

This Statutory Instrument, in part, corrects errors in the Plant Health etc. (Fees) (Wales) Regulations 2018 (S.I. 2018/1179) (W. 238) and the Plant Health (Fees) (Forestry) (Wales) Regulations 2019 (S.I. 2019/497) (W. 114). It is being issued free of charge to all known recipients of those Statutory Instruments.

WELSH STATUTORY INSTRUMENTS

2024 No. 617 (W. 89)

PLANT HEALTH, WALES

**The Plant Health etc. (Miscellaneous Fees)
(Amendment) (Wales) Regulations 2024**

Made - - - - 8 May 2024
Coming into force - - 9 May 2024

The Welsh Ministers make these Regulations in exercise of the powers conferred by section 14(1) of, and paragraph 7 of Schedule 4 to, the European Union (Withdrawal) Act 2018⁽¹⁾.

A draft of this instrument has been laid before and approved by Senedd Cymru in accordance with paragraph 1(8) of Schedule 7 to that Act⁽²⁾.

PART 1

General

Title and coming into force

1.—(1) The title of these Regulations is the Plant Health etc. (Miscellaneous Fees) (Amendment) (Wales) Regulations 2024.

(2) They come into force on 9 May 2024.

(1) 2018 c. 16, see paragraph 8 of Schedule 4 for the meaning of “appropriate authority”. Paragraph 8 of Schedule 4 to the European Union (Withdrawal) Act 2018 (“the 2018 Act”) was amended by section 41(4) of, and paragraph 47(5) of Schedule 5 to, the European Union (Withdrawal Agreement) Act 2020 (c. 1) (“the 2020 Act”). Paragraph 21 of Schedule 7 was amended by section 41(4) of, and paragraph 53(2) of Schedule 5, to the 2020 Act.

(2) Paragraph 1(8) of Schedule 7 applies to regulations under Schedule 4 by virtue of paragraph 12(3) of Schedule 7 to the 2018 Act. The references in the 2018 Act to the National Assembly for Wales now have effect as a reference to Senedd Cymru by virtue of section 150A(2) of the Government of Wales Act 2006 (c. 32).

PART 2

Amendments relating to fees

Amendment of the Plant Health etc. (Fees) (Wales) Regulations 2018

2.—(1) The Plant Health etc. (Fees) (Wales) Regulations 2018⁽³⁾ are amended as follows.

(2) In regulation 3 (import inspection fees)—

(a) for paragraph (2) substitute—

“(2) The fee payable by the importer of a third country consignment in respect of a documentary check of each phytosanitary certificate or phytosanitary certificate for re-export accompanying the consignment is—

- (a) in the case of a consignment originating in Liechtenstein containing any plant or plant products falling within the table in Schedule 2B and also within the Schedule to the Official Controls (Plant Health) (Frequency of Checks) Regulations 2022⁽⁴⁾, £5.25;
- (b) in the case of a consignment to which sub-paragraph (a) does not apply, originating in an EU Member State, Liechtenstein or Switzerland and containing only plants or plant products all falling within the table in Schedule 2B, £0.15;
- (c) in any other case, £5.25.”;

(b) for paragraph (2E) substitute—

“(2E) No fee is payable under paragraph (2A) in respect of—

- (a) any consignment originating in an EU Member State, Liechtenstein or Switzerland introduced into Wales through a relevant port before 31 October 2024, or
- (b) any plants listed in the table in Schedule 2A to the Plant Health (Amendment etc.) (EU Exit) Regulations 2020 contained in any consignment originating in an EU Member State, Liechtenstein or Switzerland introduced into Wales before 31 October 2024.

(2EA) Paragraph (2E) does not apply to any goods—

- (a) in a consignment originating in Liechtenstein, and
- (b) falling within the Schedule to the Official Controls (Plant Health) (Frequency of Checks) Regulations 2022.”

(c) in paragraph (2G), before sub-paragraph (a), for “, the table and Schedule 2A” substitute “and the table”;

(d) in paragraph (3)—

(i) after sub-paragraph (d), insert—

“(da) “relevant port” means any of the following seaports—

- (i) Barry;
- (ii) Cardiff;
- (iii) Fishguard;
- (iv) Holyhead;
- (v) Newport;

⁽³⁾ S.I. 2018/1179 (W. 238), amended by S.I. 2022/804 (W. 180); there are other amending instruments but none is relevant.

⁽⁴⁾ S.I. 2022/739, amended by S.I. 2023/959.

- (vi) Pembroke Dock;
- (vii) Swansea;
- (viii) Port Talbot;”;

(ii) omit sub-paragraph (g).

