

2004 No. 248

PLANT HEALTH

The Plant Health (Export Certification) (Scotland) Order 2004

Made - - - - 27th May 2004

Laid before the Scottish Parliament 1st June 2004

Coming into force - - 22nd June 2004

The Scottish Ministers, in exercise of the powers conferred by sections 3(1), (2) and (4) and 4A of the Plant Health Act 1967(a) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation, commencement and extent

1.—(1) This Order may be cited as the Plant Health (Export Certification) (Scotland) Order 2004 and shall come into force on 22nd June 2004.

(2) This Order extends to Scotland only.

Interpretation

2.—(1) In this Order—

“certificate” means a phytosanitary certificate or a reforwarding phytosanitary certificate;

“inspector” means any person authorised by the Scottish Ministers to be an inspector for the purposes of the Plant Health (Great Britain) Order 1993(b);

“phytosanitary certificate” means a certificate duly completed either in the form set out in Schedule 14 to the Plant Health (Great Britain) Order 1993 or the equivalent written in a language other than English;

“premises” includes any land, building, vessel, vehicle, aircraft, hovercraft or freight container;

“reforwarding phytosanitary certificate” means a certificate duly completed either in the form set out in Schedule 15 to the Plant Health (Great Britain) Order 1993 or the equivalent written in a language other than English;

“soil” includes any medium used for the growing of plant material and “soil sample” shall be construed accordingly.

(2) Where a fee is prescribed in this Order in relation to an inspection, examination or test as well as the issue of a certificate, the refusal to issue a certificate by reason of the results of the inspection, examination or test being unsatisfactory shall not affect the amount of the fee payable.

(a) 1967 c.8; section 3(1) and (2) was amended by the European Communities Act 1972 (c.68), section 4(1) and Schedule 4, paragraph 8; section 3(4) was substituted by section 42 of the Criminal Justice Act 1982 (c.48) and section 4A was inserted by the Agriculture Act 1986 (c.49), section 3. Section 1(2) of the 1967 Act specifies the competent authorities for the purposes of that Act. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46). The requirement to obtain Treasury consent was removed by section 55 of that Act.

(b) S.I. 1993/1320 to which there are amendments but none relevant to this Order.

Phytosanitary certificates for export of plants etc. to third countries

3.—(1) Any requirement of a third country for a plant, plant product or other object to be accompanied by a phytosanitary certificate or a reforwarding phytosanitary certificate issued by an official plant protection organisation whether for the purposes of—

- (a) Article V of the International Plant Protection Convention 1951(a); or
- (b) any arrangement corresponding to that Article,

may be met by the issue of such a certificate by an inspector to accompany that plant product or other object.

(2) Where an inspector issues a certificate under paragraph (1)—

- (a) that inspector may also in connection with the issue of that certificate carry out any of the other services listed in column 1 of the Schedule to this Order which that inspector considers necessary to meet the phytosanitary requirements of the importing country; and
- (b) where appropriate, that inspector may certify that a consignment has been inspected on the basis of a laboratory examination alone.

(3) An inspector shall be authorised to enter onto premises for the purpose of any examination or inquiry under this Order.

(4) The inspection referred to in the first item of column 1 of the Schedule to this Order may be carried out by any person authorised in writing by an inspector to inspect grain for the purposes of phytosanitary certification.

Fees for export certification services

4. The producer or exporter (as applicable) shall pay to the Scottish Ministers in respect of any service described in column 1 of the Schedule to this Order the fee specified in column 2 of that Schedule opposite the reference to that service.

Offences

5.—(1) Any person who for the purposes of procuring the issue of a phytosanitary certificate or reforwarding phytosanitary certificate under this Order—

- (a) knowingly or recklessly makes a statement which is false in a material particular; or
- (b) intentionally fails to disclose any material information,

is guilty of an offence.

(2) A person guilty of an offence under paragraph (1) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

ROSS FINNIE
A member of the Scottish Executive

Pentland House,
Edinburgh
27th May 2004

(a) Adopted in 1951 (Treaty Series No. 16 (1954), Cmd 9077) and revised in 1979 (Miscellaneous Series No. 1 (1981), Cmnd 8108).

SCHEDULE

Articles 3(2), (3) and 4

<i>Column 1</i> <i>Service</i>	<i>Column 2</i> <i>Fee</i> <i>£</i>
1. Consideration of an application (including inspection and, where necessary, laboratory examination of the relevant material) for the issue of a certificate for the export of grain	45.00
2. Consideration of an application for the issue of a certificate for the export of oilseed rape per 100 tonnes or part thereof:	
(i) in Bulk form	11.00
(ii) in Bags	15.00
3. Soil sampling for potato cyst nematode (PCN):	
The taking of one sample from a field or part of a field comprising not more than 4 hectares, or from a glass-house or container:–	
(a) for the first sample taken on any day, where no other chargeable visit is being made	69.00
(b) for the first sample taken on any day, where another chargeable visit is being made	32.00
(c) for the second and each subsequent sample taken on the same day as the first sample	32.00
4. Pre-export inspection of and the issue of a certificate for the export of a consignment of bulbs, ware potatoes, malt barley and other plants and plant products where an inspection at the premises of the grower is necessary–	
(a) where:	
(i) the value of the consignment is up to and including £10.00	1.00
(ii) the value of the consignment is more than £10.00 but not more than £100.00	7.50
(iii) the value of the consignment is more than £100.00 but not more than £250.00	20.00
(iv) the value of the consignment is more than £250.00 but not more than £500.00	32.50
(v) the value of the consignment is more than £500.00; and	62.00

