

2014 No. 601

PLANT HEALTH, ENGLAND

The Plant Health (Fees) (England) Regulations 2014

Made - - - - *11th March 2014*

Laid before Parliament *14th March 2014*

Coming into force - - *6th April 2014*

The Secretary of State makes these Regulations, with the consent of the Treasury, in exercise of the powers conferred by section 56(1) and (2) of the Finance Act 1973(a).

Title, application, commencement and interpretation

1.—(1) These Regulations may be cited as the Plant Health (Fees) (England) Regulations 2014, apply in England only and come into force on 6th April 2014.

(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(b); and

(b) “the PHO” means the Plant Health (England) Order 2005(c).

(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 a consignment of, or such part of a consignment as consists 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, or

(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—

(a) 1973 c.51. Subsection (1) was amended by S.I. 2011/1043, article 6(1)(e).

(b) OJ No L 169, 10.7.2000, p.1, as last amended by Commission Implementing Decision 2013/176/EU (OJ No L 102, 11.4.2013, p.19).

(c) S.I. 2005/2530; relevant amending instruments are S.I. 2006/2307, 2008/2411, 2011/1043, 2012/2922 and 3033 and 2013/23, 1477 and 2687.

- (i) in column 3 of Schedule 1 in respect of a consignment of, or such part of a consignment as consists of, a plant, plant product or other object listed in column 1 of that Schedule, other than a consignment of, or such part of a consignment as consists of, a plant or plant product to which paragraph (ii) of this sub-paragraph applies, and
 - (ii) in column 4 of Schedule 2 in respect of a consignment of, or such part of a consignment as consists 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 to the extent (if any) that the consignment is a consignment to which paragraph (2)(a)(i) applies; or
 - (b) the fee specified in column 5 of Schedule 2 to the extent (if any) that 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(a).

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 (England) Regulations 2006(b);
 - (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 (England) Regulations 2006 on behalf of the Secretary of State.

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.

(a) 1971 c.80; see section 1 and Schedule 1.
 (b) S.I. 2006/1161, amended by S.I. 2008/560, 2009/2342, 2010/1511 and 2011/1043.

(2) The fee is £46.10(a) 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 £92.19(b) 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(c) or article 29 of the PHO.

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 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(d).

Potatoes originating in Lebanon: fees

7.—(1) Where an inspector takes a sample of potatoes originating in Lebanon in order to ascertain whether, for the purposes of Article 4 of the Decision, those potatoes are infected with *Clavibacter michiganensis* subspecies *Sepedonicus* (Spieckermann and Kotthoff) Davis et al., the importer must pay to the Secretary of State £117.36 in respect of each lot sampled.

(2) In this regulation “the Decision” means Commission Implementing Decision 2013/413/EU authorising Member States to provide for derogations from certain provisions of Council Directive 2000/29/EC in respect of potatoes, other than potatoes intended for planting, originating in the regions of Akkar and Bekaa of Lebanon(e).

Unpaid fees

8.—(1) Where any sum due by way of, or on account of, any fee or any part of a fee payable by a registered plant trader under these Regulations remains unpaid, the Secretary of State may—

- (a) recover the sum as a civil debt;
- (b) after giving one month’s written warning, suspend the trader’s registration until the sum has been paid.

(2) In this regulation, “registered”, “plant trader” and “registration” have the meaning given by article 2(1) of the PHO.

Revocations

9. The following instruments are revoked—

- (a) the Plant Health (Fees) (England) Regulations 2013(f), and
- (b) the Plant Health (Fees) (England) (Amendment) Regulations 2013(g).

(a) The equivalent fee payable under regulation 5(2) of the Plant Health (Fees) (England) Regulations 2013 (S.I. 2012/494) before commencement of these Regulations was £38.05.

(b) The equivalent minimum fee payable under regulation 5(2) of the Plant Health (Fees) (England) Regulations 2013 before commencement of these Regulations was £76.10.

