

1999 No. 1553

SEEDS

The Seeds (Fees) (Amendment) Regulations 1999

<i>Made - - - -</i>	<i>3rd June 1999</i>
<i>Laid before Parliament</i>	<i>8th June 1999</i>
<i>Coming into force</i>	<i>1st July 1999</i>

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred by sections 16(1), 1A(e) and (8) and 36 of the Plant Varieties and Seeds Act 1964(a), after consultation in accordance with the said section 16(1) with representatives of such interests as appear to them to be concerned, hereby make the following Regulations:

Title and commencement

1. These Regulations may be cited as the Seeds (Fees) (Amendment) Regulations 1999 and shall come into force on 1st July 1999.

Amendment

2. For Schedules 1 to 6 to the Seeds (Fees) Regulations 1985(b) there shall be substituted the Schedules set out in the Schedule to these Regulations.

26th May 1999 *Donoghue*
Parliamentary Secretary,
Ministry of Agriculture, Fisheries and Food

25th May 1999 *Sewel*
Parliamentary Under Secretary of State,
Scottish Office

Signed by authority of the Secretary of State for Wales

3rd June 1999 *Jon Owen Jones*
Parliamentary Under Secretary of State,
Welsh Office

(a) 1964 c. 14; section 16 was amended by the European Communities Act 1972 (c. 68) section 4(1) and Schedule 4, paragraph 5(1), (2) and (3); see section 38(1) (as amended by S.I. 1978/272) for a definition of "the Ministers".
(b) S.I. 1985/981; relevant amending instruments are S.I. 1990/610 and 1998/1396.

SCHEDULE

Regulation 2

PROVISIONS TO BE SUBSTITUTED FOR THE SCHEDULES TO THE SEEDS
(FEES) REGULATIONS 1985

“SCHEDULE 1

Regulation 3

MATTERS ARISING UNDER THE CEREAL SEEDS REGULATIONS 1993(a)

(1) <i>Matter</i>	(2) <i>When payable</i>	(3) <i>Fee</i> £	<i>Old fee</i> £(b)
A. Initial fees			
Initial fee per hectare or part thereof for crops intended to produce:	On application for registration		
(i) pre-basic or basic seed		24.60	<i>(23.45)</i>
(ii) certified seed of the first generation of wheat, durum wheat, spelt wheat, barley, triticale and oats or certified seed of rye and maize		6.20	<i>(5.90)</i>
(iii) certified seed of the second generation of wheat, durum wheat, spelt wheat, barley and oats		5.50	<i>(5.25)</i>
B. Crop inspection fees			
Fee for official examination or re-examination of crops intended to produce pre-basic or basic seed, per hectare or part thereof examined	On application	12.30	<i>(11.70)</i>
C. Seed lot fee			
Fee for the issue of an official certificate (other than in the circumstances described under F. below) in respect of a seed lot entered as:-	On application		
(i) breeder's, pre-basic or basic seed, certified seed of the first generation of wheat, durum wheat, spelt wheat, barley, triticale, oats or certified seed of rye and maize		40.65	<i>(38.70)</i>
(ii) certified seed of the second generation of wheat, durum wheat, spelt wheat, barley and oats		20.30	<i>(19.35)</i>
D. Seed testing fees			
Fee for an official examination of seed for loose smut infection of wheat, durum wheat, spelt wheat and barley (per thousand embryos examined)	Within one month of demand by or on behalf of the appropriate Minister	35.70	<i>(34.00)</i>
E. Fees for additional tests			
Fee for a Tetrazolium seed viability test in C1 Winter Wheat and C1 Winter Barley	Within one month of demand by or on behalf of the appropriate Minister	41.90	<i>(39.90)</i>

(a) S.I. 1993/2005, amended by S.I. 1995/1482 and 1997/616.

(b) The figures in italics are the fees which were charged under these Regulations before the coming into force of the Seeds (Fees) (Amendment) Regulations 1999 (1999/1553) on 1st July 1999.