<i>Column 1</i> <i>Service</i>	<i>Column 2</i> <i>Fee</i> <i>£</i>
(b) Charge for second or subsequent certificate for the export of a consignment of ware potatoes and malt barley and other plants and plant products where an inspection is carried out at the same location on the same day	11.00
5. Pre-export inspection of and the issue of a certificate for the export of a consignment of bulbs, plants and plant products delivered to the Scottish Executive Environment and Rural Affairs Department Horticulture and Marketing Unit where:	
(a) the value of the consignment is up to and including £10.00;	1.00
(b) the value of the consignment is more than £10.00 but not more than £100.00	7.50
(c) the value of the consignment is more than £100.00 but not more than £250.00	20.00
(d) the value of the consignment is more than £250.00	26.00
6. Pre-export inspection of and the issue of a certificate for the export of a consignment of bulbs, plants and plant products for botanical research where:	
(a) the value of the consignment is up to and including £10.00	1.00
(b) the value of the consignment is more than £10.00 but not more than £100.00	7.50
(c) the value of the consignment is more than £100.00 but not more than £250.00	20.00
(d) the value of the consignment is more than £250.00	26.00
7. The issue of a certificate for the export of a consignment of frozen vegetables, frozen fruit, tea and other processed plant products	17.00
8. Pre-export inspection of and the issue of a certificate for the export of used agricultural machinery (such inspection being for trace of soil or plant debris)	62.00
9. Pre-export consignment testing of one soil sample for the presence of potato cyst nematodes and for the issue of a certificate for the export of seed potatoes where such testing is necessary	30.50
10. Growing Season Inspection (Per Day)	
(a) Outdoor plants:–	
(i) first 0.4 ha or part thereof	45.00

<i>Column 1</i> <i>Service</i>	<i>Column 2</i> <i>Fee</i> <i>£</i>
(ii) each additional 0.4 ha	23.00
(b) Indoor plants–	
(i) first 5,000 or part thereof	45.00
(ii) each additional 5,000 or part thereof up to 70,000 per day	23.00
(c) Bulbs–	
(i) first 0.5 ha or part thereof	45.00
(ii) each additional 0.5 ha or part thereof	23.00
11. Pre-export testing of potato tuber samples	
(a) for potato brown rot and ring rot–	
(i) Brown rot visual test	45.00
(ii) Brown rot latent test	135.00
(iii) Ring rot latent test	135.00
(iv) Ring rot and Brown rot latent test	140.00
(b) for gangrene	62.10
(c) for potato viruses	
(i) (aa) growing on test (150 tubers tested for 2 viruses)	165.00
(bb) testing for additional viruses (per virus)	7.50
(ii) (aa) direct tuber test (150 tubers tested for 2 viruses)	195.00
(bb) testing for additional viruses (per virus)	15.00
(iii) (aa) leaf sample test (100 leaves tested for 4 viruses)	45.00
(bb) testing for additional viruses (per virus)	3.00
12. Pre-export testing for potato spindle tuber viroid (PSTVd) (per hour)	51.93
13. Any other pre-export laboratory testing, other than seed testing (per hour)	40.64

<i>Column 1</i> <i>Service</i>	<i>Column 2</i> <i>Fee</i> <i>£</i>
14. Application for a phytosanitary certificate in respect of seed samples:	
(a) where the value of the consignment is up to £200	20.00
(b) where the value of the consignment is over £200	25.00
15. Growing season inspection for seed crop (per hour)	36.00
16. Pre-export seed testing (per hour)	30.00
17. Issue of a reforwarding phytosanitary certificate	5.00

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which extends to Scotland only, makes provision for the issue of phytosanitary certificates and reforwarding phytosanitary certificates and for the provision of related services for the export of plants, plant products or other objects to third countries.

Phytosanitary certificates and reforwarding phytosanitary certificates are required to accompany exports of certain plants, plant products or other objects to third countries.

The Order prescribes fees for the issue of these certificates and for these services (article 4 and the Schedule). The services are performed in connection with applications received for the issue of phytosanitary certificates or reforwarding phytosanitary certificates in accordance with the provisions of the Plant Health (Great Britain) Order 1993 (article 3). The Order authorises an inspector to enter onto premises for the purpose of carrying out examinations under the Order (article 3(3)).

Provision is made in the Order for offences in relation to procuring the issue of a phytosanitary certificate or reforwarding phytosanitary certificate (article 5).

The fees prescribed by this Order are necessary to recover the costs expected to be incurred in the provision of the export services.

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The Plant Health (Export Certification) (Scotland) Order 2004

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