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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2022 No.**

**The Plant Health (Fees) (Miscellaneous Amendment) (Scotland) Regulations 2022**

**The Plant Health (Import Inspection Fees) (Scotland) Regulations 2014**

2.—(1) The Plant Health (Import Inspection Fees) (Scotland) Regulations 2014<sup>(1)</sup> are amended as follows.

(2) In regulation 2 (interpretation) omit the definitions of “Europe” and “third country”.

(3) In regulation 3(2)(b)(i) (application of the import inspection fee) omit “the European Union, Liechtenstein or Switzerland,”.

(4) In regulation 4—

(a) insert the heading “Fees”,

(b) in paragraph (1)—

(i) for “Subject to” to “physical check” substitute—

“Subject to paragraph (8), the fee specified for a physical check for a consignment, or such part of a consignment, consisting of plants, plant products or other objects—”,

(ii) in sub-paragraph (a) for “fourth” substitute “fifth”,

(iii) in sub-paragraph (b) for “fifth” substitute “sixth”,

(c) omit paragraphs (2) to (5),

(d) for paragraph (6) substitute—

“(6) Subject to paragraph (8), the fee specified for a documentary check for a consignment or such part of a consignment, consisting of any plants, plant products or other objects is the fee specified for that check in the third column of table 3 in schedule 2A.

(7) Subject to paragraph (8), the fee specified for an identity check for a consignment or such part of a consignment, consisting of any plants, plant products or other objects is the fee specified for that check in the seventh column of the table in schedule 1.

(8) No fee is payable under paragraphs (1), (6) or (7) in respect of any consignment originating in an EU Member state, Liechtenstein or Switzerland, where it would be payable in respect of any plants or plant products specified in schedule 2 that are contained in that consignment.”.

(5) For schedule 1 (import inspection fees for physical checks) substitute—

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(1) S.S.I. 2014/338 relevantly amended by S.S.I. 2019/28, S.S.I. 2019/421, S.S.I. 2019/425, S.S.I. 2020/466, S.S.I. 2021/159 and S.S.I. 2021/490.

## “SCHEDULE 1

Regulations 3 and 4(1)

## IMPORT INSPECTION FEES FOR PHYSICAL AND IDENTITY CHECKS

Item	Product, plant or other object	Quantity	Country of Origin	Fees		
				Physical check		Identity check
				Normal working hours	Outside normal working hours	
<b>Plants for planting</b>						
1	Cuttings, seedlings (except forestry reproductive material), young plants of strawberries or of vegetables  <i>All genera</i>	Up to 10,000 in number	Any third country	£30.00	£54.00	£6.00
		for each additional 1,000 units (or part thereof)		£0.80 up to a maximum of £168	£1.50 up to a maximum of £318	
2	Shrubs, trees (other than cut Christmas trees), other woody nursery plants including forest reproductive material (other than seed)  <i>All genera</i>	Up to 1,000 in number	Any third country	£30.00	£54.00	£6.00
		for each additional 100 units (or part thereof)		£0.50 up to a maximum of £168	£1.00 up to a maximum of £318	
3	Dormant bulbs, corms, rhizomes, tubers, onion, garlic, shallots, leeks and other alliaceous vegetables (other than tubers of potatoes), not intended for final consumers** or to produce plants for commercial flower production  <i>All genera</i>	Per consignment – up to 200kg in weight	Any third country	£30.00	£54.00	£6.00
		for each additional 10kg (or part thereof)		£0.20 up to a maximum of £168	£0.40 up to a maximum of £318	
4	Dormant bulbs, corms, rhizomes, tubers, onion,	Per consignment – up to 200kg in weight	Any third country	£13.80	£21.60	£0.60

