

2015 No. 396

SEEDS

The Seed Potatoes (Fees) (Scotland) Regulations 2015

Made - - - - *19th November 2015*

Laid before the Scottish Parliament *20th November 2015*

Coming into force - - *1st January 2016*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 16(1), (1A)(e) and (5)(a) and 36 of the Plant Varieties and Seeds Act 1964(a) and all other powers enabling them to do so.

In accordance with section 16(1) of that Act, they have consulted with representatives of such interests as appear to them to be concerned.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Seed Potatoes (Fees) (Scotland) Regulations 2015 and come into force on 1st January 2016.

(2) These Regulations extend to Scotland only.

Interpretation

2.—(1) In these Regulations—

“crop inspection”, unless the context otherwise requires, means an official examination in respect of a growing crop which an authorised officer is required to perform by virtue of paragraph 1(c) of Schedule 1 to the 2015 Regulations; and

“the 2015 Regulations” means the Seed Potatoes (Scotland) Regulations 2015(b).

(2) Other words and expressions used in these Regulations have the same meaning as they do in the 2015 Regulations.

(a) 1964 c.14. (“the 1964 Act”). Section 16 was amended by the European Communities Act 1972 (c.68) (“the 1972 Act”), section 4(1) and Schedule 4, paragraph 5(1), (2) and (3); by the Agriculture Act 1986 (c.49), section 2; and by S.I. 1977/1112. Section 16 is applied to seed potatoes by section 29(1) of the 1964 Act. Section 29 was amended by the 1972 Act, section 4(1) and Schedule 4, paragraph 5(4). The powers conferred by section 16 are exercisable by “the Minister”. See section 38 of the 1964 Act for definition of “the Minister”. The functions of the Secretary of State, insofar as exercisable within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.S.I. 2015/395.

Payment of fees

3. Subject to regulation 4(1), fees must be paid to the Scottish Ministers for the matters specified in column 1 of the Table in the Schedule and relating to the 2015 Regulations, calculated on the basis specified in column 2 of that Table.

Withdrawal of application

4.—(1) If an application referred to in item 2 of column 1 of the Table in the Schedule is withdrawn before the arrival of an authorised officer for the purpose of performing a crop inspection for the first time the fee is not chargeable, but an administration fee of £1.50 per half-hectare must be paid.

(2) If the official labels and seals referred to in item 4 of column 1 of the Table in the Schedule are returned unused within 2 months of issue, the fee paid must be refunded to the applicant, subject to the charging of an administration fee of £1.00 per tonne.

Cancellation of an official examination

5. If an arrangement has been made with an applicant for the carrying out of an official examination (referred to in item 5 of column 1 of the Table in the Schedule) on a particular day, but, on that day, the applicant cancels the arrangement, the applicant must pay an administration fee of £25.00.

Exemptions

6. The Scottish Ministers may exempt any person, class of persons, or persons generally, from compliance with any of the provisions of these Regulations, subject to any conditions the Scottish Ministers think appropriate.

Revocations

7. The Seed Potatoes (Fees) (Scotland) Regulations 2009(a) and the Seed Potatoes (Fees) (Scotland) Amendment Regulations 2011(b) are revoked.

RICHARD LOCHHEAD
A member of the Scottish Government

St Andrew's House,
Edinburgh
19th November 2015

(a) S.S.I. 2009/306.
(b) S.S.I. 2011/414.

SCHEDULE
TABLE OF FEES

Regulations 3, 4 and 5

<i>Column 1</i> <i>Matter</i>	<i>Column 2</i> <i>Fee</i>
1. Crop inspection in respect of seed potatoes for which an application has been made for certification as test and trial seed potatoes or for certification and grading as pre-basic seed potatoes of the Union grade PBTC.	£25.00 per half hour or part thereof
2. Crop inspection in respect of seed potatoes for which an application has been made for certification and grading as pre-basic seed potatoes of the Union grade PB, or basic seed potatoes of the Union grade S, SE or E or an authorisation in respect of the production of scientific and selection seed potatoes.	£29.00 per half-hectare or part thereof
3. Scientific testing on a sample of seed potatoes taken in the course of an official examination.	£165.00 per sample
4. Issue and provision of any number of labels (including official labels) and seals reasonably required in respect of seed potatoes certified and graded as Union grade PB, S, SE or E or authorised for production as scientific and selection seed potatoes, including an official examination of tubers.	£3.00 per tonne or part thereof of crop duly graded or authorised
5. Official examination of tubers in respect of crops for which an application has been made for certification as test and trial seed potatoes or for certification and grading as pre-basic seed potatoes of the Union grade PBTC, including the issue and provision of any number of official labels and seals reasonably required.	£25.00 per half hour or part thereof
6. Fees in respect of nuclear stock—	
(a) initiation of nuclear stock;	£185.50 (6 microplants)
(b) provision of <i>in vitro</i> maintained nuclear stock; and	£53.00 (6 microplants)
(c) <i>in vitro</i> maintenance of nuclear stock.	£76.00 annual fee (per variety)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke the Seed Potatoes (Fees) (Scotland) Regulations 2009 (“the 2009 Regulations”) and the Seed Potatoes (Fees) (Scotland) Amendment Regulations 2011 (“the 2011 Regulations”) (regulation 7).

These Regulations prescribe the fees payable in respect of matters relating to the Seed Potatoes (Scotland) Regulations 2015 (regulations 3, 4 and 5 and the Schedule) as follows—

- (a) for the carrying out of crop inspections in respect of seed potatoes where an application has been made for certification as test and trial seed potatoes or for certification and grading as pre-basic seed potatoes of the Union grade PBTC or PB or as basic seed potatoes of the Union grade S, SE or E;
- (b) for the authorisation in respect of the production of scientific and selection seed potatoes (previously referred to as ‘Approved Stock’ in the 2009 Regulations as amended by the 2011 Regulations);
- (c) for the carrying out of scientific testing on a sample taken from a crop where an application for a crop inspection and certification has been made;
- (d) for the issue and provision of official labels and seals;
- (e) for the carrying out of an official examination of tubers in respect of crops where an application for certification as test and trial seed potatoes or for certification and grading as pre-basic seed potatoes of the Union grade PBTC has been made;
- (f) for the initiation, provision and maintenance of nuclear stock; and
- (g) for the cancellation of an official examination of tubers.

The Regulations also provide that the fee is not chargeable where applications for crop inspections are withdrawn and that the fee paid will be refunded where official labels and seals have been returned unused, subject to the charging of an administration fee.

The Scottish Ministers may exempt any person, class of persons, or persons generally from compliance with any of the provisions of the Regulations subject to any conditions the Scottish Ministers think appropriate (regulation 6).

No business and regulatory impact assessment has been prepared in respect of these Regulations, as there is no impact on the cost of business.

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