

2004 No. 250

SEEDS

The Seed Potatoes (Fees) (Scotland) Regulations 2004

<i>Made</i> - - - -	<i>27th May 2004</i>
<i>Laid before the Scottish Parliament</i>	<i>1st June 2004</i>
<i>Coming into force</i> - -	<i>22nd June 2004</i>

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

Citation, commencement, and extent

- 1.—(1) These Regulations may be cited as the Seed Potatoes (Fees) (Scotland) Regulations 2004 and shall come into force on 22nd June 2004.
- (2) These Regulations extend to Scotland only.

Payment of Fees

2. Fees shall be paid to the Scottish Ministers in respect of the matters arising under the Seed Potatoes (Scotland) Regulations 2000(b) and specified in relation to an entry in column 1 of the Schedule to these Regulations, calculated on the basis corresponding to that entry specified in column 2 of that Schedule:

Withdrawal of application

- 3.—(1) If an application for classification of seed potatoes under paragraph 2 of the Schedule is withdrawn before the arrival of an inspector for the purpose of inspecting the crop for the first time the fee paid will be refunded to an applicant, subject to charging of an administration fee of £1.50 per half-hectare.
- (2) If the labels and seals issued under paragraph 4 of the Schedule are returned unused within 2 months of issue, the fee paid will be refunded to an applicant, subject to charging of an administration fee of £1.00 per tonne.

(a) 1964 c.14; section 16 was amended by the European Communities Act 1972 (c.68), section 4(1) and Schedule 4, paragraph 5(2) and by the Agriculture Act 1986 (c.49), section 2. Section 16 is applied to seed potatoes by section 29(1); section 29 was amended by the European Communities Act 1972, section 4(1) and Schedule 4, paragraph 5(4). See section 38 for the definition of “the Ministers”. 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).

(b) S.S.I. 2000/201.

Exemptions

4. The Scottish Ministers may exempt any person, or class of person, or persons generally, from compliance in whole or in part, with the provisions of these Regulations in relation to the payment of fees and any exemption so made may be made subject to conditions.

Revocation

5. The Seed Potatoes (Fees) (Scotland) Regulations 1993(a) (“the 1993 Regulations”) are hereby revoked.

Pentland House,
Edinburgh
27th May 2004

ROSS FINNIE
A member of the Scottish Executive

(a) S.I. 1993/1311.

SCHEDULE

Regulation 2

<i>Column 1</i> <i>Matter</i>	<i>Column 2</i> <i>Basis</i>
1. Crop inspection in respect of crops for which an application has been made for classification as–	
(a) Pre-basic TC	£50.00 per hour or part thereof
(b) Approved stock	£50.00 per hour or part thereof
2. Crop inspection in respect of crops for which an application has been made for classification as–	
(a) Pre-basic 1 and 2	£29.00 per half-hectare or part thereof
(b) VTSC	£29.00 per half-hectare or part thereof
(c) Super Elite	£29.00 per half-hectare or part thereof
(d) Elite	£29.00 per half-hectare or part thereof
3. Scientific testing of a sample taken from a crop in respect of which an application has been made for classification.	£165.00 per sample
4. Provision of any number of official labels and seals reasonably required in respect of crops classified as VTSC, Super Elite, Elite and AA, which fee shall include an official examination of tubers.	£3.00 per tonne or part thereof of crop duly classified
5. Official examination of tubers in respect of crops classified as Pre-basic TC, Pre-basic 1 and 2 and Approved Stock, which fee shall include the provision of any number of official labels and seals reasonably required.	£50.00 per hour or part thereof
6. Fees for nuclear stock–	
(a) Initiation of new nuclear stock	£150.00 (6 microplants)
(b) Provision of in vitro maintained nuclear stock	£43.00 (6 microplants)
(c) In vitro maintenance of nuclear stock	£61.00 annual fee (per variety)

EXPLANATORY NOTE

(This note is not part of the Regulation)

These Regulations, which extend to Scotland only, prescribe the fees payable in respect of certain matters arising under the Seed Potatoes (Scotland) Regulations 2000 (regulation 2 and the Schedule).

The Regulations prescribe for the first time the fee payable for the carrying out of crop inspections, tuber inspections and the provision of official labels and seals as regards the classes of seed potatoes known as the Pre-basic TC, Pre-basic 1 and 2 and Approved Stock. They also introduce fees for the initiation and provision of nuclear stock (regulation 2 and the Schedule).

They Regulations provide for an administration fee to be charged where an application for classification as Pre-basic 1 and 2, VTSC, Super Elite and Elite is withdrawn before the arrival of an inspector due to inspect the crop for the first time, or where labels and seals are returned unused (regulation 3).

The Scottish Ministers may exempt any person, or class of person from compliance, in whole or in part, with the provisions of these Regulations (regulation 4).

The Regulations revoke the Seed Potatoes (Fees) (Scotland) Regulations 1993 (regulation 5).

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