Item	Product, plant or other object	Quantity	Country of Origin	Fees		
				Physical check		Identity check
				Normal working hours	Outside normal working hours	
	shallots, garlic, leeks and other alliaceous vegetables not in substrate intended for planting (other than tubers of potatoes) and intended for final consumers** or commercial flower production only  <i>All genera</i>	for each additional 10kg (or part thereof)		£0.02 up to a maximum of £26.40	£0.04 up to a maximum of £46.80	
5	Non-woody plants (other than seed) for sale to final consumers**. Excludes shrubs, trees, other woody nursery plants, forest reproductive material  <i>All genera</i>	Per consignment – up to 1,000 in number  for each additional 100 units (or part thereof)	Any third country	£17.40  £0.06 up to a maximum of £55.20	£28.80  £0.12 up to a maximum of £104.40	£1.80
6	*Indoor plants (including plants for use in aquaria) for final consumers**  <i>All genera</i>	Per consignment - up to 1,000 in number  for each additional 100 units (or part thereof)	Any third country	£12.90  £0.01 up to a maximum of £19.20	£19.80  £0.02 up to a maximum of £32.40	£0.30
7	Plants intended for planting (other than cut Christmas trees) not specified or included elsewhere in this table  <i>All genera</i>	Per consignment -up to 5,000 in number  for each additional 100 units (or part thereof)	Any third country	£30.00  £0.20 up to maximum of £168	£54.00  £0.40 up to maximum of £318	£6.00

### Seeds

Item	Product, plant or other object	Quantity	Country of Origin	Fees			
				Physical check		Identity check	
				Normal working hours	Outside normal working hours		
8	For trials or testing  All genera	Per consignment – up to 100kg in weight	Any country	third	£13.80	£21.60	£0.60
		for each additional 10kg (or part thereof)			£0.05 up to maximum of £26.40	£0.09 up to maximum of £46.80	
9	<i>Brassicaceae</i> spp., <i>Poaceae</i> spp. and <i>Trifolium</i> spp.	Per consignment –up to 100kg in weight	Any country other than Argentina, Australia, Bolivia, Chile, Zealand or Uruguay	third	£12.90	£19.80	£0.30
		for each additional 10kg (or part thereof)			£0.02 up to maximum of £19.20	£0.04 up to maximum of £32.40	
		Per consignment –up to 100kg in weight	Argentina, Australia, Bolivia, Brazil, Chile, Zealand or Uruguay	third	£30.00	£54.00	£6.00
		for each additional 10kg (or part thereof)			£0.50 up to maximum of £168	£0.90 up to maximum of £318	
10	<i>Capsicum</i> spp., <i>Solanum lycopersicum</i> L., <i>Solanum tuberosum</i> (“true potato seed”)	Per consignment –up to 100kg in weight	Any country	third	£30.00	£54.00	£6.00
		for each additional 10kg (or part thereof)			£0.50 up to maximum of £168	£0.90 up to maximum of £318	
11	<i>Triticum</i> L., <i>Secale</i> L. and X <i>Triticosecale</i>	Per consignment –up to 100kg in weight	Any country other than Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa or the USA	third	£12.90	£19.80	£0.30
		for each additional 10kg (or part thereof)			£0.02 up to a maximum of £19.20	£0.04 up to a maximum of £32.40	
		Per consignment –up to 100kg in weight	Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa or the USA	£30.00	£54.00	£6.00	

Item	Product, plant or other object	Quantity	Country of Origin	Fees		
				Physical check		Identity check
				Normal working hours	Outside normal working hours	
		for each additional 10kg (or part thereof)		£0.50 up to maximum of £168	£0.90 up to maximum of £318	
12	Other seeds not specified or included elsewhere in this table  All genera	Per consignment – up to 100kg in weight  for each additional 10kg (or part thereof)	Any third country	£12.90  £0.02 up to a maximum of £19.20	£19.80  £0.04 up to a maximum of £32.40	£0.30
<b>Grain (other than seed for sowing)</b>						
13	<i>Secale</i> L., <i>Triticum</i> L. and  <i>x Triticosecale</i> Wittm. ex A. Camus	Per consignment - up to 25,000kg in weight  for each additional 1,000kg (or part thereof)	Any third country other than Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa or the USA	£12.90  £0.04 up to a maximum of £19.20	£19.80  £0.07 up to a maximum of £32.40	£0.30
		Per consignment - up to 25,000kg in weight  for each additional 1,000kg (or part thereof)	Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa or the USA	£30.00  £0.80 up to a maximum of £168	£54.00  £1.50 up to a maximum of £318	£6.00
14	Other grain not specified or included elsewhere in this table  All genera	Per consignment - up to 25,000kg in weight  for each additional 1,000kg (or part thereof)	Any third country	£12.90  £0.04 up to a maximum of £19.20	£19.80  £0.07 up to a maximum of £32.40	£0.30
<b>Cut Flowers</b>						
15	<i>Chrysanthemum</i> L. and <i>Dendranthema</i> (DC.) Des Moul.	Per consignment - up to 20,000 in number	Any third country other than an EU Member State, Colombia, Ecuador,	£12.90	£19.80	£0.30