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

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

(e) OJ No. L 205, 1.8.2013, p. 13.

(f) S.I. 2013/494, amended by S.I. 2013/3050.

(g) S.I. 2013/3050.

8th March 2014

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

We consent

11th March 2014

Mark Lancaster
Stephen Crabb
Two of the Lords Commissioners of Her Majesty's Treasury

SCHEDULE 1

Regulation 2(1)(a),
(2)(a)(i) and (3)(a)

Import Inspection Fees

<i>Column 1</i> <i>Plant, plant product</i> <i>or other object</i>	<i>Column 2</i> <i>Quantity</i>	<i>Column 3</i> <i>Fee for each</i> <i>consignment or</i> <i>relevant part of a</i> <i>consignment (daytime</i> <i>working hours) (£)</i>	<i>Column 4</i> <i>Fee for each</i> <i>consignment or</i> <i>relevant part of a</i> <i>consignment (non-</i> <i>daytime working</i> <i>hours) (£)</i>
Cuttings, seedlings (except forestry reproductive material), young plants of strawberries or of vegetables	up to 10,000 in number	47.87	71.80
	each additional 1,000, or part thereof	1.91, up to a maximum of 382.92	2.87, up to a maximum of 574.38
Shrubs, trees (other than cut Christmas trees), other woody nursery plants including forest reproductive material (other than seed)	up to 1,000 in number	47.87	71.80
	each additional 100, or part thereof	1.17, up to a maximum of 382.92	1.76, up to a maximum of 574.38
Bulbs, corms, rhizomes, tubers, intended for planting (other than tubers of potatoes)	up to 200 kg	47.87	71.80
	each additional 10 kg, or part thereof	0.44, up to a maximum of 382.92	0.65, up to a maximum of 574.38
Seeds, tissue cultures	up to 100 kg	20.51	30.77
	each additional 10 kg, or part thereof	0.47, up to a maximum of 382.92	0.70, up to a maximum of 574.38
Other plants intended for planting, not	up to 5,000 in number	47.87	71.80

<i>Column 1 Plant, plant product or other object</i>	<i>Column 2 Quantity</i>	<i>Column 3 Fee for each consignment or relevant part of a consignment (daytime working hours) (£)</i>	<i>Column 4 Fee for each consignment or relevant part of a consignment (non- daytime working hours) (£)</i>
specified elsewhere in this Schedule	each additional 100, or part thereof	0.47, up to a maximum of 382.92	0.70, up to a maximum of 574.38
Cut flowers	up to 20,000 in number	47.87	71.80
	each additional 1,000, or part thereof	0.37, up to a maximum of 382.92	0.55, up to a maximum of 574.38
Branches with foliage, parts of conifers (other than cut Christmas trees)	up to 100 kg	47.87	71.80
	each additional 100 kg, or part thereof	4.76, up to a maximum of 382.92	7.14, up to a maximum of 574.38
Cut Christmas trees	up to 1,000 in number	47.87	71.80
	each additional 100, or part thereof	4.76, up to a maximum of 382.92	7.14, up to a maximum of 574.38
Leaves of plants, such as herbs, spices and leafy vegetables	up to 100 kg	47.87	71.80
	each additional 10 kg, or part thereof	4.76, up to a maximum of 382.92	7.14, up to a maximum of 574.38
Fruits, vegetables (other than leafy vegetables)	up to 25,000 kg	47.87	71.80
	each additional 1,000 kg, or part thereof	1.91	2.87
Tubers of potatoes	up to 25,000 kg	143.60 (for each lot)	215.39 (for each lot)
	each additional 25,000 kg, or part thereof	143.60 (for each lot)	215.39 (for each lot)
Soil and growing medium, bark	up to 25,000 kg	47.87	71.80
	each additional 1,000 kg, or part thereof	1.91, up to a maximum of 382.92	2.87, up to a maximum of 574.38
Grain	up to 25,000 kg	47.87	71.80
	each additional 1,000 kg, or part thereof	1.91, up to a maximum of 1914.60	2.87, up to a maximum of 2871.90
Other plants or plant products not specified elsewhere in this Schedule, except forest trees	each consignment	47.87	71.80