(1) <i>Matter</i>	(2) <i>When payable</i>	(3) <i>Fee</i> £	<i>Old fee</i> £(a)
F. <i>Seed lot re-entry fee</i>			
Fee for the issue of an official certificate in respect of a seed lot which was entered for one category and has been withdrawn and is being re-entered as:–	On application		
(i) pre-basic or basic seed, certified seed of the first generation of wheat, durum wheat, spelt wheat, barley, triticale and oats or certified seed of rye and maize		28.45	(–)
(ii) certified seed of the second generation of wheat, durum wheat, spelt wheat, barley and oats		14.20	(–)

(a) No fee was previously charged for this matter.

MATTERS ARISING UNDER THE FOODER PLANT SEEDS REGULATIONS
1993(a)

(1) <i>Matter</i>	(2) <i>When payable</i>	(3) <i>Fee</i> £	<i>Old fee</i> £(b)
A. Initial fees			
Initial fee per hectare or part thereof for crops intended to produce:	On application for registration		
(i) pre-basic or basic seed of–			
(a) grasses, legumes (except field beans and field peas) and crucifers		18.50	<i>(17.60)</i>
(b) field beans and field peas		16.00	<i>(15.25)</i>
(ii) certified seed of grasses, legumes (except field beans and field peas) and crucifers		8.65	<i>(8.25)</i>
(iii) certified seed of the first and second generation of field beans and field peas		7.40	<i>(7.05)</i>
B. Crop inspection fee			
Fee for official examination or re-examination of crops intended to produce pre-basic or basic seed, per hectare or part thereof examined (including crops of hybrid swede rape and hybrid turnip rape)	On application	12.30	<i>(11.70)</i>
C. Seed lot fee			
Fee for the issue of an official certificate (other than in the circumstances described under D. below) in respect of a seed lot entered as:–	On application		
(i) breeder's seed of–			
(a) grasses, legumes (except field beans and field peas) and crucifers		33.30	<i>(31.70)</i>
(b) field beans and field peas		54.20	<i>(51.60)</i>
(ii) pre-basic or basic seed of–			
(a) grasses, legumes (except field beans and field peas) and crucifers		62.85	<i>(59.85)</i>
(b) field beans and field peas		54.20	<i>(51.60)</i>
(iii) certified seed of grasses, legumes (except field beans and field peas) and crucifers		62.85	<i>(59.85)</i>
(iv) certified seed of the first and second generation of field beans and field peas		50.50	<i>(48.10)</i>
(v) commercial seed of the kinds for the time being specified in regulation 3(3) of the Fodder Plant Seeds Regulations 1993		55.45	<i>(52.80)</i>

(a) S.I. 1993/2009, amended by S.I. 1993/2529, 1996/1453 and 1997/616.

(b) The figures in italics are the fees which were charged under these Regulations before the coming into force of the Seeds (Fees) (Amendment) Regulations 1999 (1999/1553) on 1st July 1999.

(1) <i>Matter</i>	(2) <i>When payable</i>	(3) <i>Fee</i> £	<i>Old fee</i> £(a)
D. Seed lot re-entry fee			
Fee for the issue of an official certificate in respect of a seed lot which was entered for one category and has been withdrawn and is being re-entered as:-	On application		
(i) pre-basic or basic seed of-		44.00	(-)
(a) grasses, legumes (except field beans and field peas) and crucifers			
(b) field beans and peas		37.95	(-)
(ii) certified seed of grasses, legumes (except field beans and field peas) and crucifers		44.00	(-)
(iii) certified seed of the first and second generation of field beans and peas		35.35	(-)
(iv) commercial seed of the kinds for the time being specified in regulation 3(3) of the Fodder Plant Seeds Regulations 1993		38.80	(-)

(a) No fee was previously charged for this matter.