Item	Product, plant or other object	Quantity	Country of Origin	Fees		
				Physical check		Identity check
				Normal working hours	Outside normal working hours	
			Liechtenstein or Switzerland			
			Colombia or Ecuador	£21.00	£36.00	£3.00
			Any EU Member State, Liechtenstein or Switzerland	£12.54	£19.08	£0.18
		for each additional 1,000 units	Any third country other than an EU Member State, Colombia, Ecuador, Liechtenstein or Switzerland	£0.01 up to a maximum of £19.20	£0.01 up to a maximum of £32.40	
			Colombia or Ecuador	£0.10 up to a maximum of £84.00	£0.15 up to a maximum of £162.00	
			Any EU Member State, Liechtenstein or Switzerland	£0.01 up to a maximum of £16.32	£0.01 up to a maximum of £26.64	
16	<i>Eryngium</i> Turnier ex Linnaeus or <i>Solidago</i> L.	Per consignment -up to 20,000 in number	Any third country other than an EU Member State, Liechtenstein or Switzerland	£13.80	£21.60	£0.60
			Any EU Member State, Liechtenstein or Switzerland	£12.54	£19.08	£0.18
		for each additional 1,000 units	Any third country other than an EU Member State, Liechtenstein or Switzerland	£0.02 up to a maximum of £26.40	£0.03 up to a maximum of £46.80	

Item	Product, plant or other object	Quantity	Country of Origin	Fees		
				Physical check		Identity check
				Normal working hours	Outside normal working hours	
			Any EU Member State, Liechtenstein or Switzerland	£0.01 up to a maximum of £16.32	£0.01 up to a maximum of £26.64	
17	<i>Lisianthus</i> L.	Per consignment - up to 20,000 in number	Any third country	£13.80	£21.60	£0.60
		for each additional 1,000 units	Any third country	£0.02 up to a maximum of £26.40	£0.30 up to a maximum of £46.80	
18	<i>Rosa</i> L.	Per consignment - up to 20,000 in number	Any third country other than an EU Member State, Canada, Colombia, Ecuador, India, Liechtenstein, Mexico, Switzerland or the USA	£12.90	£19.80	£0.30
			Canada, India, Mexico, or the USA	£21.00	£36.00	£3.00
			Any EU Member State, Colombia, Ecuador, Liechtenstein or Switzerland	£12.54	£19.08	£0.18
		for each additional 1,000 units	Any third country other than an EU Member State, Canada, Colombia, Ecuador, India, Liechtenstein, Mexico, Switzerland or the USA	£0.01 up to a maximum of £19.20	£0.01 up to a maximum of £32.40	

Item	Product, plant or other object	Quantity	Country of Origin	Fees		
				Physical check		Identity check
				Normal working hours	Outside normal working hours	
			Canada, India, Mexico, or the USA	£0.10 up to a maximum of £84.00	£0.15 up to a maximum of £162.00	
			Any EU Member State, Colombia, Ecuador, Liechtenstein or Switzerland	£0.01 up to a maximum of £16.32	£0.01 up to a maximum of £26.64	
19	Other cut flowers not specified or included elsewhere in this table  All genera	Per consignment -up to 20,000 in number	Any third country other than an EU Member State, Liechtenstein, or Switzerland	£12.90	£19.80	£0.30
			Any EU Member State, Liechtenstein or Switzerland	£12.54	£19.08	£0.18
		for each additional 1,000 units	Any third country other than an EU Member State, Liechtenstein or Switzerland	£0.01 up to a maximum of £19.20	£0.01 up to a maximum of £32.40	
			Any EU Member State, Liechtenstein or Switzerland	£0.01 up to a maximum of £16.32	£0.01 up to a maximum of £26.64	
<b>Fruit and vegetables (not leafy vegetables)</b>						
20	Momordica L. and Solanaceae Juss. (excluding Solanum tuberosum L.)	Per consignment -up to 100kg in weight	Any third country other than an EU Member State, Liechtenstein or Switzerland	£21.00	£36.00	£3.00
			Any EU Member State, Liechtenstein or Switzerland	£12.54	£19.08	£0.18



