

2014 No. 609

PLANT HEALTH, ENGLAND

**The Plant Health (Export Certification) (England) (Amendment)
Order 2014**

<i>Made</i>	- - - -	<i>11th March 2014</i>
<i>Laid before Parliament</i>		<i>14th March 2014</i>
<i>Coming into force</i>	- -	<i>6th April 2014</i>

The Secretary of State^(a), with the consent of the Treasury, makes the following Order in exercise of the powers conferred by sections 3(1) and 4A of the Plant Health Act 1967^(b).

Citation and commencement

1. This Order may be cited as the Plant Health (Export Certification) (England) (Amendment) Order 2014 and comes into force on 6th April 2014.

Amendment of the Plant Health (Export Certification) (England) Order 2004

2.—(1) The Plant Health (Export Certification) (England) Order 2004^(c) is amended as follows.

(2) In paragraph (1) of article 2^(d) (interpretation)—

(a) after the definition of “certificate”, insert—

““laboratory examination” includes laboratory testing;”;

(b) for the definition of “third country” substitute—

““third country” has the same meaning in this Order as in the Plant Health (England) Order 2005^(e)”.

(3) For Schedule 3^(f) substitute—

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- (a) The functions of the Minister of Agriculture, Fisheries and Food under the Plant Health Act 1967 (c. 8) were, so far as exercisable in relation to Wales, transferred to the Secretary of State by article 2 of, and Schedule 1 to, the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272). Those functions were transferred from the Secretary of State to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32). The remaining functions of the Minister of Agriculture, Fisheries and Food were transferred to the Secretary of State by article 2(2) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).
- (b) 1967 c. 8; section 3(1) was amended by the European Communities Act 1972 (c. 68), section 4(1) and Schedule 4, paragraph 8 and further amended by S.I. 2011/1043, Part 2, article 6(1)(e); section 4A was inserted by the Agriculture Act 1986 (c. 49), section 3.
- (c) S.I. 2004/1404, amended by S.I. 2005/3480, 2013/572.
- (d) The definition of “certificate” was amended by S.I. 2005/3480, article 2(2)(b).
- (e) S.I. 2005/2530, amended by S.I. 2011/1043, article 4(1); there are other amending instruments but none is relevant.
- (f) Schedule 3 was substituted by S.I. 2013/572, article 2(2).

“SCHEDULE 3

Articles 3 and 4

Applications for certificates: fees

<i>Services in respect of applications for certificates</i>	<i>Fee (£)</i>	<i>Fee (small exporter)(£)</i>
(1) Services for consignments other than grain:		
(a) inspection and, where necessary, laboratory examination	58.92 for each quarter hour or part thereof with a minimum fee of 117.84	29.46 for each quarter hour or part thereof with a minimum fee of 58.92
(b) laboratory examination only	32.93	16.47
(c) issue of a certificate where no inspection or laboratory examination is required	12.53	6.27
(2) Services for consignments of grain:		
monitoring of inspections carried out by a person authorised under article 3(3) and, where necessary, laboratory examination carried out by an authorised officer	53.78	26.89”.
(4) For Schedule 4(a) substitute—		

“SCHEDULE 4

Article 4

Pre-export service fees

<i>Service</i>	<i>Fee (£)</i>	<i>Fee (small exporter) (£)</i>
Pre-export service	44.88 for each quarter hour or part thereof with a minimum fee of 89.75	22.44 for each quarter hour or part thereof with a minimum fee of 44.88”.

8th March 2014

We consent

11th March 2014

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

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

(a) Schedule 4 was substituted by S.I. 2013/572, article 2(3).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Plant Health (Export Certification) (England) Order 2004 (S.I. 2004/1404) (“the 2004 Order”).

This Order provides for increases on the fees specified in the 2004 Order as follows:

- (a) fees for services in respect of applications for certificates by a range from 4% to 52% (article 2(3)), and
- (b) fees for pre-export services by 19% (article 2(4)).

Further details are provided in the Explanatory Memorandum. The fee levels provided for in this Order form the second part of a move towards full cost recovery of fees over three years.

An impact assessment of the effects of this Order on the costs of business, in relation to the types of fee covered, is published with its Explanatory Memorandum on www.legislation.gov.uk and is available at www.gov.uk or from the Plant Health Policy and Bee Policy Unit, Defra, 10GA07, Sand Hutton, York YO14 1LZ.

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£4.00

UK2014031315 03/2014 19585

<http://www.legislation.gov.uk/id/uksi/2014/609>

ISBN 978-0-11-111211-3



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