first generation of wheat, durum wheat, spelt wheat, barley, triticale and oats or certified seed of rye and maize		6.20
(iii) certified seed of the second generation of wheat, durum wheat, spelt wheat, barley and oats		5.50
B. Crop inspection fees		
Fee for official examination of crops intended to produce pre basic, basic or certified seed of the first generation and certified seed of the second generation per hectare or part thereof examined.		12.30
Fee for the official re examination of crops intended to produce pre basic, basic or certified seed of the first generation and certified seed of the second generation per hectare or part thereof examined, except:—		12.30
(i) Fee for the official re examination of crops for wild oats per hectare or part thereof examined		6.15
(ii) Fee for the official re examination of crops for		2.20

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>(1)</i> <i>Matter</i>	<i>(2)</i> <i>Fee payable within one month of demand by or on behalf of the Scottish Ministers</i>	<i>(3)</i> <i>Fee £</i>
isolation per hectare or part thereof		
(iii) Fee per crop to authenticate seed lot sown, (where this has not been carried out at crop inspection		5.50
C. Seed lot fee		
Fee for the issue of an official certificate (other than in the circumstances described under F below) in respect of a seed lot entered as:–		40.65
(i) breeder's, pre basic or basic seed, certified seed of the first generation of wheat, durum wheat, spelt wheat, barley, triticale, oats or certified seed of rye and maize		
(ii) certified seed of the second generation of wheat, durum wheat, spelt wheat, barley and oats		20.30
D. Seed lot re entry fee		
Fee for the issue of an official certificate in respect of a seed lot which was entered for one category and has been withdrawn and is being re entered as:–		28.45
(i) pre basic or basic seed, certified seed of the first generation of wheat, durum wheat, spelt wheat, barley, triticale and oats or certified seed of rye and maize		
(ii) certified seed of the second generation of wheat, durum wheat, spelt wheat, barley and oats		14.20

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<i>(1)</i> <i>Matter</i>	<i>(2)</i> <i>Fee payable within one month of demand by or on behalf of the Scottish Ministers</i>	<i>(3)</i> <i>Fee £</i>
E. Sampling Fees		
Fee for sampling or re sampling of a seed lot for the purposes of an official examination, and for sampling or re sampling imported seed intended for further multiplication		30.90
F. Seed testing fees		
Fee for an official examination of seed for loose smut infection of wheat, durum wheat, spelt wheat and barley (per thousand embryos examined)		35.70
G. Fees for additional tests		
Fee for a Tetrazolium seed viability test in C1 Winter Wheat and C1 Winter Barley		41.90
H. Official label fees		
Additional fee for the issue and printing of official labels:–		33.00
(i) tear resistant labels for breeders seed, pre basic and seed for export; per seed lot		
(ii) self adhesive labels for breeders seed, pre basic and seed for export; per seed lot		22.90

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SCHEDULE 2

Regulation 3

MATTERS ARISING UNDER THE FODDER PLANT SEEDS REGULATIONS 1993(4)

<i>(1)</i> <i>Matter</i>	<i>(2)</i> <i>Fee payable within one month of demand by or on behalf of the Scottish Ministers</i>	<i>(3)</i> <i>Fee £</i>
A. Initial fees		
Initial fee per hectare or part thereof for crops intended to produce:—		18.50
(i) pre basic or basic seed of		
(a) grasses, legumes (except field beans and field peas) and crucifers		
(b) field beans and field peas		16.00
(ii) certified seed of grasses, legumes (except field beans and field peas) and crucifers		8.65
(iii) certified seed of the first and second generation of field beans and field peas		7.40
B. Crop inspection fee		
(i) Fee for official examination or re-examination of crops intended to produce pre-basic, basic or certified seed per hectare or part thereof examined (including crops of hybrid swede rape and hybrid turnip rape)		12.30
(ii) Fee for official examination or re-examination of certified seed of Scots Timothy crops per hectare or part thereof examined		5.50
(iii) Fee for the official examination or re-examination of certified		12.30