Item	Product, plant or other object	Quantity	Country of Origin	Fees		
				Physical check		Identity check
				Normal working hours	Outside normal working hours	
		for each additional 1,000kg (or part thereof)	Any third country other than an EU Member State, Liechtenstein or Switzerland	£0.04	£0.07	
			Any EU Member State, Liechtenstein or Switzerland	£0.02	£0.04	
21	<i>Solanum melongena</i> L.	Per consignment - up to 100kg in weight	Any third country other than an EU Member State, Liechtenstein, Switzerland or Turkey	£12.90	£19.80	£0.30
			Turkey	£17.40	£28.80	£1.80
			Any EU Member State, Liechtenstein or Switzerland	£12.54	£19.08	£0.18
		for each additional 1,000kg (or part thereof)	Any third country other than an EU Member State, Liechtenstein, Switzerland or Turkey	£0.04	£0.07	
			Turkey	£0.24	£0.45	
			Any EU Member State, Liechtenstein or Switzerland	£0.02	£0.04	
22	Other fruit and vegetables (other than leafy vegetables) not specified or included elsewhere in this table	Per consignment - up to 25,000kg in weight	Any third country other than an EU Member State, Liechtenstein or Switzerland	£12.90	£19.80	£0.30

Item	Product, plant or other object	Quantity	Country of Origin	Fees		
				Physical check		Identity check
				Normal working hours	Outside normal working hours	
			Any EU Member State, Liechtenstein or Switzerland	£12.54	£19.08	£0.18
		for each additional 1,000kg (or part thereof)	Any third country other than an EU Member State, Liechtenstein or Switzerland	£0.04	£0.07	
			Any EU Member State, Liechtenstein or Switzerland	£0.02	£0.04	
<b>Leaves of plants and leafy vegetables</b>						
23	<i>Ocimum L.</i>	Per consignment -up to 100 kg in weight	Any third country other than an EU Member State, Liechtenstein or Switzerland	£21.00	£36.00	£3.00
			Any EU Member State, Liechtenstein or Switzerland	£12.54	£19.08	£0.18
		for each additional 10kg (or part thereof)	Any third country other than an EU Member State, Liechtenstein or Switzerland	£0.90 up to maximum of £84.00	£0.75 up to maximum of £162.00	
			Any EU Member State, Liechtenstein or Switzerland	£0.05 up to a maximum of £16.32	£0.11 up to a maximum of £26.64	
24	Leaves of plants, such as herbs, spices and leafy vegetables not specified or included elsewhere in this table	Per consignment -up to 100kg in weight	Any third country other than an EU Member State, Liechtenstein or Switzerland	£12.90	£19.80	£0.30

Item	Product, plant or other object	Quantity	Country of Origin	Fees		
				Physical check		Identity check
				Normal working hours	Outside normal working hours	
			Any EU Member State, Liechtenstein or Switzerland	£12.54	£19.08	£0.18
		for each additional 10kg (or part thereof)	Any third country other than an EU Member State, Liechtenstein or Switzerland	£0.09 up to a maximum of £19.20	£0.18 up to a maximum of £32.40	
			Any EU Member State, Liechtenstein or Switzerland	£0.05 up to a maximum of £16.32	£0.11 up to a maximum of £26.64	
<b>Branches with foliage, parts of Conifers (other than bark)</b>						
25	All <i>genera</i>	Per consignment - up to 200kg in weight	Any third country other than an EU Member State, Liechtenstein or Switzerland	£12.90	£19.80	£0.30
			Any EU Member State, Liechtenstein or Switzerland	£12.54	£19.08	£0.18
		for each additional 100kg (or part thereof)	Any third country other than an EU Member State, Liechtenstein or Switzerland	£0.09 up to a maximum of £19.20	£0.18 up to a maximum of £32.40	
			Any EU Member State, Liechtenstein or Switzerland	£0.05 up to a maximum of £16.32	£0.11 up to a maximum of £26.64	
<b>Tubers of potatoes</b>						
26	<i>Solanum tuberosum</i> L. (seed potatoes)	Per lot - up to 25,000kg in weight	Any third country	£64.00	£96.00	£6.00
		for each additional		£52.00	£78.00	

