

2018 No. 289

PLANT HEALTH, ENGLAND

SEEDS, ENGLAND

The Plant Health etc. (Fees) (England) Regulations 2018

<i>Made</i> - - - -	<i>1st March 2018</i>
<i>Laid before Parliament</i>	<i>5th March 2018</i>
<i>Coming into force</i> - -	<i>6th April 2018</i>

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).

PART 1

General

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Plant Health etc. (Fees) (England) Regulations 2018.

(2) They come into force on 6th April 2018.

(3) They extend to England and Wales, but apply in relation to England only.

Interpretation

2. In these Regulations, “the 2015 Order” means the Plant Health (England) Order 2015(b).

PART 2

Fees relating to plant health

Import inspection fees

3.—(1) This regulation applies in relation to a third country consignment which consists of plants, plant products or other objects of a description specified in column 1 of the table in Schedule 1 that are listed in Schedule 5 to the 2015 Order.

(2) The following fees are payable by the importer of a third country consignment—

(a) 1973 c.51; subsection (1) was amended by S.I. 2011/1043.

(b) S.I. 2015/610; relevant amending instruments are S.I. 2015/1872, 2017/1220.

- (a) in respect of each phytosanitary certificate or phytosanitary certificate for re-export accompanying the consignment, a fee of £9.71;
 - (b) in respect of each part of the consignment which consists of a plant, plant product or other object of a description specified in column 1 of the table in Schedule 1 to which subparagraph (c) does not apply, the fee specified in the corresponding entry in column 2 of that table;
 - (c) in respect of each part of the consignment which consists of a plant or plant product of a description specified in column 1 of the table in Schedule 2 and which originates in a country specified in column 2 of that table, the fee specified in the corresponding entry in column 3 of that table;
 - (d) where an inspector suspects that the consignment is infected with a controlled plant pest and takes a sample from the consignment for laboratory testing to confirm the presence or otherwise of the pest, a fee of £157.08 for each sample tested.
- (3) In this regulation—
- (a) “controlled plant pest” has the meaning given in article 32(7)(a) of the 2015 Order;
 - (b) “third country consignment” means a consignment that is introduced into England from a third country;
 - (c) “third country” has the meaning given in article 2(1) of the 2015 Order.

Plant passport authorisation fees

- 4.—(1) This regulation applies in relation to a plant passport authorisation.
- (2) The fees specified in the table in Schedule 3 are payable in respect of an inspection and any associated activities which are carried out—
- (a) in connection with an application for a plant passport authorisation;
 - (b) for the purpose of monitoring compliance with any requirements imposed on the holder of a plant passport authorisation.
- (3) The fees specified in column 2 of the table in Schedule 3 are payable for each 15 minutes (or part thereof) spent in carrying out the inspection and any associated activities at the relevant premises, subject to the minimum fees specified in the corresponding entries in column 3 of that table.
- (4) An additional fee of £18.78 is payable where a person submits an application for a plant passport authorisation in paper form (and not online).
- (5) Any fees payable under this regulation are payable by the person applying for a plant passport authorisation or the holder of a plant passport authorisation (as the case may be).
- (6) In this regulation—
- (a) “plant passport authorisation” means an authorisation to issue plant passports conferred under article 29 of the 2015 Order;
 - (b) “relevant premises”, in relation to an application for a plant passport authorisation or a plant passport authorisation, means the premises which are subject to the application or the authorisation.

Plant health licence fees

- 5.—(1) The fees specified in the table in Schedule 4 are payable in respect of—
- (a) an application for a licence;
 - (b) any other activity specified in column 1 of that table which is carried out in connection with a licence.
- (2) The amount of any fee payable in respect of an application for a licence or any other activity specified in column 1 of the table in Schedule 4 is the amount specified in the corresponding entry

in column 3 of that table, determined in accordance with the entries in respect of that service (if any) in column 2 of that table.

(3) The fee payable in respect of the monitoring of licence terms and conditions is payable for each 15 minutes (or part thereof) spent in carrying out the inspection and any associated activities at the premises which are subject to the licence, subject to the minimum fee specified.