SCHEDULE 3

Regulation 3

MATTERS ARISING UNDER THE OIL AND FIBRE PLANT SEEDS
REGULATIONS 1993(a)

(1) <i>Matter</i>	(2) <i>When payable</i>	(3) <i>Fee</i> £	<i>Old fee</i> £(b)
A. Initial fees			
Initial fee per hectare or part thereof for crops intended to produce:	On application for registration		
(i) pre-basic or basic seed		27.15	<i>(25.85)</i>
(ii) all other categories of seed		12.95	<i>(12.35)</i>
B. Crop inspection fees			
Fee for official examination or re-examination of crops intended to produce pre-basic or basic seed, per hectare or part thereof examined	On application	12.30	<i>(11.70)</i>
C. Seed lot fee			
Fee for the issue of an official certificate (other than in the circumstances described under E. below) in respect of a seed lot entered as:-	On application		
(i) breeder's, pre-basic or basic seed		49.30	<i>(46.95)</i>
(ii) all other categories of seed		49.30	<i>(46.95)</i>
D. Seed testing fees			
Fees for an official examination of seed for:-	Within one month of demand by or on behalf of the appropriate Minister		
(i) sunflower for <i>Botrytis</i> spp		41.85	<i>(39.85)</i>
(ii) flax and linseed for:-			
(a) <i>Alternaria</i> spp			
(b) <i>Phoma exigua</i> var. <i>linicola</i>			
(c) <i>Colletotrichum lini</i>			
(d) <i>Fusarium</i> spp			
(e) <i>Botrytis</i> spp		34.45	<i>(32.80)</i>
(iii) soya bean for <i>Pseudomonas syringae</i> pv. <i>glycinea</i> spp			
for one sub-sample test		60.00	(-)
for five sub-sample tests		200.00	(-)
(iv) soya bean for <i>Diaporthe phaselorum</i> spp		37.50	(-)
E. Seed lot re-entry fee			
Fee for the issue of an official certificate in respect of a seed lot which was entered for one category and has been withdrawn and is being re-entered in any category	On application	34.50	(-)

(a) S.I. 1993/2007, amended by S.I. 1994/1423, 1996/1451 and 1997/616.

(b) The figures in italics are the fees which were charged under these Regulations before the coming into force of the Seeds (Fees) (Amendment) Regulations 1999 (1999/1553) on 1st July 1999; where no figure is stated no fee was previously charged for the matter.

SCHEDULE 4

Regulation 3

MATTERS ARISING UNDER THE BEET SEEDS REGULATIONS 1993(a)

(1) <i>Matter</i>	(2) <i>When payable</i>	(3) <i>Fee</i> £	<i>Old face</i> £(b)
A. Initial fees			
Initial fee per hectare or part thereof for crops intended to produce:	On application for registration		
(i) pre-basic or basic seed		32.05	<i>(30.50)</i>
(ii) certified seed		14.80	<i>(14.10)</i>
B. Crop inspection fees			
Fee for official examination or re-examination of crops intended to produce pre-basic or basic seed, per hectare or part thereof examined	On application	12.30	<i>(11.70)</i>
C. Seed lot fee			
Fee for the issue of an official certificate (other than in the circumstances described under D. below) in respect of a seed lot entered as:–	On application		
(i) pre-basic or basic seed		60.40	<i>(57.50)</i>
(ii) certified seed		59.10	<i>(56.30)</i>
D. Seed lot re-entry fee			
Fee for the issue of an official certificate in respect of a seed lot which was entered for one category and has been withdrawn and is being re-entered as:–	On application		
(i) pre-basic or basic seed		42.30	<i>(–)</i>
(ii) certified seed		41.40	<i>(–)</i>

(a) S.I. 1993/2006, amended by S.I. 1997/616.

(b) The figures in italics are the fees which were charged under these Regulations before the coming into force of the Seeds (Fees) (Amendment) Regulations 1999 (1999/1553) on 1st July 1999; where no figure is stated no fee was previously charged for the matter.

SCHEDULE 5

Regulation 3

MATTERS ARISING UNDER THE VEGETABLE SEEDS REGULATIONS 1993(a)