Item	Product, plant or other object	Quantity	Country of Origin	Fees			
				Physical check		Identity check	
				Normal working hours	Outside normal working hours		
		25,000kg in weight or part thereof					
27	Tubers of <i>Solanum tuberosum</i> L. (ware potatoes)	Per lot - up to 25,000kg in weight	Any third country other than Egypt, Poland, Portugal, Romania or Spain	£13.56	£20.34	£0.18	
			Egypt, Poland, Portugal or Romania	£38.00	£54.00	£3.00	
			Spain	£64.00	£96.00	£6.00	
		for each additional 25,000kg in weight or part thereof	Any third country other than Egypt, Poland, Portugal, Romania or Spain	£1.56	£2.34		
			Egypt, Poland, Portugal or Romania	£26.00	£39.00		
			Spain	£52.00	£78.00		
<b>Cut Christmas trees</b>							
28	Cut Christmas trees (less than 3m height)  All genera	Per consignment -up to 1,000 in number	Any third country other than an EU Member State, Liechtenstein or Switzerland	£12.90	£19.80	£0.30	
				£0.09 up to a maximum of £19.20	£0.18 up to a maximum of £32.40		
		for each additional 100 units (or part thereof)	Per consignment -up to 1,000 in number	Any EU Member State, Liechtenstein or Switzerland	£12.54	£19.08	£0.30
					£0.05 up to a maximum of £16.32	£0.11 up to a maximum of £26.64	

Item	Product, plant or other object	Quantity	Country of Origin	Fees		
				Physical check		Identity check
				Normal working hours	Outside normal working hours	
		units (or part thereof)				
<b>Other objects</b>						
29	Machinery or vehicles which have been operated for agricultural or forestry purposes	Per consignment	Any third country	£12.90	£19.80	£0.30

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

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

Note: Growing media and soil from third countries will be inspected at the frequency rate of the plants, plant products or other objects that it is attached to.”

(6) Omit schedule 1A (import inspection fees for physical checks on consignments originating in the European Union, Liechtenstein or Switzerland).

(7) For schedule 2 (reduced import inspection fees and physical and identity checks) substitute—

“SCHEDULE 2

Regulation 4(8)

LIST OF PLANTS AND PLANT PRODUCTS ORIGINATING IN AN EU MEMBER STATE, LIECHTENSTEIN OR SWITZERLAND NOT SUBJECT TO FEES FOR DOCUMENTARY, IDENTITY AND PHYSICAL CHECKS

1. Branches with foliage, parts of Conifers other than bark or cut Christmas trees.
2. Cut Christmas trees.
3. Cut flowers.
4. Fruit.
5. Grain, other than seeds for sowing.
6. Leaves of plants, such as herbs, spices and leafy vegetables.
7. Seeds other than—
  - (a) seeds of—
    - (i) *Allim cepa* L.,
    - (ii) *Allium porrum* L.,
    - (iii) *Castanea* Mill.,
    - (iv) *Capsicum* spp. L.,
    - (v) *Helianthus annuus* L.,

- (vi) *Medicago sativa* L.,
- (vii) *Phaseolus cocineus*.,
- (viii) *Phaseolus vulgaris* L.,
- (ix) *Solanum lycopersicum* L.,
- (x) *Solanum tuberosum* L., (true potato seed).
- (b) Vegetable seeds of *Pisum sativum* L. and *Vicia faba* L.
- (c) Seeds of oil and fibre plants of—
  - (i) *Brassica napus* L.,
  - (ii) *Brassica rapa* L.,
  - (iii) *Sinapis alba* L.,
  - (iv) *Glycine max* (L.) Merrill,
  - (v) *Linum usitatissimum* L.
- 8. Tissue cultures.
- 9. Tubers of potatoes (except from Poland, Portugal, Romania and Spain).”.
- (8) Omit schedule 2ZA (reduced import inspection fees for other consignments originating in the European Union, Liechtenstein or Switzerland).
- (9) In schedule 2A (import inspection fees for documentary checks and identity checks)—
  - (a) in the heading, for “fees for documentary checks and identity checks” substitute “fee for documentary checks”,
  - (b) omit tables 1 and 2.