(4) Any fee payable under this regulation is payable by the person who submits an application for a licence or the licence holder (as the case may be).

(5) In this regulation, “licence” means a licence described in article 40 or 41 of the 2015 Order.

Potatoes originating in Egypt: fee

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 a fee of £60.40 in respect of each lot sampled.

(2) In paragraph (1), “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(a).

Potatoes originating in Lebanon: fee

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 (Spieckerann and Kotthoff) Davis et al., the importer must pay a fee of £60.40 in respect of each lot sampled.

(2) In paragraph (1), “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(b).

PART 3

Fees relating to the certification of seed potatoes and fruit plants and fruit plant propagating material

Seed potatoes: fees

8.—(1) The fees specified in the table in Schedule 5 are payable in respect of the activities specified in column 1 of that table which relate to an application for the certification of seed potatoes in accordance with regulation 10 of the Seed Potatoes (England) Regulations 2015(c).

(2) The fees specified in column 2 of the table in Schedule 5 are payable subject to the minimum fees (if any) specified in the corresponding entries in column 3 of that table.

(3) The fee specified in column 2 of the table in Schedule 5 in respect of an inspection of harvested tubers is payable for each 15 minutes (or part thereof) spent in carrying out the inspection and any associated activities at the relevant premises.

(4) An additional fee of £14.76 is payable where a person submits an application for the certification of seed potatoes in paper form (and not online).

(5) Any fees payable under this regulation are payable by the applicant.

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

(b) OJ No L 205, 1.8.2013, p. 13, as amended by Commission Implementing Decision (EU) 2015/2057 (OJ No L 300, 17.11.2015, p. 43).

(c) S.I. 2015/1953.

(6) In paragraph (3), “relevant premises” means the premises at which the harvested tubers to be inspected are located.

Fruit plants and fruit plant propagating material: fees

9.—(1) The fee specified in paragraph (2) is payable in connection with an application for the certification of fruit plants and fruit plant propagating material in accordance with regulation 9 of the Marketing of Fruit Plant and Propagating Material (England) Regulations 2017(a).

(2) A fee of £72.00 per hour (or part thereof) is payable in respect of the time spent in carrying out an official examination and any associated activities at the relevant premises for the purposes of certifying the material.

(3) Any fees payable under this regulation are payable by the applicant.

(4) In paragraph (2), “relevant premises” means the premises at which the material to be certified is located.

PART 4

Payment of fees

Payment of fees

10. Fees payable under these Regulations are payable to the Secretary of State on demand.

Suspension of registration

11.—(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 Part 2 of these Regulations remains unpaid, the Secretary of State may—

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

(2) In paragraph (1), “plant trader”, “registered” and “registration” have the meanings given in article 2(1) of the 2015 Order.

PART 5

Revocations

Revocations

12. The instruments listed in Schedule 6 are revoked.

27th February 2018

We consent

1st March 2018

Gardiner of Kimble
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

Andrew Stephenson
Rebecca Harris
Two of the Lords Commissioners of Her Majesty’s Treasury

(a) S.I. 2017/595.

SCHEDULE 1

Regulation 3(1)

Import inspection fees

<i>Column 1</i>	<i>Column 2</i>
<i>Plant, plant product or other object</i>	<i>Fee (£)</i>
Cuttings, seedlings (except forestry reproductive material), young plants of strawberries or of vegetables	139.84
Shrubs, trees (other than cut Christmas trees), other woody nursery plants including forest reproductive material (other than seed)	152.41
Bulbs, corms, rhizomes, tubers, intended for planting (other than tubers of potatoes)	233.18
Seeds, tissue cultures	117.81
Other plants intended for planting, not specified elsewhere in this table	152.41
Cut flowers	33.42
Branches with foliage, parts of conifers (other than cut Christmas trees)	64.67
Cut Christmas trees	122.89
Leaves of plants, such as herbs, spices and leafy vegetables	75.30
Fruits, vegetables (other than leafy vegetables)	57.45
Tubers of potatoes	156.63
Soil and growing medium, bark	122.85
Grain	133.23
Other plants or plant products not specified elsewhere in this table, except forest trees	11.16

SCHEDULE 2

Regulation 3(2)(c)