SCHEDULE 2 Regulation 2(2)(a)(ii) and (3)(b)

Import Inspection Fees: Reduced Rates

<i>Column 1 Genus</i>	<i>Column 2 Quantity</i>	<i>Column 3 Country of origin</i>	<i>Column 4 Fee for each consignment or relevant part of a consignment (daytime working hours) (£)</i>	<i>Column 5 Fee for each consignment or relevant part of a consignment (non-daytime working hours) (£)</i>
Cut Flowers				
<i>Dianthus</i>	up to 20,000 in number	Colombia	1.43	2.15
		Ecuador	7.18	10.77
		Kenya	2.39	3.59
		Turkey	11.96	17.95
	each additional 1,000 or part thereof	Colombia	0.01, up to a maximum of 11.48	0.01, up to a maximum of 17.23
		Ecuador	0.05, up to a maximum of 57.43	0.08, up to a maximum of 86.15
		Kenya	0.02, up to a maximum of 19.14	0.03, up to a maximum of 28.71
		Turkey	0.09, up to a maximum of 95.73	0.13, up to a maximum of 143.59
<i>Rosa</i>	up to 20,000 in number	Colombia	1.43	2.15
		Ecuador	1.43	2.15
		Ethiopia	4.78	7.18
		Kenya	2.39	3.59
		Tanzania	7.18	10.77
		Zambia	11.96	17.95
	each additional 1,000 or part thereof	Colombia	0.01, up to a maximum of 11.48	0.01, up to a maximum of 17.23
		Ecuador	0.01, up to a maximum of 11.48	0.01, up to a maximum of 17.23
		Ethiopia	0.04, up to a maximum of 38.29	0.06, up to a maximum of 57.43
		Kenya	0.02, up to a maximum of 19.14	0.03, up to a maximum of 28.71
		Tanzania	0.05, up to a maximum of 57.43	0.08, up to a maximum of 86.15
		Zambia	0.09, up to a maximum of 95.73	0.13, up to a maximum of 143.59
Branches with foliage				
<i>Phoenix</i>	up to 100 kg	Costa Rica	16.75	25.13
	each additional 100 kg or part thereof	Costa Rica	1.66, up to a maximum of 134.02	2.49, up to a maximum of 201.03

<i>Column 1 Genus</i>	<i>Column 2 Quantity</i>	<i>Column 3 Country of origin</i>	<i>Column 4 Fee for each consignment or relevant part of a consignment (daytime working hours) (£)</i>	<i>Column 5 Fee for each consignment or relevant part of a consignment (non-daytime working hours) (£)</i>
Fruit				
<i>Citrus</i>	up to 25,000 kg	Egypt	7.18	10.77
		Israel	4.78	7.18
		Mexico	7.18	10.77
		Morocco	2.39	3.59
		Peru	7.18	10.77
		Tunisia	11.96	17.95
		Turkey	1.43	2.15
		Uruguay	7.18	10.77
		USA	7.18	10.77
	each additional 1,000 kg or part thereof	Egypt	0.28	0.43
		Israel	0.19	0.28
		Mexico	0.28	0.43
		Morocco	0.09	0.14
		Peru	0.28	0.43
		Tunisia	0.47	0.71
		Turkey	0.05	0.08
		Uruguay	0.28	0.43
		USA	0.28	0.43
<i>Malus</i>	up to 25,000 kg	Argentina	11.96	17.95
		Brazil	11.96	17.95
		Chile	2.39	3.59
		New Zealand	4.78	7.18
		South Africa	2.39	3.59
		USA	23.93	35.90
	each additional 1,000 kg or part thereof	Argentina	0.47	0.71
		Brazil	0.47	0.71
		Chile	0.09	0.14
		New Zealand	0.19	0.28
		South Africa	0.09	0.14
		USA	0.95	1.43
<i>Mangifera</i>	up to 25,000 kg	Brazil	23.93	35.90
	each additional 1,000 kg or part thereof	Brazil	0.95	1.43
<i>Passiflora</i>	up to 25,000 kg	Colombia	4.78	7.18
		Kenya	4.78	7.18
		South Africa	16.75	25.13
		Zimbabwe	35.90	53.85
	each additional 1,000 kg or part thereof	Colombia	0.19	0.28
		Kenya	0.19	0.28
		South Africa	0.66	1.00
		Zimbabwe	1.43	2.15
<i>Prunus</i>	up to 25,000 kg	Argentina	23.93	35.90

