

2018 No. 175

PLANT HEALTH

SEEDS

**The Marketing of Fruit Plant and Propagating Material (Fees)
(Scotland) Regulations 2018**

<i>Made</i> - - - -	<i>24th May 2018</i>
<i>Laid before the Scottish Parliament</i>	<i>29th May 2018</i>
<i>Coming into force</i> - -	<i>1st July 2018</i>

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, commencement and extent

1.—(1) These Regulations may be cited as the Marketing of Fruit Plant and Propagating Material (Fees) (Scotland) Regulations 2018 and come into force on 1st July 2018.

(2) These Regulations extend to Scotland only.

Interpretation

2.—(1) In these Regulations “the 2017 Regulations” means the Marketing of Fruit Plant and Propagating Material (Scotland) Regulations 2017(b).

(2) Other words and expressions used in these Regulations have the same meaning as in the 2017 Regulations.

Application of fees to matters set out in the schedule

3. Other than in relation to sampling and testing to which regulation 4 applies—

- (a) in respect of the matters set out in column 1 of Table 1 in the schedule (fees: official inspection: material grown in the field or in pots) a supplier must pay to the Scottish Ministers the fee specified in column 2 (material grown in the field or in pots) of that Table; and
- (b) in respect of the matters set out in column 1 of Table 2 in the schedule (fees: official inspection: material produced by micropropagation) a supplier must pay to the Scottish

(a) 1973 c.51. Section 56(1) was amended by S.I. 2011/1043. The reference to a Government department in section 56(1) is to be read as a reference to the Scottish Administration by virtue of S.I. 1999/1820 and the functions of the Minister of the Crown under section 56, in so far as exercisable within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46) (“the 1998 Act”). The requirement to obtain the consent of the Treasury was removed by section 55 of the 1998 Act.

(b) S.S.I. 2017/177.

Ministers the fee specified in column 2 (material produced by micropropagation) of that Table.

4.—(1) This regulation applies in respect of sampling and testing under and in accordance with paragraph 11(1), 18(1) or 24(1) of schedule 2 of the 2017 Regulations.

(2) In respect of the matters to which this regulation applies, a supplier must pay to the Scottish Ministers the fee specified in Table 3 in the schedule (fees: soil requirements: sampling and testing).

St Andrew's House,
Edinburgh
24th May 2018

FERGUS EWING
A member of the Scottish Government

SCHEDULE

Regulations 3 and 4

Fees

Table 1

Fees

Official inspection: material grown in the field or in pots

<i>Column 1</i> <i>Matter in respect of which fee is payable</i>	<i>Column 2</i> <i>Fee payable: material grown in the field or in pots</i>
(a) an official inspection under and in accordance with paragraph 15 of schedule 2 of the 2017 Regulations (basic material other than basic mother plants or rootstocks which do not belong to a variety)	(i) up to 0.5 hectares - £95 (ii) each additional 0.1 of a hectare or part thereof - £20
(b) an official inspection under and in accordance with paragraph 21 of schedule 2 of the 2017 Regulations (certified material other than mother plants or a fruit plant)	(i) up to 0.5 hectares - £75 (ii) each additional 0.1 of a hectare, or part thereof - £15

Table 2

Fees

Official inspection: material produced by micropropagation

<i>Column 1</i> <i>Matter in respect of which fee is payable</i>	<i>Column 2</i> <i>Fee payable: material produced by micropropagation</i>
(a) an official inspection under and in accordance with paragraph 3 of schedule 2 of the 2017 Regulations (pre-basic material, other than mother plants and rootstocks not belonging to a variety)	(i) up to the first 10,000 plants - £85 (ii) each additional unit of 5000 plants, or part thereof (up to a maximum of 8 additional units) - £35 (iii) each additional unit of 20,000 plants thereafter, or part thereof - £15
(b) an official inspection under and in accordance with paragraph 15 of schedule 2 of the 2017 Regulations (basic material other than basic mother plants or rootstocks not belonging to a variety)	(i) up to the first 10,000 plants - £85 (ii) each additional unit of 5000 plants, or part thereof (up to a maximum of 8 full units of 5000 plants) - £35 (iii) each additional unit of 20,000 plants thereafter, or part thereof -£15
(c) an official inspection under and in accordance with paragraph 21 of schedule 2 of the 2017 Regulations (certified material other than mother plants or a fruit plant)	(i) up to the first 10,000 plants - £85 (ii) each additional unit of 5000 plants, or part thereof (up to a maximum of 8 full units of 5000 plants) - £35 (iii) each additional unit of 20,000 plants thereafter, or part thereof -£15

Table 3

Fees

Soil requirements: sampling and testing

<i>Fee payable</i> <i>Material grown in the field</i>
(i) up to 2 hectares - £95
(ii) each additional 2 hectares, or part thereof - £95

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations specify fees payable by registered suppliers to the Scottish Ministers in respect of official inspections to enforce plant health and soil requirements those suppliers are required to meet under the Marketing of Fruit Plant and Propagating Material (Scotland) Regulations 2017 in order to have their propagating material certified.

Regulation 3 and Tables 1 and 2 in the schedule specify fees payable to the Scottish Ministers in respect of official inspections, other than an element of sampling and testing of soil to which regulation 4 applies.

Regulation 4 and Table 3 in the schedule specify fees payable to the Scottish Ministers for soil sampling and testing which is required to be done prior to planting of field grown stocks to establish the soil is free or practically free from certain pests.

No business and regulatory impact assessment has been prepared for these Regulations as no impact or significant impact upon business, charities or voluntary bodies is foreseen.

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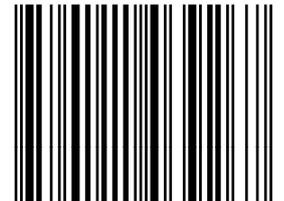
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