

EXECUTIVE NOTE

THE PLANT HEALTH FEES (SCOTLAND) AMENDMENT REGULATIONS 2005 SSI/2005/555

Introduction

1. The above instrument is made by the Scottish Ministers in exercise of powers conferred by section 2(2) of the European Communities Act 1972 and all other powers enabling them in that behalf. The instrument is subject to negative resolution procedure.

Policy Objective

2. To increase the charges made to industry in respect of grant and renewal of certain licences issued to researchers and importers who wish to import plants, plant pests, soil and other growing media for trials and scientific or varietal selection work, whose entry into Scotland would otherwise be prohibited, in order to move to full cost recovery for licensing administration.

Background

3. Around the world there are many plant pests and diseases which, if they were to become established in Great Britain, could cause serious damage to our crops and plants. To guard against the spread of harmful organisms, official controls apply to the import, movement and keeping of plants, plant pests and other material, *eg* soil.
4. Plant health controls include provision, subject to appropriate precautions, for trials and scientific or varietal selection work on plants, plant pests, soil and other growing media whose importation would otherwise be prohibited. Licences are granted for those purposes under the Plant Health (Great Britain) Order 1993, as amended (“the 1993 Order”). Such licensing is a chargeable service provided by the Scottish Agricultural Science Agency (SASA) on SEERAD’s behalf.
5. Of the 100 licences issued in 2004-5, the majority were issued to academic applicants or publicly funded scientific institutions. Licences for importation of soil and for potato quarantine testing were issued to commercial applicants (on average less than 10 licences per year).
6. The Plant Health Fees (Scotland) Regulations 1996 prescribe the fees for, *inter alia*, the issuing of licences under the 1993 Order including fees for grant and renewal of licences for trial or scientific purposes or for work on varietal selection. The fees for new licences have not changed since 1994 and for renewals since 1996.
7. In the last financial year (to 31 March 2005) issuing of licences was processed at below full cost recovery. A fundamental principle of Scottish Executive accounting procedure and practice is that fees and charges should be set for all statutory and commercial services on the basis of full cost recovery. This objective is not currently being met, and the increase in fees for grant and renewal of certain licences will address this.

Consultation

8. A consultation exercise seeking views from interested parties in respect of the proposed increase in licensing charges commenced on 15 August and ran until 10 October. The consultation paper discussed three possible charging options including SEERAD's preferred option of implementing measures at SASA to streamline the licensing process and applying an across-the-board increase of £10 for the fee for certain new licences (to £65), and an increase of £4 in the cost of renewal (to £25).
9. 37 consultees were invited to comment: of these, 6 responded. 2 respondees confirmed that they had no comments; 3 were content to endorse our preferred option as being the best and fairest way forward; and one asked whether the entire licensing and charging process could be simplified. The Regulations reflect SEERAD's preferred option..

Impact

10. It is recognised that the individuals and bodies who apply for import licences will be affected by any increase in licensing fees, and a principal objective of the consultation was to draw out the extent of any concerns about the proposed increase. In light of comments received during consultation and the limited response rate it was considered that SEERAD's preferred option provided an acceptable way forward for all concerned. The option should meet full cost recovery for plant health import licensing and should ensure that SEERAD continues to have co-operation from applicants regarding notification of imports. A Regulatory Impact Assessment has been prepared.

Scottish Executive Environment and Rural Affairs Department
EPHAS – Plant Health

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