<i>Column 1 Genus</i>	<i>Column 2 Quantity</i>	<i>Column 3 Country of origin</i>	<i>Column 4 Fee for each consignment or relevant part of a consignment (daytime working hours) (£)</i>	<i>Column 5 Fee for each consignment or relevant part of a consignment (non-daytime working hours) (£)</i>
		Chile	4.78	7.18
		Morocco	23.93	35.90
		South Africa	4.78	7.18
		Turkey	7.18	10.77
		USA	7.18	10.77
	each additional 1,000 kg or part thereof	Argentina	0.95	1.43
		Chile	0.19	0.28
		Morocco	0.95	1.43
		South Africa	0.19	0.28
		Turkey	0.28	0.43
		USA	0.28	0.43
<i>Pyrus</i>	up to 25,000 kg	Argentina	4.78	7.18
		Chile	11.96	17.95
		China	23.93	35.90
		South Africa	4.78	7.18
	each additional 1,000 kg or part thereof	Argentina	0.19	0.28
		Chile	0.47	0.71
		China	0.95	1.43
		South Africa	0.19	0.28
<i>Vaccinium</i>	up to 25,000 kg	Argentina	11.96	17.95
	each additional 1,000 kg or part thereof	Argentina	0.47	0.71
Vegetables				
<i>Capsicum</i>	up to 25,000 kg	Israel	2.39	3.59
	each additional 1,000 kg or part thereof	Israel	0.09	0.14
<i>Momordica</i>	up to 25,000 kg	Surinam	16.75	25.13
	each additional 1,000 kg or part thereof	Surinam	0.66	1.00
<i>Solanum melongena</i>	up to 25,000 kg	Kenya	4.78	7.18
		Turkey	4.78	7.18
	each additional 1,000 kg or part thereof	Kenya	0.19	0.28
		Turkey	0.19	0.28

SCHEDULE 3

Regulation 2(2)(b)

Import Inspection Fees: Documentary and Identity Checks

<i>Column 1 Check</i>	<i>Column 2 Quantity</i>	<i>Column 3 Fee (£)</i>
Documentary	each consignment	5.71
Identity	each consignment up to the size of a truck load, a railway wagon load or the load of a container of comparable size	5.71
	each consignment bigger than the above size	11.42

SCHEDULE 4
Seed Potatoes: Fees

Regulation 3

<i>Column 1 Function</i>	<i>Column 2 Fee⁽¹⁾ (£)</i>	<i>Column 3 Minimum fee (£)</i>
Inspection of growing crops and provision of labels and seals in respect of applications		
Certification as pre-basic seed potato	129.84*	n/a
Certification as basic seed potato, classified as:	super elite 1, super elite 2 or super elite 3	129.84
	elite 1, elite 2 or elite 3	129.84
	A	123.43
Certification as certified seed potato	56.10	112.20
Authorisation to market seed potatoes	129.84*	n/a
Inspection of harvested tubers		
Up to two inspections	19.24	38.47
Third and subsequent inspections	129.84*	n/a

⁽¹⁾ Of the rates listed in this column and in column 3, those that are marked with an asterisk are per hour or part of an hour, and those not so marked are per half-hectare or part of half-hectare.

