

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These regulations amend the Plant Health (Import Inspection Fees) (Scotland) Regulations 2014 (“the 2014 Regulations”) and the Plant Health (Fees) (Forestry) (England and Scotland) Regulations 2015 (“the 2015 Regulations”).

Regulation 2 amends the 2014 Regulations. In particular—

- (a) the fees payable by an importer of a consignment originating in a third country in respect of a physical and identity check of plants, plant products or other objects are amended to reflect the frequency rates of physical checks and identity checks of such plants, plant products and other objects determined in accordance with Part 1 of the Official Controls (Plant Health) (Frequency of Checks) Regulations 2022. The fees are set out in a new schedule 1 inserted into the 2014 Regulations.
- (b) existing schedules 1A, 2 and 2ZA, relating specifically to fees payable in respect of physical and identity checks for consignments originating in EU member states, Liechtenstein and Switzerland, and for reduced checks are revoked.
- (c) a new schedule 2 is inserted with a list of plants and plant products which will not require to have import fees charged if they are imported from an EU member state, Liechtenstein or Switzerland.

The table below provides a comparison of changes made to the fees in schedule 1 of the proposed Regulations.

Plant, plant product or other object	Inspection Rate		Previous Fee*		Inspection Rate		New Fee*	
	EU	Non EU Third country	EU	Non EU Third country	EU	Non EU Third country	EU	Non EU Third country
<b>Plants for planting</b>								
Dormant bulbs, corms, rhizomes, tubers, onion, garlic, shallots, not in substrate intended for planting (other than tubers of potatoes) and not intended for final consumers** or commercial flower production	100%	100%	£36.00	£36.00	No change			
Dormant bulbs, corms, rhizomes, tubers, onion, garlic, shallots, not in substrate intended for	10%	New category	£14.40	New category	No change	10%	No change	£14.40

Plant, plant product or other object	Inspection Rate		Previous Fee*		Inspection Rate		New Fee*	
	EU	Non EU Third country	EU	Non EU Third country	EU	Non EU Third country	EU	Non EU Third country
<b>Plants for planting</b>								
planting (other than tubers of potatoes) and intended for final consumers** or commercial flower production only								
Cuttings	100%	100%	£36.00	£36.00	No change			
Non-woody plants (other than seed) for final consumers**. Excludes shrubs, trees, other woody nursery plants and forest reproductive material	10%	New category	£15.00	New category	30%	30%	£19.20	£19.20
Shrubs, trees (other than cut Christmas trees), other woody nursery plants including forest reproductive material (other than seed); plants not specified elsewhere in this table	100%	100%	£36.00	£36.00	No change			
*** Indoor plants (including plants for use in aquaria) for final consumers**	New category				5%	5%	£13.20	£13.20
Plants intended for planting (other than cut Christmas trees), not specified or included elsewhere in this table	100%	100%	£36.00	£36.00	No change			
<b>Seeds</b>								
Seeds for trials or testing	New category				10%	10%	£14.40	£14.40
Seeds not specified elsewhere in this table	100%	100%	£36.00	£36.00	5%	5%	£13.20	£13.20
<i>Brassicaceae</i> spp, <i>Poaceae</i> spp and	New category				5%	5%	£13.20	£13.20

Plant, plant product or other object	Inspection Rate		Previous Fee*		Inspection Rate		New Fee*	
	EU	Non EU Third country	EU	Non EU Third country	EU	Non EU Third country	EU	Non EU Third country
<b>Plants for planting</b>								
<i>Trifolium</i> spp. except from Argentina, Australia, Bolivia, Brazil, Chile, New Zealand and Uruguay								
<i>Brassicaceae</i> spp, <i>Poaceae</i> spp and <i>Trifolium</i> spp. from Argentina, Australia, Bolivia, Brazil, Chile, New Zealand and Uruguay			New category		N/A	100%	N/A	£36.00
<i>Capsicum</i> spp., <i>Solanum lycopersicum</i> L. <i>Solanum tuberosum</i> L. ('true potato seed')			New category		100%	100%	£36.00	£36.00
<i>Triticum</i> L., <i>Secale</i> L. and  X <i>Triticosecale</i> except from Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa and the USA			New category		5%	5%	£13.20	£13.20
<i>Triticum</i> L., <i>Secale</i> L. and  X <i>Triticosecale</i> from Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa and the USA			New category		N/A	100%	N/A	£36.00
Seeds, tissue cultures intended for final users or to produce plants for final use	5%	N/A	£13.20	N/A	No change	5%	No change	£13.20
<b>Grain (not seed for sowing)</b>								
Of the genera <i>Triticum</i> L., <i>Secale</i> L. and X <i>Triticosecale</i> from	5%	100%	£13.18	£36.00	5%	5%	£13.20	£13.20

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Plant Health (Fees) (Miscellaneous Amendment) (Scotland) Regulations 2022 No. 230

