

2007 No.137

PLANT HEALTH

**The Plant Health (Export Certification) (Scotland) Amendment
Order 2007**

<i>Made</i> - - - -	<i>1st March 2007</i>
<i>Laid before the Scottish Parliament</i>	<i>2nd March 2007</i>
<i>Coming into force</i> - -	<i>31st March 2007</i>

The Scottish Ministers, in exercise of the powers conferred by sections 3(1), (2) and (4) and 4A of the Plant Health Act 1967(a) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation and commencement

1. This Order may be cited as the Plant Health (Export Certification) (Scotland) Amendment Order 2007 and shall come into force on 31st March 2007.

Amendments to the Plant Health (Export Certification) (Scotland) Order 2004

2. The Plant Health (Export Certification) (Scotland) Order 2004(b) is amended in accordance with articles 3 to 6.

Amendment of article 2 (interpretation)

3. In article 2 (interpretation)–

- (a) for the definition of “phytosanitary certificate” substitute–
““phytosanitary certificate” means a certificate which complies with the relevant requirements of article 15 of the principal plant health Order”;
- (b) after the definition of “phytosanitary certificate” insert–
““phytosanitary certificate for re-export” means a certificate for re-export which complies with the relevant requirements of article 15 of the principal plant health Order”;
- (c) after the definition of “premises”, insert–
““principal plant health Order” means the Plant Health (Scotland) Order 2005(c)”; and
- (d) omit the definition of “reforwarding phytosanitary certificate”.

(a) 1967 c.8; section 3(1) and (2) was amended by the European Communities Act 1972 (c.68), section 4(1) and Schedule 4, paragraph 8; section 3(4) was substituted by section 42 of the Criminal Justice Act 1982 (c.48) and section 4A was inserted by the Agriculture Act 1986 (c.49), section 3. Section 1(2) of the 1967 Act specifies the competent authorities for the purposes of that Act. 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). The requirement to obtain Treasury consent was removed by section 55 of that Act.

(b) S.S.I. 2004/248.

(c) S.S.I. 2005/613, as amended by S.S.I. 2006/474.

Amendment of article 3 (phytosanitary certificates for export of plants etc. to third countries)

4. In article 3(1) for “reforwarding phytosanitary certificate” substitute “phytosanitary certificate for re-export”.

Amendment of article 5 (offences)

5. In article 5(1) for “reforwarding phytosanitary certificate” substitute “phytosanitary certificate for re-export”.

Amendment of schedule

6.—(1) In paragraph 4(a)–

- (a) in column 1 (service) omit paragraph (i);
- (b) in column 2 (fee) omit the figure of £1.00; and
- (c) in paragraph (ii) in column 1 (service) for “£10.00” substitute “£1.00”.

(2) In paragraph 5–

- (a) in column 1 (service) after “plant products” insert “other than seeds”;
- (b) (i) in column 1 (service) omit sub-paragraph (a); and
(ii) in column 2 (fee) omit the figure of £1.00; and
- (c) in sub-paragraph (b) in column 1 (service) for “£10.00” substitute “£1.00”.

(3) in paragraph 6–

- (a) in column 1 (service) after “plant products” insert “other than seeds”;
- (b) (i) in column 1 (service) omit sub-paragraph (a); and
(ii) in column 2 (fee) omit the figure of £1.00.
- (c) in sub-paragraph (b) in column 1 (service) for “£10.00” substitute “£1.00”.

(4) after paragraph 8 insert–

“8A. For any second or subsequent certificate issued under paragraph 8 11.00
when an inspection is carried out at the same location on the same day.”.

(5) For paragraph 11(c) in column 1 (service) and the corresponding figures from “£165.00” to “£3.00” in column 2 (fee) substitute–

“(c) for potato viruses

(i)	(aa)	growing on test (200 tubers tested for 2 viruses)	220.00
	(bb)	growing on test (each additional 50 tubers or part thereof tested for 2 viruses)	55.00
	(cc)	testing for additional viruses (200 tubers) (per virus)	10.00
	(dd)	testing for additional viruses (each additional 50 tubers or part thereof) (per virus)	2.50
(ii)	(aa)	direct tuber test (200 tubers tested for 2 viruses)	260.00

	(bb)	direct tuber test (each additional 50 tubers or part thereof) (per virus)	65.00
	(cc)	testing for additional viruses (200 tubers) (per virus)	20.00
	(dd)	testing for additional viruses (each additional 50 tubers or part thereof) (per virus)	5.00
(iii)	(aa)	leaf sample test (100 leaves tested for 4 viruses)	45.00
	(bb)	leaf sample test (each additional 50 leaves or part thereof tested for 4 viruses)	22.50
	(cc)	testing for additional viruses (100 leaves) (per virus)	3.00
	(dd)	testing for additional viruses (each additional 50 leaves or part thereof) (per virus)	1.50.”.

(6) For paragraphs 14, 15 and 16 in column 1 (service) and the corresponding figures from “£20.00” to “£30.00” in column 2 (fee) substitute–

“14. Consideration of an application (including certificate processing, growing crop inspection and pre-export seed testing work) for a phytosanitary certificate in respect of seed samples (for one hour or any part thereof).”.	69.00
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(7) For paragraph 17 in column 1(service) and the corresponding figure £5.00 in column 2 (fee) substitute–

“15. Issue of a phytosanitary certificate for re-export or a duplicate phytosanitary certificate or phytosanitary certificate for re-export where the original has been lost, stolen, destroyed or materially damaged).”.	5.00
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ROSS FINNIE
A member of the Scottish Executive

Pentland House,
Edinburgh
1st March 2007

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to the Plant Health (Export Certification) (Scotland) Order 2004 (“the 2004 Order”) as a consequence of the Plant Health (Scotland) Order 2005 (“the principal plant health Order”). The amendments come into force on 31st March 2007.

The Order prescribes amended fees for the issue of phytosanitary certificates and phytosanitary certificates for re-export as required by the principal plant health Order to accompany exports of certain plants, plant products or other items to third countries.

The services are performed in connection with applications received for the issue of phytosanitary certificates or phytosanitary certificates for re-export in accordance with the provisions of the principal plant health Order (article 15).

The fees prescribed by this Order are necessary to recover the costs expected to be incurred in the provision of the export services.

Article 6(1) to (3) introduces a clarification of plant products in the 2004 Order by limiting this to plant products other than seeds. This also removes the previous fee of £1.00 for consignments valued at up to £10.00, raising this now to £7.50.

Article 6(4) introduces a new £11.00 fee for any second or subsequent certificate for the inspection of used agricultural machinery.

Article 6(5) introduces new testing arrangements and charges for potato viruses.

Article 6(6) replaces the separate fees set out in paragraphs 14, 15 and 16 of the 2004 Order with a new hourly charge of £69.00 to be applied pro rata to consideration of applications for phytosanitary certificates for seed samples.

Article 6(7) introduces the extension of the £5.00 fee for phytosanitary certificates for re-export to the issue of a duplicate certificate.

A Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies can be obtained from the Scottish Executive Environment and Rural Affairs Department, Pentland House, 47 Robb’s Loan, Edinburgh, EH14 1TY.

£3.00

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