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STATUTORY INSTRUMENTS

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**2013 No. 494**

**The Plant Health (Fees) (England) Regulations 2013**

**Title, application, commencement and interpretation**

1.—(1) These Regulations may be cited as the Plant Health (Fees) (England) Regulations 2013, apply in England only and come into force on 6th April 2013.

(2) In these Regulations—

(a) “the Directive” means Council Directive [2000/29/EC](#) on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community<sup>(1)</sup>; and

(b) “the PHO” means the Plant Health (England) Order 2005<sup>(2)</sup>.

(3) Terms used in these Regulations which are also used in the Directive have the meaning they have in the Directive.

**Import inspection fees**

2.—(1) This regulation applies in relation to consignments of—

(a) plants, plant products and other objects of a description specified in column 1 of Schedule 1 that are listed in Part B of Annex V to the Directive, and

(b) seeds of *Solanaceae* whether or not listed in that Part,

that are introduced into England from a country or territory other than one within the European Union or are the subject of an agreement made under article 12(6) of the PHO.

(2) Upon import of a consignment to which this regulation applies, an importer must pay to the Secretary of State—

(a) the fee specified—

(i) in column 3 of Schedule 1 in respect of a consignment of a plant, plant product or other object listed in column 1 of that Schedule, other than a consignment of a plant or plant product to which paragraph (ii) of this sub-paragraph applies, or

(ii) in column 4 of Schedule 2 in respect of a consignment of a plant or plant product listed in column 1 of that Schedule and originating from a country listed in column 3 of that Schedule; and

(b) the fees specified in column 3 of Schedule 3 for a documentary check and an identity check.

(3) But where, at the request of an importer or any other person responsible for the consignment, a plant health check is carried out on a consignment outside daytime working hours, the fee payable under paragraph (2)(a) in respect of that consignment is—

(a) the fee specified in column 4 of Schedule 1 if the consignment is a consignment to which paragraph (2)(a)(i) applies; or

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(1) OJ No L 169, 10.7.2000, p.1, as last amended by Commission Directive 2010/1/EU (OJ No L 7, 12.1.2010, p.17).

(2) [S.I. 2005/2530](#); relevant amending instruments are [S.I. 2006/2307](#), [2008/2411](#), [2011/1043](#) and [2012/2922](#).

(b) the fee specified in column 5 of Schedule 2 if the consignment is a consignment to which paragraph (2)(a)(ii) applies.

(4) In this regulation “daytime working hours” means any time between the hours of 8.30 a.m. and 5.00 p.m. on any day except a Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England under the Banking and Financial Dealings Act 1971<sup>(3)</sup>.

### **Seed potatoes: fees**

3.—(1) The fees specified in Schedule 4 are payable in respect of the functions specified in column 1 of that Schedule, which relate to an application for—

- (a) certification of seed potatoes in accordance with regulation 9 of the Seed Potatoes Regulations;
- (b) an authorisation to market seed potatoes in accordance with regulation 8 of those Regulations.

(2) The fee payable in respect of a function is subject to any minimum fee specified in column 3 of Schedule 4 in relation to that function.

(3) The fee in respect of a function specified in Schedule 4 must be paid to the Secretary of State or to any person authorised by the Secretary of State to carry out that function under the Seed Potatoes Regulations on behalf of the Secretary of State.

(4) In this regulation “the Seed Potatoes Regulations” means the Seed Potatoes (England) Regulations 2006<sup>(4)</sup>.

### **Plant health licence fees**

4.—(1) Fees payable under this regulation relate to a licence described in article 40 or 41 of the PHO.

(2) In respect of an application or inspection of a type described in column 2 of Schedule 5, a person must pay to the Secretary of State the fee specified in column 3 of that Schedule in relation to that type of application or inspection.

### **Plant passport authorisation fees**

5.—(1) The fee specified in paragraph (2) must be paid to the Secretary of State in respect of an inspection (which may include an inspection of business records) carried out in connection with—

- (a) an application for an authority; or
- (b) ensuring compliance with any requirements imposed on the holder of an authority.

(2) The fee is £38.05<sup>(5)</sup> for each quarter of an hour or part of quarter of an hour (including time spent on an inspection, on travelling and on associated administration), subject to a minimum fee of £76.10<sup>(6)</sup> per visit.

(3) In this regulation “authority” means an authority to issue plant passports conferred under article 8 of the Plant Health (*Phytophthora ramorum*) (England) Order 2004<sup>(7)</sup> or article 29 of the PHO.

(3) 1971 c.80; see section 1 and Schedule 1.

(4) S.I. 2006/1161, amended by S.I. 2008/560, 2009/2342 and 2010/1511.

(5) The equivalent fee payable under regulation 5(2) of the Plant Health (Fees) (England) Regulations 2012 (S.I. 2012/745) before commencement of these Regulations was £31.50.

(6) The equivalent minimum fee payable under regulation 5(2) of the of the Plant Health (Fees) (England) Regulations 2012 before commencement of these Regulations was £63.00.

(7) S.I. 2004/2590, to which there are amendments not relevant to these Regulations.

### **Potatoes originating in Egypt: fees**

6.—(1) Where an inspector takes a sample of potatoes originating in Egypt in order to ascertain whether, for the purposes of paragraph 5 of the Annex to the Decision, those potatoes are infected with *Ralstonia solanacearum* (Smith) Yabuuchi et al., the importer must pay to the Secretary of State £117.36(8) in respect of each lot sampled.

(2) In this regulation “the Decision” means Commission Implementing Decision 2011/787/EU authorising Member States temporarily to take emergency measures against the dissemination of *Ralstonia solanacearum* (Smith) Yabuuchi et al. as regards Egypt(9).

### **Revocation**

7. The Plant Health (Fees) (England) Regulations 2012(10) are revoked.

27th February 2013

*de Mauley*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural  
Affairs

We consent

4th March 2013

*Desmond Swayne*  
*David Evennett*  
Two of the Lords Commissioners of Her  
Majesty’s Treasury

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(8) The equivalent fee payable under regulation 6(1) of the Plant Health (Fees) (England) Regulations 2012 before commencement of these Regulations was £87.80.

(9) OJ No L 319, 2.12.2011, p.112.

(10) [S.I. 2012/745](#).