<i>(1)</i> <i>Matter</i>	<i>(2)</i> <i>Fee payable within one month of demand by or on behalf of the Scottish Ministers</i>	<i>(3)</i> <i>Fee £</i>
seed of the first and second generation of field beans and peas.		
C. Seed lot fee		
Fee for the issue of an official certificate (other than in the circumstances described under D below) in respect of a seed lot entered as:–		33.30
(i) breeder's seed of		
(a) grasses, legumes (except field beans and field peas) and crucifers		
(b) field beans and field peas		54.20
(ii) pre-basic or basic seed of		62.85
(a) grasses, legumes (except field beans and field peas) and crucifers		
(b) field beans and field peas		54.20
(iii) certified seed of grasses, legumes (except field beans and field peas) and crucifers		62.85
(iv) certified seed of the first and second generation of field beans and field peas		50.50
(v) commercial seed of the kinds for the time being specified in regulation 3(3) of the Fodder Plant Seeds Regulations 1993		55.45
D. Seed lot re-entry fee		
Fee for the issue of an official certificate in respect of a seed lot which was entered for one category and has been		44.00

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<i>(1)</i> <i>Matter</i>	<i>(2)</i> <i>Fee payable within one month of demand by or on behalf of the Scottish Ministers</i>	<i>(3)</i> <i>Fee £</i>
withdrawn and is being re-entered as:–		
(i) pre-basic or basic seed of		
(a) grasses, legumes (except field beans and field peas) and crucifers		
(b) field beans and peas		37.95
(ii) certified seed of grasses, legumes (except field beans and field peas) and crucifers		44.00
(iii) certified seed of the first and second generation of field beans and peas		35.35
(iv) commercial seed of the kinds for the time being specified in regulation 3(3) of the Fodder Plant Seeds Regulations 1993		38.80
E. Sampling fees		
Fee for sampling or re-sampling of a seed lot for the purposes of an official examination and for sampling or re-sampling imported seed intended for further multiplication		30.90
F. Official label fees		
Additional fee for the issue and printing of official labels:–		33.00
(i) tear-resistant labels for breeders seed, pre-basic and seed for export; per seed lot		
(ii) self adhesive labels for breeders seed, pre-basic and seed for export; per seed lot		22.90

SCHEDULE 3

Regulation 3

MATTERS ARISING UNDER THE OIL AND FIBRE PLANT SEEDS REGULATIONS 1993(5)

<i>(1)</i> <i>Matter</i>	<i>(2)</i> <i>Fee payable within one month of demand by or on behalf of the Scottish Ministers</i>	<i>(3)</i> <i>Fee £</i>
A. Initial fees		
Initial fee per hectare or part thereof for crops intended to produce:—		27.15
(i) pre-basic or basic seed		
(ii) all other categories of seed		12.95
B. Crop inspection fee		
Fee for official examination or re-examination of crops intended to produce pre-basic, basic or certified seed of the first, second or third generation per hectare or part thereof examined		12.30
C. Seed lot fee		
Fee for the issue of an official certificate (other than in the circumstances described under E below) in respect of a seed lot entered as:—		49.30
(i) breeders, pre-basic or basic seed		
(ii) all other categories of seed		49.30
D. Seed lot re-entry fee		
Fee for the issue of an official certificate in respect of a seed lot which was entered for one category and has been withdrawn and is being re-entered in any category		34.50
E. Sampling fees		
Fee for sampling or re-sampling of a seed lot for the purposes of an official examination and for sampling or re-sampling imported		30.90

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<i>(1)</i> <i>Matter</i>	<i>(2)</i> <i>Fee payable within one month of demand by or on behalf of the Scottish Ministers</i>	<i>(3)</i> <i>Fee £</i>
seed intended for further multiplication		
F. Seed testing fees		
Fees for an official examination of seed for:–		41.85
(i) sunflower for <i>Botrytis</i> spp		
(ii) flax and linseed for:–		34.45
(a) <i>Alternaria</i> spp		
(b) <i>Phoma exigua</i> var. <i>linicola</i>		
(c) <i>Colletotrichum lini</i>		
(d) <i>Fusarium</i> spp		
(e) <i>Botrytis</i> spp		
(iii) soya bean for <i>Pseudomonas syringae</i> pv. <i>glycinea</i> spp for:–		60.00
(a) for one sub-sample test		
(b) for five sub-sample tests		200.00
(iv) soya bean for <i>Diaporthe phaselorum</i> spp		37.50
G. Official label fees		
Additional fee for the issue and printing of official labels:–		33.00
(i) tear-resistant labels for breeders seed, pre-basic and seed for export; per seed lot		
(ii) self adhesive labels for breeders seed, pre-basic and seed for export; per seed lot		22.90

