
STATUTORY INSTRUMENTS

1996 No. 1784 (S.148)

PLANT HEALTH

The Plant Health Fees (Scotland) Regulations 1996

<i>Made</i>	- - - -	<i>2nd July 1996</i>
<i>Laid before Parliament</i>		<i>11th July 1996</i>
<i>Coming into force</i>	- -	<i>1st August 1996</i>

The Secretary of State in exercise of the powers conferred on him by section 2(2) of the European Communities Act 1972⁽¹⁾ being a Minister designated⁽²⁾ for the purposes of that section in relation to the common agricultural policy of the European Community, and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Plant Health Fees (Scotland) Regulations 1996 and shall come into force on 1st August 1996.

(2) These Regulations extend to Scotland only.

Interpretation

2.—(1) In these Regulations—

“authority” means an authority to issue plant passports conferred on a business, individual or other organisation under article 17 of the Order;

“licence” means a licence issued by the Secretary of State under articles 30 and 30A of the Order;

“the Order” means the Plant Health (Great Britain) Order 1993⁽³⁾;

“plant passport” has the meaning assigned by article 2(1) of the Order;

“premises” includes any land or building used for the production or storage of plants, plant products or other objects.

(2) Where a fee is prescribed in these Regulations in relation to an inspection for the purpose of the conferring of an authority to issue plant passports, the refusal to confer such an authority by

(1) 1972 c. 68.

(2) S.I. 1972/1811.

(3) S.I. 1993/1320, amended by S.I. 1993/3213, 1995/1358 and 2929 and 1996/25 and 1165.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

reason of the results of the inspection being unsatisfactory shall not affect the amount of the fee otherwise payable.

Fees for inspections for plant passporting purposes

3.—(1) There shall be paid to the Secretary of State in respect of the service described in column 1 of Schedule 1 to these Regulations the fee specified in column 3 of that Schedule opposite the area, or each part of the area, specified in column 2 of that Schedule.

(2) Where the premises are situated on more than one site, a separate fee shall apply in relation to each site calculated according to the area or each part of the area of that site as set out in column 2 of Schedule 1 to these Regulations.

Fees for licensing services

4. There shall be paid to the Secretary of State in respect of any service described in column 1 of Schedule 2 to these Regulations the fee specified in column 2 of that Schedule opposite the reference to that service.

Revocation

5. The Plant Health Fees (Scotland) Order 1994(4) is hereby revoked.

St Andrew's House,
Edinburgh
2nd July 1996

Lindsay
Parliamentary Under Secretary of State, Scottish
Office

(4) S.I. 1994/1441.

SCHEDULE 1

Regulation 3

FEES FOR INSPECTIONS FOR PLANT PASSPORTING PURPOSES

Column 1 Service	Column 2 Area or size of Premises (Ha)	Column 3 Fee £	Column 4 Fee £
Each inspection of premises, plants and plant material for the purpose of conferring or maintaining an authority to issue plant passports (including check of business records): Per site			
Not exceeding 1	72.50	69	
Exceeding 1 but not exceeding 2	100	95	
exceeding 2 but not exceeding 4	146	139	
exceeding 4 but not exceeding 10	192	183	
exceeding 10 but not exceeding 20	298	284	
exceeding 20 but not exceeding 35	357	340	
exceeding 35 but not exceeding 50	420	400	
Each additional 10 hectares or part thereof	55	50	

Note: The fees in Column 4 are the fees which were charged under the Plant Health Fees (Scotland) Order 1994 (S.I.1994/1441) in relation to the areas specified in Column 2 before the coming into force of these Regulations.

SCHEDULE 2

Regulation 4

FEES IN RESPECT OF LICENSING SERVICES

Column 1 Service	Column 2 Fee £	Column 3 Old Fee £
1. Consideration of an application for the issue of a licence and the performance of any connected service,	55.00	55.00

Note: The figures in Column 3 are the fees which were charged under the Plant Health Fees (Scotland) Order 1994 (S.I. 1994/1441) before the coming into force of these Regulations.

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Column 1 Service	Column 2 Fee £	Column 3 Old Fee £
including the issue of a licence or articles imported for the following purposes:		
(a) scientific		
(b) (b) commercial	55.00	55.00
(i) potato breeders' and other quarantine material		
(ii) other plant material (to include cost of inspection)	70.00	70.00
(c) (c) private (to include cost of inspection)	70.00	70.00
2. Application for extension or variation of a licence	21.00	—
3. The inspection of premises or of articles for import, per day (where not included under paragraph 1 above)	40.00	40.00
(a) up to and including the first 30 minutes		
(b) (b) thereafter, for each additional 30 minutes or part thereof	20.00	20.00
<p>Note: The figures in Column 3 are the fees which were charged under the Plant Health Fees (Scotland) Order 1994 (S.I. 1994/1441) before the coming into force of these Regulations.</p>		

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations which apply to Scotland only, supersede the Plant Health Fees (Scotland) Order 1994, and prescribe fees in respect of inspections carried out for the purpose of conferring authority to issue plant passports under the Plant Health (Great Britain) Order 1993 (“the 1993 Order”).

Under the 1993 Order, certain listed plants, plant products and other objects require a plant passport for movement within the European Community including any trade within the United Kingdom.

Producers, traders and importers of such material must first be authorised to issue plant passports by the Secretary of State. The authorisation process involves an inspection of premises and the listed plant material and includes a check of business records.

The fees prescribed by these Regulations in relation to plant passporting matters reflect the costs expected to be incurred in undertaking the inspections and are 5% higher than previous costs, except that in relation to premises exceeding 50 hectares the cost for each additional 10 hectares or part thereof has increased by 10% from £50 to £55. These increases are due to the predicted increases in expenditure.

These Regulations also prescribe the fees for the issue of licences under the 1993 Order to permit the importation of those articles which would otherwise be prohibited (regulation 4), including fees for the new licences for trial or scientific purposes or for work on varietal selection introduced by the Plant Health (Great Britain) (Amendment) Order 1996 (S.I. [1996/25](#)). Due to the introduction of this amendment Order, a new fee for the renewal/extension of import licences has been introduced and the £55 charge now applies to licences issued for material moved within the EC.

Other fees are unchanged.