
WELSH STATUTORY INSTRUMENTS

2018 No. 772 (W. 156)

PLANT HEALTH, WALES

**The Plant Health (Export Certification)
(Wales) (Amendment) Order 2018**

<i>Made</i>	- - - -	<i>27 June 2018</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>29 June 2018</i>
<i>Coming into force</i>	- -	<i>25 July 2018</i>

The Welsh Ministers, with the consent of the Treasury, and in exercise of the powers conferred by sections 3 and 4A of the Plant Health Act 1967(1), make the following Order:

Title, application and commencement

1. The title of this Order is the Plant Health (Export Certification) (Wales) (Amendment) Order 2018, it applies in relation to Wales and comes into force on 25 July 2018.

Amendment of the Plant Health (Export Certification) (Wales) Order 2006

2.—(1) The Plant Health (Export Certification) (Wales) Order 2006(2) is amended as follows.

(2) For article 5 substitute—

“5.—(1) The fees specified in the table in Schedule 3 are payable in respect of the services described in column 1 of the table by a person who applies for a certificate or a pre-export service.

(2) The amount of the fee in respect of any service described in column 1 of the table in Schedule 3 is—

(a) in the case of a small exporter who, at the date of the application, has only been liable during the financial year in which the application is made to pay fees of £250 or less in respect of services under this Order, the amount specified in the

(1) 1967 c. 8; section 3(1) was amended by paragraph 8(2)(a) and (b) of Schedule 4 to the European Communities Act 1972 (c. 68) and S.I. 2011/1043. Section 4A was inserted by section 3 of the Agriculture Act 1986 (c. 49). The powers conferred by sections 3 and 4A are conferred on a “competent authority”, which is defined in section 1(2). Section 1(2) was amended by paragraph 43 of Schedule 2 to S.I. 2013/755 (W. 90). Section 1(2), as amended, provides that the competent authority for Wales is the Welsh Ministers.

(2) S.I. 2006/1701 (W. 163), amended by S.I. 2013/1658 (W. 156), S.I. 2014/1759 (W. 174) and S.I. 2016/1084 (W. 259).

corresponding entry in column 3 of that table, determined in accordance with the entries for that service in column 2 of that table;

- (b) in any other case, the amount specified in the corresponding entry in column 4 of that table, determined in accordance with the entries for that service in column 2 of that table.

(3) The fees specified in the entries in columns 3 and 4 of the table in Schedule 3 in respect of an inspection of a consignment or an audit of a grain inspection are payable for each 15 minutes (or part thereof) spent in carrying out the inspection or audit and any associated activities, subject to the minimum fees specified in those entries.

(4) Where a person submits an application for a certificate or a pre-export service or a request to amend a certificate in paper form (and not online), the following additional fee is payable in respect of the application or the request—

- (a) in the case of a small exporter who, at the date of the application or request, has only been liable during the financial year in which the application or request is made to pay fees of £250 or less in respect of services under this Order, £7.43;
- (b) in any other case, £14.86.

(5) Any fee payable under this article is payable to the Welsh Ministers on demand.

(6) In this article, “small exporter”, in relation to an application for a certificate or a pre-export service or a request to amend a certificate, means a person who—

- (a) in the financial year in which the application or request is made—
- (i) is not a taxable person for the purposes of the Value Added Tax Act 1994⁽³⁾; or
- (ii) does not make a taxable supply of plants, plant products, seeds, soil or agricultural machinery for the purposes of the Value Added Tax Act 1994; or
- (b) in the financial year preceding the year in which the application or request is made, exported goods which were accompanied by a certificate the total value of which was less than £5,000.”

(3) For Schedule 3 substitute—

“SCHEDULE 3

Article 5(1)

Fees for export certification services and pre-export services

In this Schedule—

“period 1” (“*cyfnod 1*”) means the period ending on 30 September 2018;

“period 2” (“*cyfnod 2*”) means the period beginning on 1 October 2018 and ending on 31 March 2019.

(1) <i>Service</i>	(2) <i>Date</i>	(3) <i>Fee (£)</i>	(4) <i>Fee (£)</i>
Inspection of consignment	In the case of an inspection carried out in period 1	34.44 for each 15 minutes (or part thereof), subject to a minimum fee of 68.88	68.88 for each 15 minutes (or part thereof), subject to a minimum fee of 137.76

(3) 1994 c. 23.

(1) <i>Service</i>	(2) <i>Date</i>	(3) <i>Fee (£)</i>	(4) <i>Fee (£)</i>
	In the case of an inspection carried out in period 2	35.38 for each 15 minutes (or part thereof), subject to a minimum fee of 70.76	70.76 for each 15 minutes (or part thereof), subject to a minimum fee of 141.52
	In the case of an inspection carried out on or after 1 April 2019	36.80 for each 15 minutes (or part thereof), subject to a minimum fee of 73.60	70.76 for each 15 minutes (or part thereof), subject to a minimum fee of 141.52
Audit of a grain inspection carried out pursuant to article 3(3)	In the case of an audit carried out in period 1	9.90 for each 15 minutes (or part thereof), subject to a minimum fee of 19.80	19.80 for each 15 minutes (or part thereof), subject to a minimum fee of 36.90
	In the case of an audit carried out in period 2	11.55 for each 15 minutes (or part thereof), subject to a minimum fee of 23.10	23.10 for each 15 minutes (or part thereof), subject to a minimum fee of 46.20
	In the case of an audit carried out on or after 1 April 2019	13.20 for each 15 minutes (or part thereof), subject to a minimum fee of 26.40	26.40 for each 15 minutes (or part thereof), subject to a minimum fee of 52.80
Laboratory examination	In the case of a laboratory examination carried out in period 1	7.69 per sample tested	15.38 per sample tested
	In the case of a laboratory	11.53 per sample tested	23.07 per sample tested

(1) <i>Service</i>	(2) <i>Date</i>	(3) <i>Fee (£)</i>	(4) <i>Fee (£)</i>
	examination carried out in period 2		
	In the case of a laboratory examination carried out on or after 1 April 2019	15.38 per sample tested	30.76 per sample tested
Issue of certificate	In the case of a certificate issued in period 1	9.11 per certificate	18.23 per certificate
	In the case of a certificate issued in period 2	10.20 per certificate	20.41 per certificate
	In the case of a certificate issued on or after 1 April 2019	11.29 per certificate	22.59 per certificate
Amendment of a certificate at the request of the exporter		7.43 per certificate	14.86 per certificate"

(4) Omit Schedule 4.

27 June 2018

Hannah Blythyn
Minister for Environment under authority of
the Cabinet Secretary for Energy, Planning and
Rural Affairs, one of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Plant Health (Export Certification) (Wales) Order 2006 to provide for increases in the fees payable for services in respect of applications for phytosanitary certificates (including phytosanitary certificates for re-export) and related pre-export services.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with this Order.