SCHEDULE 4

Regulation 3

MATTERS ARISING UNDER THE BEET SEEDS REGULATIONS 1993(6)

<i>(1)</i> <i>Matter</i>	<i>(2)</i> <i>Fee payable within one month of demand by or on behalf of the Scottish Ministers</i>	<i>(3)</i> <i>Fee £</i>
A. Initial fees		
Initial fee per hectare or part thereof for crops intended to produce:—		32.05
(i) pre-basic or basic seed		
(ii) certified seed		14.80
B. Crop inspection fee		
Fee for official examination or re-examination intended to produce crops of pre-basic, basic or certified seed per hectare or part thereof examined		12.30
C. Seed lot fee		
Fee for the issue of an official certificate (other than in the circumstances described under D below) in respect of a seed lot entered as:—		60.40
(i) pre-basic or basic seed		
(ii) certified seed		59.10
D. Seed lot re-entry fee		
Fee for the issue of an official certificate in respect of a seed lot which was entered for one category and has been withdrawn and is being re-entered as:—		42.30
(i) pre-basic or basic seed		
(ii) certified seed		41.40
E. Sampling fees		
Fee for sampling or re-sampling of a seed lot for the purpose of an official examination and for sampling or re-sampling imported		30.90

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<i>(1)</i> <i>Matter</i>	<i>(2)</i> <i>Fee payable within one month of demand by or on behalf of the Scottish Ministers</i>	<i>(3)</i> <i>Fee £</i>
seed intended for further multiplication		
F. Official label fees		
Additional fee for the issue and printing of official labels:–		33.00
(i) tear-resistant labels for breeders seed, pre-basic and seed for export; per seed lot		
(ii) self adhesive labels for breeders seed, pre-basic and seed for export; per seed lot		22.90

SCHEDULE 5

Regulation 5

MATTERS ARISING UNDER THE VEGETABLE SEEDS REGULATIONS 1993(7)

<i>(1)</i> <i>Matter</i>	<i>(2)</i> <i>Fee payable within one month of demand by or on behalf of the Scottish Ministers</i>	<i>(3)</i> <i>Fee £</i>
A. Initial fees		
Initial fee for crops intended to produce:–		43.10
(i) pre-basic or basic seed of		
(a) all kinds, except peas, broad beans, cucumber, gherkin and tomato, per hectare or part thereof entered		
(b) peas and broad beans per hectare or part thereof entered		27.15
(c) cucumber, gherkin and tomato, per crop entered		43.10
(ii) certified seed of		23.35

(7)

S.I. 1993/2008, amended by S.I. 1996/1452 and 1997/616.

<i>(1)</i> <i>Matter</i>	<i>(2)</i> <i>Fee payable within one month of demand by or on behalf of the Scottish Ministers</i>	<i>(3)</i> <i>Fee £</i>
(a) all kinds, except peas, broad beans, cucumber, gherkin and tomato, per hectare or part thereof entered		
(b) peas and broad beans per hectare or part thereof entered		11.10
(c) cucumber, gherkin and tomato, per crop entered		23.35
B. Crop inspection fee		
Fee for official examination or re-examination of crops intended to produce pre-basic, basic or certified seed per hectare or part thereof examined		12.30
C. Seed lot fee		
Fee for the issue of an official certificate (other than in the circumstances described under D below) in respect of a seed lot entered		98.55
D. Seed lot re-entry fee		
Fee for the issue of an official certificate in respect of a seed lot which was entered for one category and has been withdrawn and is being re-entered in any category		69.00
E. Sampling fees		
Fee for sampling or re-sampling of a seed lot for the purposes of an official examination and for sampling or re-sampling imported seed intended for further multiplication		30.90
F. Official label fees		