Import inspection fees: reduced rates

<i>Column 1</i>	<i>Column 2</i>	<i>Column 2</i>
<i>Genus</i>	<i>Country of origin</i>	<i>Fee (£)</i>
Cut flowers		
<i>Aster</i>	Zimbabwe	25.07
<i>Dianthus</i>	Colombia	1.00
	Ecuador	5.01
	Kenya	1.67
	Turkey	5.01
<i>Rosa</i>	Colombia	1.00
	Ecuador	1.00
	Ethiopia	1.67
	Kenya	1.67
	Tanzania	5.01
	Zambia	3.34
Branches with foliage		

<i>Column 1</i> <i>Genus</i>	<i>Column 2</i> <i>Country of origin</i>	<i>Column 2</i> <i>Fee (£)</i>
<i>Phoenix</i>	Costa Rica	22.63
Fruit		
<i>Citrus</i>	Morocco	2.87
	Peru	5.74
	Turkey	1.72
	USA	8.62
<i>Citrus limon and citrus aurantifolia</i>	Israel	14.36
<i>Malus</i>	Argentina	20.11
	Brazil	43.09
	Chile	2.87
	New Zealand	5.74
	South Africa	2.87
<i>Passiflora</i>	Colombia	4.02
	Kenya	14.36
	South Africa	20.11
	Vietnam	20.11
	Zimbabwe	28.73
<i>Prunus</i>	Argentina	43.09
	Chile	5.74
	Morocco	14.36
	Turkey	20.11
	USA	14.36
<i>Prunus, other than prunus persica</i>	South Africa	2.87
<i>Pyrus</i>	Argentina	8.62
	Chile	8.62
	China	28.73
	South Africa	5.74
<i>Vaccinium</i>	Argentina	14.36
Vegetables		
<i>Capsicum</i>	Morocco	2.87
<i>Lycopersicon</i>	Canary Islands	2.87
	Morocco	2.87
<i>Momordica</i>	Surinam	20.11
<i>Solanum melongena</i>	Kenya	5.74
	Turkey	14.36

SCHEDULE 3

Regulation 4(2)

Plant passport authorisation fees

In this Schedule—

“period 1” means the period ending on 30th September 2018;

“period 2” means the period beginning on 1st October 2018 and ending on 31st March 2019.

<i>Column 1</i> <i>Date of inspection and any associated activities</i>	<i>Column 2</i> <i>Fee (£)</i>	<i>Column 3</i> <i>Minimum fee (£)</i>
Where the date of the inspection and associated activities falls in period 1	59.98 for each 15 minutes (or part thereof)	119.96
Where the date of the inspection and associated activities falls in period 2	66.91 for each 15 minutes (or part thereof)	133.82
Where the date of the inspection and associated activities falls on or after 1st April 2019	73.85 for each 15 minutes (or part thereof)	147.70

SCHEDULE 4

Regulation 5(1)

Plant health licence fees

In this Schedule—

“period 1” means the period ending on 30th September 2018;

“period 2” means the period beginning on 1st October 2018 and ending on 31st March 2019.

<i>Column 1</i> <i>Type of application or inspection</i>	<i>Column 2</i> <i>Date of application</i>	<i>Column 3</i> <i>Fee (3)</i>
Application for a licence for scientific or trial purposes, other than— — a licence in respect of the analysis of soil or other growing medium — a licence for scientific or trial purposes covering 5 or more items	In the case of an application made in period 1	902.00
	In the case of an application made in period 2	948.51
	In the case of an application made on or after 1st April 2019	995.36
Application for a licence for scientific or trial purposes covering 5 or more items	In the case of an application made in period 1	902.00, plus 52.45 per item in excess of 5
	In the case of an application made in period 2	948.51, plus 52.45 per item in excess of 5
	In the case of an application made on or after 1st April 2019	995.36, plus 52.45 per item in excess of 5
Application for a licence in respect of the analysis of soil or other growing medium, other than a licence in respect of the analysis of soil or other growing medium covering 5 or more items	In the case of an application made in period 1	664.50
	In the case of an application made in period 2	705.20
	In the case of an application made on or after 1st April 2019	745.41
Application for a licence in respect of	In the case of an	664.50, plus 52.45 per item