(1) <i>Matter</i>	(2) <i>When payable</i>	(3) <i>Fee</i> £	<i>Old fee</i> £(b)
A. Initial fees			
Initial fee for crops intended to produce:	On application for registration		
(i) pre-basic or basic seed of–			
(a) all kinds, except peas, broad beans, cucumber, gherkin and tomato, per hectare or part thereof entered		43.10	<i>(41.05)</i>
(b) peas and broad beans per hectare or part thereof entered		27.15	<i>(25.85)</i>
(c) cucumber, gherkin and tomato, per crop entered		43.10	<i>(41.05)</i>
(ii) certified seed of–			
(a) all kinds, except peas, broad beans, cucumber, gherkin and tomato, per hectare or part thereof entered		23.35	<i>(22.25)</i>
(b) peas and broad beans per hectare or part thereof entered		11.10	<i>(10.55)</i>
(c) cucumber, gherkin and tomato, per crop entered		23.35	<i>(22.25)</i>
B. Crop inspection fees			
Fee for official examination or re-examination of crops intended to produce:	On application		
(i) A(i)(a) or (b) above, per hectare or part thereof examined		12.30	<i>(11.70)</i>
(ii) A(i)(c) above, per crop examined		12.30	<i>(11.70)</i>
C. Seed lot fee			
Fee for the issue of an official certificate (other than in the circumstances described under D. below) in respect of a seed lot entered	On application	98.55	<i>(93.85)</i>
D. Seed lot re-entry fee			
Fee for the issue of an official certificate in respect of a seed lot which was entered for one category and has been withdrawn and is being re-entered in any category	On application	69.00	(–)

(a) S.I. 1993/2008, amended by S.I. 1996/1452 and 1997/616.

(b) The figures in italics are the fees which were charged under these Regulations before the coming into force of the Seeds (Fees) (Amendment) Regulations 1999 (1999/1553) on 1st July 1999; where no figure is stated no fee was previously charged for the matter.

SCHEDULE 6

Regulation 3

MATTERS ARISING UNDER THE SEEDS (REGISTRATION, LICENSING AND ENFORCEMENT) REGULATIONS 1985(a)

(1) <i>Matter</i>	(2) <i>When payable</i>	(3) <i>Fee</i> £	<i>Old fee</i> £(b)
A. Representations by, and hearings of, a seed merchant, processor or packer			
(i) Fee for making written representations to the Minister	On making representations	30.80	<i>(29.35)</i>
(ii) Fee for being heard by a person appointed by the Minister	On applying to be heard	61.60	<i>(58.65)</i>
B. Licensed Seed Testing Stations			
(i) Annual fee payable during the currency of the licence (or a proportion thereof in respect of a part of a year)	Within one month of demand by the Minister, annually in advance	2,033.00	<i>(1,936.00)</i>
(ii) Fee payable by a Licensed Seed Testing Station in respect of an official examination of seed	Within one month of demand by the Minister, annually in arrears	8.75	<i>(4.65)</i>

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 1st July 1999, amend the Seeds (Fees) Regulations 1985 (as amended). They prescribe revised fees in respect of matters arising under the Cereal Seeds Regulations 1993 (as amended), the Fodder Plant Seeds Regulations 1993 (as amended), the Oil and Fibre Plant Seeds Regulations 1993 (as amended), the Beet Seeds Regulations 1993 (as amended), the Vegetable Seeds Regulations 1993 (as amended) and the Seeds (Registration, Licensing and Enforcement) Regulations 1985 (as amended) (regulation 2).

The matters in respect of which the revised fees are prescribed are listed in the Schedule to these Regulations, and the fees which were chargeable before these Regulations came into force are printed in italics beside the revised fees. The tests on soya bean seeds set out in Schedule 3 paragraph D and the seed lot re-entry fees in Schedules 1 to 5 are new.

The fee payable by a Licensed Seed Testing Station in respect of an official examination of seed has been increased from £4.65 to £8.75. All other fees have been increased by 5 per cent. rounded to the nearest five pence except in the case of the annual fee for Licensed Seed Testing Stations which has been rounded to the nearest £1.

A Regulatory Impact Assessment has been prepared and placed in the library of each House of Parliament. Copies can be obtained from the Plant Variety Rights Office and Seeds Division of the Ministry of Agriculture, Fisheries and Food, White House Lane, Huntingdon Road, Cambridge CB3 0LF.

(a) S.I. 1985/980, amended by S.I. 1987/1098, 1990/611 and 1993/2530.

(b) The figures in italics are the fees which were charged under these Regulations before the coming into force of the Seeds (Fees) (Amendment) Regulations 1999 (1999/1553) on 1st July 1999.

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SEEDS

The Seeds (Fees) (Amendment) Regulations 1999

£2.50

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WO 5041 7/99 ON (MFK)