SCHEDULE 5
Plant Health Licence Fees

Regulation 4(2)

<i>Column 1 Item</i>	<i>Column 2 Type of application or inspection</i>	<i>Column 3 Fee (£)</i>
1	Application for a licence other than a licence covered by item 2, 3 or 5	809.83
2	Application for a licence in respect of soil or other growing medium for analysis	584.14
3	Application for a licence for scientific or trial purposes	809.83, plus 31.86

	covering 5 or more types of article	per type of article in excess of 5
4	Application for renewal or variation of a licence with changes requiring scientific or technical assessment	265.21
5	Application for a licence authorising the introduction of potatoes, other than potatoes intended for planting, originating in the region of Akkar or Bekaa of Lebanon	31.86
6	Application for renewal of a licence with no changes, or for renewal or variation of a licence with only minor changes requiring no scientific or technical assessment	31.86
7	Inspection and associated activities (including travelling time and office time) for monitoring compliance with licence terms and conditions	46.11 per hour or part of an hour

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in England only, specify fees payable to the Secretary of State in the field of plant health. They revoke and replace the Plant Health Fees (England) Regulations 2013 (S.I. 2013/494) (“the 2013 Regulations”) (regulation 9).

The fees are payable in relation to specified inspections and other operations carried out pursuant to 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 (OJ No L 169, 10.7.2000, p.1).

The fees for documentary, identity and plant health checks in relation to certain imports of plants, plant products and other objects from third countries (regulation 2 and Schedules 1, 2 and 3) are specified pursuant to the requirement in Article 13d of Council Directive 2000/29/EC.

The fee levels provided for in these Regulations form the final part of a phased move towards full cost recovery of fees over a period of three years. These Regulations provide for average decreases and increases in, and the continuation unchanged of, the fees specified in the 2013 Regulations as follows:

- (1) import inspection fees (other than documentary and identity checks) decrease by 3.5% (regulation 2 and Schedules 1 and 2);
- (2) fees for import inspection documentary and identity checks increase by 24.5% (regulation 2 and Schedule 3);
- (3) fees relating to seed potato inspections remain unchanged (regulation 3 and Schedule 4);
- (4) licensing fees increase by 2.2% (regulation 4 and Schedule 5);
- (5) fees for plant passporting services increase by 21.2% (regulation 5); and
- (6) fees for inspections of potatoes originating in Egypt remain unchanged (regulation 6).

New fees are introduced in relation to potatoes originating in Lebanon as follows: £31.86 for an application for a licence (Schedule 5, item 5) and £117.39 for an inspection (regulation 7).

Regulation 8 sets out the consequences of failure to pay any fee.

Full impact assessments of the effect that this instrument will have on the costs of business, in relation to each of the five types of fees covered by this instrument, are available using the following links:

<http://www.ialibrary.bis.gov.uk/uploaded/DEFRA1352%20Final%20IA%20Plant%20Health%20Imports%20Inspection%20Fees.pdf>

<http://www.ialibrary.bis.gov.uk/uploaded/DEFRA1356%20Final%20IA%20Seed%20Potato%20Certification.pdf>

<http://www.ialibrary.bis.gov.uk/uploaded/DEFRA1353%20Final%20IA%20Plant%20Health%20Licences.pdf>

<http://www.ialibrary.bis.gov.uk/uploaded/DEFRA1354%20Final%20IA%20Plant%20Passports.pdf>

<http://www.ialibrary.bis.gov.uk/uploaded/DEFRA1355%20Final%20IA%20Egypt%20Potato%20Imports.pdf>

The impact assessments are also published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk and available from the Plant Health Policy and Bee Policy Unit, Defra, 10GA07, Sand Hutton, York YO14 1LZ.

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£5.75

UK201403133 03/2014 19585

<http://www.legislation.gov.uk/id/uksi/2014/601>

ISBN 978-0-11-111201-4



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