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<i>(1)</i> <i>Matter</i>	<i>(2)</i> <i>Fee payable within one month of demand by or on behalf of the Scottish Ministers</i>	<i>(3)</i> <i>Fee £</i>
Additional fee for the issue and printing of official labels:–		33.00
(i) tear-resistant labels for breeders seed, pre-basic and seed for export; per seed lot		
(ii) self adhesive labels for breeders seed, pre-basic and seed for export; per seed lot		22.90

SCHEDULE 6

Regulation 3

MATTERS ARISING UNDER THE SEEDS (REGISTRATION, LICENSING AND ENFORCEMENT) REGULATIONS 1985(8)

<i>(1)</i> <i>Matter</i>	<i>(2)</i> <i>When payable</i>	<i>(3)</i> <i>Fee £</i>
A. Representations by, and hearings of, a seed merchant, processor or packer		
(i) Fee for making written representations to the Scottish Ministers	On making representations	30.80
(ii) Fee for being heard by a person appointed by the Scottish Ministers	On applying to be heard	61.60
B. Licensed Seed Testing Stations		
(i) Annual fee payable during the currency of the licence (or a proportion thereof in respect of a part of a year)	Within one month of demand by or on behalf of the Scottish Ministers, annually in advance	2,033.00
(ii) Fee payable by a Licensed Seed Testing Station in respect of an official examination of seed	Within one month of demand by or on behalf of the Scottish Ministers, annually in arrears	8.75
C. Crop Inspection Courses and Examination		

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<i>(1)</i> <i>Matter</i>	<i>(2)</i> <i>When payable</i>	<i>(3)</i> <i>Fee £</i>
Fee for:–	Fee payable within one month	455.00
(i) crop inspection course	of demand by or on behalf of the Scottish Ministers	
(ii) initial examination and compulsory re-tests		60.00
D. Seed Sampling Course and Examination		
Fee for:–	Fee payable within one month	230.00
(i) tuition and examination for seed samplers licence (administrative and sampling elements)	of demand by or on behalf of the Scottish Ministers	
(ii) tuition and examination for seed samplers licence (administrative elements only)		60.00
E. Seed Analyst Course and Examination		
Fee for:–	Fee payable within one month	400.00
(i) Laboratory Management Course Registration	of demand by or on behalf of the Scottish Ministers	
(ii) Laboratory Management Course Daily Attendance		310.00
(iii) Analyst Course Registration		1,050.00
(iv) Analyst Course additional and retake divisions (per division)		100.00
(v) Analyst Course daily attendance		300.00

SCHEDULE 7

<i>REGULATIONS REVOKED</i>	<i>REFERENCES</i>
The Seeds (Fees) Regulations 1985	S.I. 1985/981
The Seeds (Fees) (Amendment) Regulations 1990	S.I. 1990/610
The Seeds (Fees) (Amendment) Regulations 1999	S.I. 1999/1553
The Seeds (Fees) (Amendment) (No. 2) Regulations 1999	S.I. 1999/1865

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke The Seeds (Fees) Regulations 1985 (as amended).

They prescribe revised fees in respect of matters arising under the Cereal Seeds Regulations 1993 (as amended), the Fodder Plant Seeds Regulations 1993 (as amended), the Oil and Fibre Plant Seeds Regulations 1993 (as amended), the Beet Seeds Regulations 1993 (as amended), the Vegetable Seeds Regulations 1993 (as amended) and the Seeds (Registration, Licensing and Enforcement) Regulations 1985 (as amended) (Regulation 3).

The matters in respect of which the revised fees are prescribed are listed in the Schedule to these Regulations. They allow for reduced charges for crop inspections of cereals and Scots Timothy where only certain elements apply. Provision has been made for fees for the inspection of certified grades of seed, sampling of seed lots, supply of official labels, provision of training courses and the examination of candidates by officials of the Scottish Executive. All other fees have remained the same.