(3) For Schedule 1 (import inspection fees), substitute—

“SCHEDULE 1

Regulation 3(2A) and (2C)

Import inspection fees

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Category and description of plant, plant product or other object</i>	<i>Country of origin</i>	<i>Fee: Physical check (£)</i>	<i>Fee: Identity check (£)</i>
Bulbs, corms, rhizomes, tubers (other than tubers of potatoes), onions, shallots, garlic, leeks and other alliaceous vegetables, dormant, not in substrate			
All genera intended for planting, other than commercial flower production, and not intended for final users ⁽¹⁾	Any third country	205.04	5.25
All genera intended for planting, and intended for commercial flower production, or for final users	Any third country	20.50	0.52
Cuttings, seedlings intended for planting, not specified or included anywhere else in this table			
<i>All genera</i>	Any third country	32.15	1.57
Plants for planting			
Woody plants ⁽²⁾ (other than specified or included elsewhere in this table), intended for planting and intended for final users ⁽¹⁾ . All genera	Any third country	32.15	1.57
Non-woody plants ⁽³⁾ (other than specified or included elsewhere in this table), intended for planting. All genera	Any third country	32.15	1.57

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Category and description of plant, plant product or other object</i>	<i>Country of origin</i>	<i>Fee: Physical check (£)</i>	<i>Fee: Identity check (£)</i>
Indoor plants ⁽⁴⁾ . All genera	Any third country	32.15	1.57
Other plants (other than specified or included elsewhere in this table), intended for planting. All genera	Any third country	32.15	1.57
Cut flowers			
Dendranthema (DC.) Des Moul. (Chrysanthemum L.)	Any EU Member State, Liechtenstein or Switzerland	1.28	0.15
	Columbia or Ecuador	21.37	2.62
	Any third country other than an EU Member State, Columbia, Ecuador, Liechtenstein or Switzerland	2.13	0.26
Eryngium Tournier ex Linnaeus.	Any third country other than an EU Member State, European third country, Liechtenstein or Switzerland	4.27	0.52
Lisianthus L	Any third country other than an EU Member State, European third country, Liechtenstein or Switzerland	4.27	0.52
Rosa L.	Colombia or Ecuador	1.28	0.15
	Canada, India, Mexico or the USA	21.37	2.62
	Any third country other than an EU Member State, Canada, Colombia, Ecuador, India, Liechtenstein, Mexico, Switzerland or the USA	2.13	0.26

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Category and description of plant, plant product or other object</i>	<i>Country of origin</i>	<i>Fee: Physical check (£)</i>	<i>Fee: Identity check (£)</i>
Solidago L.	Any EU Member State, Liechtenstein or Switzerland	1.28	0.15
	Any third country other than an EU Member State, Liechtenstein or Switzerland	4.27	0.52
Other genera not specified or included elsewhere in this table	Any EU Member State, Liechtenstein or Switzerland	1.28	0.15
	Any third country other than an EU Member State, Liechtenstein or Switzerland	2.13	0.26
Branches with foliage, parts of conifers (other than bark or cut Christmas trees)			
All genera	Any EU Member State, Liechtenstein or Switzerland	1.01	0.15
	Any third country other than an EU Member State, Liechtenstein or Switzerland	1.69	0.26
Fruit, vegetables, leaves			
Momordica L.	Any EU Member State, Liechtenstein or Switzerland	1.59	0.15
	Any third country other than an EU Member State, Liechtenstein or Switzerland	26.55	2.62
Ocimum L.	Any EU Member State, Liechtenstein or Switzerland	2.15	0.15
	Any third country other than an EU Member State, Liechtenstein or Switzerland	35.84	2.62

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Category and description of plant, plant product or other object</i>	<i>Country of origin</i>	<i>Fee: Physical check (£)</i>	<i>Fee: Identity check (£)</i>
Solanaceae Juss. (other than Solanum tuberosum L.) Solanum lycopersicum L. Solanum melongena L. and Capsicum sp.)	Any EU Member State, Liechtenstein or Switzerland	1.59	0.15
	Any third country other than an EU Member State, Liechtenstein or Switzerland	26.55	2.62
Solanum lycopersicum L.	Any EU Member State, Liechtenstein or Switzerland	1.59	0.15
	Morocco	2.65	0.26
	Canary Islands	13.27	1.31
	Any third country other than the Canary Islands, an EU Member State, Liechtenstein, Morocco or Switzerland	53.10	5.25
Solanum melongena L.	Any EU Member State, Liechtenstein or Switzerland	1.59	0.15
	Turkey	15.93	1.57
	Any third country other than an EU Member State, Liechtenstein, Switzerland or Turkey	26.55	2.62
Capsicum	Any EU Member State, Liechtenstein or Switzerland	1.59	0.15
	Any third country other than an EU Member State, Liechtenstein or Switzerland	53.10	5.25
Zea mays	Any EU Member State, Liechtenstein or Switzerland	1.59	0.15

