SCOTTISH STATUTORY INSTRUMENTS

2006 No. 70

SEEDS

The Seeds (Fees) (Scotland) Amendment Regulations 2006

Made - - - -	*22nd February 2006*
Laid before the Scottish Parliament - - -	*23rd February 2006*
Coming into force - -	*17th March 2006*

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

Citation and commencement

1. These Regulations may be cited as the Seeds (Fees) (Scotland) Amendment Regulations 2006 and shall come into force on 17th March 2006.

Amendment of the Seeds (Fees) (Scotland) Regulations 2002

2. The Seeds (Fees) (Scotland) Regulations 2002(**2**) are amended in accordance with regulations 3 to 5.

Amendment of regulation 3

3. In regulation 3–

(a) in paragraph (4)(a) after "inspector;" insert "or";

(b) omit paragraph (4)(b); and

(c) in paragraph (4) omit "or the licensed seed testing station undertaking the official examination".

(**1**) 1964 c. 14; section 16 was relevantly amended by the European Communities Act 1972 (c. 68), section 4(1) and Schedule 4 paragraph 5(1) and (2); see section 38(1), which was amended by S.I.1978/272, for the definition of "the Minister". 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.S.I. 2002/526 as amended by S.S.I. 2004/317, S.S.I. 2005/328 and 329.

Amendment of Schedule 1

4. In Schedule 1 (matters arising under the Cereal Seed (Scotland) Regulations 2005(**3**)) omit–

    (a) part F (seed testing fees), columns (1), (2) and (3); and

    (b) part G (fees for additional tests), columns (1), (2) and (3).

Amendment of Schedule 3

5. In Schedule 3 (matters arising under the Oil and Fibre Plant Seed (Scotland) Regulations 2004(**4**)) omit part F (seed testing fees), columns (1), (2) and (3).

Pentland House,
Edinburgh
22nd February 2006

ROSS FINNIE
A member of the Scottish Executive

(**3**) S.S.I. 2005/328.
(**4**) S.S.I. 2004/317.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 17th March 2006, remove provision for prescribed fees for official examination of samples of seed to be paid to licensed seed testing stations instead of to the Scottish Ministers (regulation 3) as by virtue of these Regulations there are no longer any such prescribed fees.

These Regulations remove from Schedule 1 (matters arising under the Cereal Seed (Scotland) Regulations 2005) and Schedule 3 (matters arising under the Oil and Fibre Plant Seed (Scotland) Regulations 2004) to the Seeds (Fees) (Scotland) Regulations 2002 the prescribed fees shown in the following table (regulations 4 and 5)–

Matter	Fee £
Schedule 1 (matters arising under the Cereal Seed (Scotland) Regulations 2005)	
Fee for an official examination of seed for loose smut infection of wheat, durum wheat, spelt wheat and barley (per thousand embryos examined)	39.40
Fee for a tetrazolium seed viability test on certified seed of the first generation of Winter Wheat and Winter Barley	46.20
Schedule 3 (matters arising under the Oil and Fibre Plant Seed (Scotland) Regulations 2004)	
Fees for an official examination of seed of–	
(i) sunflower for *Botrytis* spp	46.15
(ii) flax and linseed for–	
(a) (a) *Alternaria* spp	37.95
(b) (b) *Phoma exiqua* var. *linicola*	37.95
(c) (c) *Colletotrichum lini*	37.95
(d) (d) *Fusarium* spp	37.95
(e) (e) *Botrytis* spp	37.95
(iii) soya bean for *Pseudomonas syringae* pv. *glycinea* spp for–	
(a) (a) for one sub sample test	66.15
(b) (b) for five sub sample tests	220.50
(iv) soya bean for *Diaporthe phaselorum* spp	41.35

No Regulatory Impact Assessment has been prepared in respect of these Regulations.