

2010 No. 207

PLANT HEALTH

The Plant Health Fees (Scotland) Amendment Regulations 2010

Made - - - - *19th May 2010*

Laid before the Scottish Parliament *21st May 2010*

Coming into force - - *1st July 2010*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 56(1) of the Finance Act 1973(a) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Plant Health Fees (Scotland) Amendment Regulations 2010 and come into force on 1st July 2010.

Amendment of the Plant Health Fees (Scotland) Regulations 2008

2. After regulation 5 (fees for potato quarantine testing) of the Plant Health Fees (Scotland) Regulations 2008(b), insert the following—

“Fees for Potato Cyst Nematode testing

5A. Where an official soil test for Potato Cyst Nematode is carried out under article 39(8) (official soil tests for potato cyst nematode) of the 2005 Order, for each 400 ml soil sample or part thereof submitted for testing, the fee of £13.81 shall be paid to the Scottish Ministers.”.

RICHARD LOCHHEAD

A member of the Scottish Executive

St Andrew’s House,
Edinburgh
19th May 2010

(a) 1973 c.51, to which there are amendments which are not relevant to these Regulations. The reference to a Government department in section 56(1) is to be read as a reference to the Scottish Administration by virtue of article 2(2) of the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820) and the functions conferred upon the Minister, insofar as exercisable within devolved competence, 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 the Scotland Act.

(b) S.S.I. 2008/153.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Plant Health Fees (Scotland) Regulations 2008 (“the 2008 Regulations”). The 2008 Regulations set out fees for inspections for plant passporting purposes, licensing services and potato quarantine testing.

These Regulations amend the 2008 Regulations by prescribing fees for official soil tests for Potato Cyst Nematode (regulation 2). The sampling and testing requirements for official soil tests for Potato Cyst Nematode are set out in paragraphs 1 to 6 of Schedule 15 to the Plant Health (Scotland) Order 2005 (S.S.I. 2005/613) (“the 2005 Order”), as relevantly amended by the Plant Health (Scotland) Amendment Order 2010 (S.S.I. 2010/206). The new official soil testing requirements in the 2005 Order implement Commission Directive 2007/33/EC of 11th June 2007 on the control of potato cyst nematodes and repealing Directive 69/465/EEC (O.J. L 156, 16.6.2007, p.12).

These Regulations prescribe that the fee of £13.81 shall be paid to the Scottish Ministers for each 400 ml soil sample submitted for testing.

A Regulatory Impact Assessment has been prepared for this instrument. Copies are available from Science and Advice for Scottish Agriculture (SASA), Roddinglaw Road, Edinburgh, EH12 9FJ and at www.scotland.gov.uk/potatocystnematode.

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