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Category and description of plant, plant product or other object</i>	<i>Country of origin</i>	<i>Fee: Physical check (£)</i>	<i>Fee: Identity check (£)</i>
	Any third country other than an EU Member State, Liechtenstein or Switzerland	53.10	5.25
Ipomoea batatas	Any EU Member State, Liechtenstein or Switzerland	1.59	0.15
	Any third country other than Cameroon, an EU Member State, Liechtenstein or Switzerland	2.65	0.26
Persea americana	Cameroon	53.10	5.25
	Any EU Member State, Liechtenstein or Switzerland	1.59	0.15
	Any third country other than an EU Member State, Liechtenstein or Switzerland	2.65	0.26
Vitis	Any EU Member State, Liechtenstein or Switzerland	1.59	0.15
	Any third country other than an EU Member State, Liechtenstein or Switzerland	2.65	0.26
Malus	Any EU Member State, Liechtenstein or Switzerland	1.59	0.15
	European third countries ⁽⁵⁾	7.96	0.78
	Argentina	18.58	1.83
	Chile	2.65	0.26
	New Zealand	5.31	0.52
	South Africa	7.96	0.78
	Any third country other than Argentina,	53.10	5.25

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Category and description of plant, plant product or other object</i>	<i>Country of origin</i>	<i>Fee: Physical check (£)</i>	<i>Fee: Identity check (£)</i>
Pyrus	Chile, an EU Member State, Liechtenstein, New Zealand, South Africa, Switzerland or European Third countries ⁽⁵⁾		
	Any EU Member State, Liechtenstein or Switzerland	1.59	0.15
	Argentina	13.27	1.31
	Chile	7.96	0.78
	South Africa	5.31	0.52
Fragaria	Any third country other than Argentina, Chile, an EU Member State, Liechtenstein, South Africa or Switzerland	53.10	5.25
	Any EU Member State, Liechtenstein or Switzerland	1.59	0.15
Rubus	Any third country other than an EU Member State, Liechtenstein or Switzerland	2.65	0.26
	Any EU Member State, Liechtenstein or Switzerland	1.59	0.15
Vaccinium	Any third country other than an EU Member State, Liechtenstein or Switzerland	2.65	0.26
	Any EU Member State, Liechtenstein or Switzerland	1.59	0.15
	European third countries ⁽⁵⁾	26.55	2.62
	Argentina	13.27	1.31
	Chile	5.31	0.52
	Peru	5.31	0.52

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Category and description of plant, plant product or other object</i>	<i>Country of origin</i>	<i>Fee: Physical check (£)</i>	<i>Fee: Identity check (£)</i>
	Any third country other than Argentina, Chile, an EU Member State, Liechtenstein, Peru, Switzerland or European Third Countries ⁽⁵⁾	53.10	5.25
Zingiber officinale	Any EU Member State, Liechtenstein or Switzerland	1.59	0.15
	Any third country other than Cameroon, an EU Member State, Liechtenstein or Switzerland	2.65	0.26
	Cameroon	53.10	5.25
Asparagus officinalis	Any EU Member State, Liechtenstein or Switzerland	1.59	0.15
	Any third country other than an EU Member State, Liechtenstein or Switzerland	53.10	5.25
Other genera or species of fruit or vegetables not specified or included elsewhere in this table	Any EU Member State, Liechtenstein or Switzerland	1.59	0.15
	Any third country other than an EU Member State, Liechtenstein or Switzerland	2.65	0.26
Other leaves not specified or included elsewhere in this table	Any EU Member State, Liechtenstein or Switzerland	2.15	0.15
	Any third country other than an EU Member State, Liechtenstein or Switzerland	3.58	0.26

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Category and description of plant, plant product or other object</i>	<i>Country of origin</i>	<i>Fee: Physical check (£)</i>	<i>Fee: Identity check (£)</i>
Seeds (for sowing), tissue cultures			
All genera, for trials or testing	Any third country	12.81	0.52
Brassicaceae (other than for trials or testing)	Argentina, Australia, Bolivia, Brazil, Chile, New Zealand or Uruguay	128.13	5.25
Capsicum spp. L. (other than for trials or testing)	Any third country	128.13	5.25
Poaceae (other than for trials or testing)	Argentina, Australia, Bolivia, Brazil, Chile, New Zealand or Uruguay	128.13	5.25
Solanum lycopersicum L. (other than for trials or testing)	Any third country	128.13	5.25
Solanum tuberosum L. (True seed) (other than for trials or testing)	Any third country	128.13	5.25
Trifolium spp. (other than for trials or testing)	Argentina, Australia, Bolivia, Brazil, Chile, New Zealand or Uruguay	128.13	5.25
Other genera or species not specified or included elsewhere in this table	Any third country	6.40	0.26
Grain (other than seeds for sowing)			
Secale L.	Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa or the USA	142.98	5.25
Triticum L.	Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa or the USA	142.98	5.25
X Triticosecale Wittm. ex A. Camus	Afghanistan, India, Iran, Iraq, Mexico, Nepal,	142.98	5.25