the analysis of soil or other growing medium covering 5 or more items	application made in period 1	in excess of 5
	In the case of an application made in period 2	705.20, plus 52.45 per item in excess of 5
	In the case of an application made on or after 1st April 2019	745.41, plus 52.45 per item in excess of 5
Application for a variation of a licence with changes requiring scientific or technical assessment	In the case of an application made in period 1	322.71
	In the case of an application made in period 2	351.81
	In the case of an application made on or after 1st April 2019	380.25
Application for any other licence	-	42.50
Issue of an annual letter of authority	-	42.50
Monitoring compliance with licence terms and conditions	-	17.50 for each 15 minutes (or part thereof), subject to a minimum fee of £35

SCHEDULE 5

Regulation 8(1)

Seed potatoes: fees

<i>Column 1</i> <i>Activity</i>	<i>Column 2</i> <i>Fee (£)</i>	<i>Column 3</i> <i>Minimum fee (£)</i>
Soil sampling and testing for Potato Cyst Nematode		
Soil sampling and testing for the purposes of paragraph 4, 7 or 10 of Schedule 1 to the Seed Potatoes (England) Regulations 2015	21.53 for each hectare (or part thereof) sampled and tested	-
Inspection of growing crops		
Certification as pre-basic seed potato: Union grade PBTC or Union grade PB	33.62 per each ¼ hectare (or part thereof) inspected	67.24
Certification as basic seed potato: Union grade S	116.94 per hectare (or part thereof) inspected	116.94
Certification as basic seed potato: Union grade SE	116.94 per hectare (or part thereof) inspected	116.94
Certification as basic seed potato: Union grade E	114.35 per hectare (or part thereof) inspected	114.35
Certification as certified seed potato: Union grade A or B	103.94 per hectare (or part thereof) inspected	103.94
Inspection of harvested tubers		

Inspection	31.84 for each 15 minutes (or part thereof)	63.69
Provision of labels and seals in respect of applications		
Printed labels and seals	0.48 per label/seal	-
Blank labels and seals	0.12 per label/seal	-

SCHEDULE 6

Regulation 12

Revocations

- The Plant Health (Fees) (England) Regulations 2014(a).
- The Plant Health (Fees) (England) (Amendment) Regulations 2014(b).
- The Plant Health (Fees) (England) (Amendment) Regulations 2015(c).
- The Plant Health (Fees) (England) (Amendment) Regulations 2016(d).
- The Plant Health (Fees) (England) (Amendment) Regulations 2017(e).
- The Plant Health (Fees) (England) (Amendment) Regulations 2018(f).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to England only, specify fees payable to the Secretary of State in relation to plant health services and the certification of seed potatoes and fruit plants and fruit plant propagating material. They revoke and replace the Plant Health Fees (England) Regulations 2014 (S.I. 2014/601).

The fees specified in regulations 3, 6 and 7 are payable in relation to imports of plants, plant products and other objects from third countries pursuant to the requirements of Article 13 of 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 specified in regulations 4 and 5 are payable in relation to other inspections and activities carried out pursuant to Council Directive 2000/29/EC.

The fees specified in regulation 8 are payable in relation to certain inspections and other activities carried out pursuant to Council Directive 2002/56/EC on the marketing of seed potatoes (OJ No L 193, 20.7.2002, p. 60).

The fees specified in regulation 9 are payable in relation to certain inspections and other activities carried out pursuant to Council Directive 2008/90/EC on the marketing of fruit plant propagating material and fruit plants intended for fruit production (OJ No L 267, 8.10.2008, p. 8).

An impact assessment has not been produced for this instrument as no, no significant, impact on the private, voluntary or public sector is foreseen.

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- (a) S.I. 2014/601, amended by S.I. 2014/3243, 2015/1996, 2016/1255, 2017/125, 2018/15.
 - (b) S.I. 2014/3243.
 - (c) S.I. 2015/1996.
 - (d) S.I. 2016/1225.
 - (e) S.I. 2017/125.
 - (f) S.I. 2018/15.

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