Plant, plant product or other object	Inspection Rate		Previous Fee*		Inspection Rate		New Fee*	
	EU	Non EU Third country	EU	Non EU Third country	EU	Non EU Third country	EU	Non EU Third country
<b>Plants for planting</b>								
countries with Karnal bunt except from Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa and the USA								
Of the genera <i>Triticum</i> L., <i>Secale</i> L. and <i>X Triticosecale</i> from countries with Karnal bunt from Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa and the USA	New category				N/A	100%	N/A	£36.00
Grain not specified elsewhere in this table	5%	100%	£13.18	£36.00	5%	5%	£13.20	£13.20
<b>Cut flowers</b>								
<i>Chrysanthemum</i> L. and <i>Dendranthema</i> (DC.) Des Moul. except from Colombia and Ecuador	New category				3%	5%	£12.72	£13.20
<i>Chrysanthemum</i> L. and <i>Dendranthema</i> (DC.) Des Moul. from Colombia and Ecuador	New category				N/A	50%	N/A	£18.00
<i>Eryngium</i> Tournier ex Linnaeus, <i>Solidago</i> L.	New category				3%	10%	£12.72	£14.40
<i>Lisianthus</i> L.	New category				10%	10%	£14.40	£14.40
<i>Rosa</i> L. except from Canada, USA, Mexico, India, Colombia and Ecuador	N/A	Fee specific to individual country	N/A	Fee specific to individual country	N/A	5%	N/A	£13.20
<i>Rosa</i> L. from Canada, USA, Mexico, India	N/A	New category	N/A	New category	N/A	N/A	50%	£24.00

Plant, plant product or other object	Inspection Rate		Previous Fee*		Inspection Rate		New Fee*			
	EU	Non EU Third country	EU	Non EU Third country	EU	Non EU Third country	EU	Non EU Third country		
<b>Plants for planting</b>										
<i>Rosa</i> L. from	Colombia	N/A	3%	N/A	£12.78	N/A	N/A	5%	£13.20	
	Ecuador		1%		£12.26					
Cut flowers not specified elsewhere in this table										
3%	100%	£15.00	£36.00	3%	5%	£12.72	£13.20			
<b>Fruits, vegetables (not leafy vegetables)</b>										
<i>Momordica</i> L. and <i>Solanaceae</i> Juss. (excluding <i>Solanum tuberosum</i> L.)										
New category					3%	50%	£12.72	£27.00		
<i>Solanum melongena</i> L. except from Turkey										
N/A	100%	N/A	£36.00	3%	5%	£12.72	£13.20			
<i>Solanum melongena</i> L. from Turkey										
N/A	15%	N/A	£15.60	N/A	30%	N/A	£17.40			
Fruit, vegetables not specified elsewhere in this table										
3%	100%	£13.18	£36.00	3%	5%	£12.72	£13.20			
<b>Leaves of plants and leafy vegetables</b>										
<i>Ocimum</i> L.										
New category					3%	50%	£12.72	£18.00		
Leaves of plants and leafy vegetables not specified elsewhere in this table										
3%	100%	£13.18	£36.00	3%	5%	£12.72	£13.20			
<b>Branches with foliage, parts of conifers other than bark</b>										
Branches with foliage, parts of conifers other than bark										
5%	100%	£13.20	£36.00	3%	5%	£12.72	£13.20			
<b>Tubers of potatoes</b>										
Seed potatoes - <i>Solanum tuberosum</i> L.										
100%	100%	£64.00	£64.00	No change						
Ware potatoes – tubers of <i>Solanum</i>										
3%	100%	£13.56	£64.00	No change	3%	No change	£13.56			

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Plant, plant product or other object	Inspection Rate		Previous Fee*		Inspection Rate		New Fee*	
	EU	Non EU Third country	EU	Non EU Third country	EU	Non EU Third country	EU	Non EU Third country
<b>Plants for planting</b>								
<i>tuberosum</i> L. except Egypt, Poland, Portugal Romania and Spain								
Ware potatoes – tubers of <i>Solanum tuberosum</i> L. from Poland, Portugal and Romania	50%	N/A	£35.00	N/A	No change	N/A	No change	N/A
Ware potatoes – tubers of <i>Solanum tuberosum</i> L. from Egypt	N/A	100%	N/A	£64.00	N/A	50%	N/A	£35.00
Ware potatoes – tubers of <i>Solanum tuberosum</i> L. from Spain	100%	N/A	£72.00	N/A	No change	N/A	No change	N/A
<b>Cut Christmas trees</b>								
Cut Christmas trees (less than 3 metres in height)	3%	100%	£13.18	£36.00	3%	5%	£12.72	£13.20
<b>Other objects</b>								
Machinery and vehicles which have been operated for agricultural or forestry purposes	5%	100%	£13.20	£36.00	No change	5%	No change	£13.20
Growing media and soil from all third countries will be inspected at the frequency rate of the plants that it is attached to.								

\* The fee listed is the combined fee for the physical check and the identity check.

\*\* “Final consumers” means by evidence from the packaging, labelling or by other means, for direct sales to final consumers.

\*\*\* “Indoor Plants” means clearly packed and ready for supply to final consumers, identifiable as being for indoor use or use in aquaria”.

Note—

1. Previous fees for physical checks were rounded up to the nearest pound. The fees introduced by these Regulations are not rounded up.

Plant, plant product or other object	Inspection Rate		Previous Fee*		Inspection Rate		New Fee*	
	EU	Non EU Third country	EU	Non EU Third country	EU	Non EU Third country	EU	Non EU Third country
<b>Plants for planting</b>								

2. References in this table to “EU” are to be read as also referring to Liechtenstein and Switzerland.

Regulation 3(5A) to (5BB) of the 2015 Regulations makes provision relating to phytosanitary certification fees, including an exemption to provide that such fees are not payable in relation to exports from Scotland to Northern Ireland in certain circumstances. Regulation 2 amends regulation 3(5BB) of the 2015 Regulations to change the date on which this exemption ceases to have effect from 31 December 2022 to 31 December 2023.

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