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Category and description of plant, plant product or other object</i>	<i>Country of origin</i>	<i>Fee: Physical check (£)</i>	<i>Fee: Identity check (£)</i>
	Pakistan, South Africa or the USA		
Tubers of potatoes			
Solanum tuberosum L. (seed potatoes)	Any third country	156.69	5.25
Solanum tuberosum L. (ware potatoes)	Egypt, Poland, Portugal or Romania	78.34	2.62
	Spain	156.69	5.25
	Any third country other than Egypt, Poland, Portugal, Romania or Spain	4.70	0.15
Cut Christmas trees (less than 3 metres in height)			
All genera	Any EU Member State, Liechtenstein or Switzerland	3.58	0.15
	Any third country other than an EU Member State, Liechtenstein or Switzerland	5.98	0.26
Machinery or vehicles which have been operated for agricultural or forestry purposes	Any third country	5.98	0.26”.

- (1) “Intended for final users” means intended, by evidence from the packaging, labelling or by other means, for direct supply to final users.
- (2) “Woody plants” means plants which have a woody or partly woody stem, and includes all trees, forest reproductive material (other than seed), shrubs and palms, and those vines and perennial herbs with woody or partly woody stems; and for this purpose “perennial herbs” means herbs for which the average life exceeds two years.
- (3) “Non-woody plants” means plants that are not woody plants.
- (4) “Indoor plants” means plants which appear from their packaging, labelling or by other means to be intended for direct supply to final users for indoor use or use in aquaria.
- (5) “European third countries” means Albania, Andorra, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Canary Islands, Faroe Islands, Georgia, Iceland, Moldova, Monaco, Montenegro, North Macedonia, Norway, Russia (only the following parts: Central Federal District (Tsentralny federalny okrug), Northwestern Federal District (Severo-Zapadny federalny okrug), Southern Federal District (Yuzhny federalny okrug), North Caucasian Federal District (Severo-Kavkazsky federalny okrug) and Volga Federal District (Privolzhsky federalny okrug)), San Marino, Serbia, Turkey and Ukraine.

(4) Omit Schedule 2A (list of plants and plant products originating in an EU member state, Liechtenstein or Switzerland subject to fees for physical checks and identity checks from the end of the transitional staging period).

(5) Before Schedule 3, insert—

“SCHEDULE 2B

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

Category and description of plant or plant product

Cut Flowers

Dendranthema (DC.) Des Moul. (*Chrysanthemum* L.)

Rosa L.

Solidago L.

Other genera not specified or included elsewhere in this table

Branches with foliage, parts of conifers (other than bark or cut Christmas trees)

All genera

Fruit, vegetables, leaves

Momordica L.

Ocimum L.

Solanaceae Juss. (other than *Solanum tuberosum* L.)

Solanum melongena L.

Other genera or species of fruit or vegetables not specified or included elsewhere in this table

Other leaves not specified or included elsewhere in this table

Cut Christmas trees (less than 3 metres in height)

All genera”

Amendment of the Plant Health (Fees) (Forestry) (Wales) Regulations 2019

3. In the Plant Health (Fees) (Forestry) (Wales) Regulations 2019(5), in the table in Schedule 1 (fees for inspections in connection with a plant passport authority), in the first row of the first column (type of inspection), for “Physical inspection” substitute “Inspection”.

8 May 2024

Huw Irranca-Davies
Cabinet Secretary for Climate Change and Rural
Affairs, one of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Plant Health etc. (Fees) (Wales) Regulations 2018 and the Plant Health (Fees) (Forestry) (Wales) Regulations 2019.

Regulation 2(2) amends the fees for documentary checks relating to certain plants, plant products or other objects originating from an EU Member State, Liechtenstein or Switzerland. It also provides that no fee is payable for physical and identity checks relating to certain goods from EU Member States, Liechtenstein and Switzerland and provides exceptions to that rule.

Regulation 2(3) inserts a table of certain plants, plant products and other objects to which the fees amended by regulation 2(2) relate. The table updates and corrects the import inspection fees for *Solanum lycopersicum* from Morocco and the Canary Islands.

Regulation 3 amends the Plant Health (Fees) (Forestry) (Wales) Regulations 2019. Paragraph (2) corrects the type of inspection for which a fee is chargeable under those Regulations.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from Welsh Government, Cathays Park, Cardiff, CF10 3NQ and is published on www.gov.wales.