
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by paragraphs 1(1) and (3) and 11M(1) of schedule 2, paragraph 7 of schedule 4 and paragraph 21 of schedule 7 of the European Union (Withdrawal) Act 2018 (c.16) (“the 2018 Act”).

These Regulations make amendments to legislation in the field of plant health as it applies in Scotland. In particular they make provision in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union and to deal with matters arising out of, or related to, the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement. They also make modifications in consequence of the withdrawal of the United Kingdom from the European Union to certain fees payable to the Scottish Ministers in relation to inspections of imports of plants, plant products or other objects.

Regulation 2 amends the Plant Health (Import Inspection Fees) (Scotland) Regulations 2014 and in particular substitutes a new regulation 4 into those Regulations which makes provision for—

- a) a fee payable for a physical check under schedule 1 by an importer in respect of a consignment of plants, plant products or other objects excepting consignments from the European Union, Liechtenstein or Switzerland,
- b) a new schedule 1A which provides for fees payable by an importer in respect of a physical check of a consignment of certain plants, plant products or other objects imported from the European Union, Liechtenstein or Switzerland which are not subject to reduced checks,
- c) a replacement schedule 2 which provides for reduced fees payable by an importer in respect of a physical or identity check of a consignment of certain plants, plant products or other objects,
- d) a new schedule 2ZA which provides for reduced fees payable by an importer in respect of a physical or identity check of a consignment of certain plants, plant products or other objects from the European Union, Liechtenstein or Switzerland,
- e) a replacement schedule 2A which provides for the fee for documentary and identity checks in respect of consignments of certain plants, plant products or other objects which have not been described in schedules 1, 1A, 2 or 2ZA.

Regulation 3 amends the Plant Health (Fees) (Forestry) (England and Scotland) Regulations 2015 and introduces provision relating to export certification fees, to provide that such fees are not payable in relation to exports from Scotland to Northern Ireland in certain circumstances.

Regulation 4 amends the Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019 and introduces enforcement provisions relating to plant passports, specifically relating to the plant passports used on goods entering Scotland from Northern Ireland.

Regulation 5 introduces transitional provision which provides that fees will not be due in relation to imports from the EU, Liechtenstein or Switzerland in the period from 1 April 2021 until 31 May 2021.

A business and regulatory impact assessment has not been produced for this instrument as no, or no significant, impact upon business, charities or voluntary bodies is foreseen.