

2019 No. 425

PLANT HEALTH

**The Plant Health (Import Inspection Fees) (Scotland)
Amendment (No. 2) Regulations 2019**

Made - - - - *17th December 2019*
Laid before the Scottish Parliament *19th December 2019*
Coming into force - - *22nd February 2020*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 56(1) and (2) of the Finance Act 1973(a) and all other powers enabling them to do so.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Plant Health (Import Inspection Fees) (Scotland) Amendment (No. 2) Regulations 2019 and come into force on 22 February 2020.

(2) These Regulations extend to Scotland only.

Amendment of the Plant Health (Import Inspection Fees) (Scotland) Regulations 2014

2.—(1) The Plant Health (Import Inspection Fees) (Scotland) Regulations 2014(b) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) omit the definition of “applicable checks”,

(b) insert in the appropriate places—

““documentary check” has the same meaning as in Article 13a(1)(b)(i) of the Directive,”

““Europe” includes Albania, Andorra, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Canary Islands, Faeroe Islands, Georgia, Iceland, Liechtenstein, 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,”

(a) 1973 c.51. The reference to a Government department in section 56(1) is to be read as a reference to the Scottish Administration by virtue of article 2(2) of the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820) and the functions of the Minister transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46). The requirement to obtain the consent of the Treasury was removed by section 55 of the Scotland Act 1998. Section 56(1) was amended by article 6(1)(e) of the Treaty of Lisbon (Changes of Terminology) Order 2011 (S.I. 2011/1043).

(b) S.S.I. 2014/338, as amended by S.S.I. 2015/392, S.S.I. 2017/6, S.S.I. 2018/22, S.S.I. 2019/28 and S.S.I. 2019/421.

““European Union” means the territories of the Member States including the Isle of Man and the Channel Islands but excluding Canary Islands, Ceuta, Melilla, Guadeloupe, French Guiana, Martinique, Réunion, Saint-Barthélemy and Saint-Martin”,

““identity check” has the same meaning as in Article 13a(1)(b)(ii) of the Directive,”,

(c) for the definition of “third country” substitute—

““third country” means any country or territory other than—

(a) one within the European Union,

(b) Switzerland.”.

(3) In regulation 3 (application of the import inspection fee), for paragraph (1) substitute—

“(1) An importer of a consignment to which this regulation applies must pay to the Scottish Ministers the fees specified in regulation 4.”

(4) In regulation 4 (fees)—

(a) in paragraph (1), for “applicable checks” substitute “a plant health check”,

(b) in paragraph (2)—

(i) for each time “plants or plant products” appears substitute “plants, plant products or other objects”,

(ii) for “applicable checks” substitute “a plant health check”,

(c) after paragraph 2, insert—

“(3) The fee specified for a documentary check or an identity check carried out is the fee specified for that check in the third column of schedule 2A.”

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

“SCHEDULE 1

Regulations 3 and 4(1)

IMPORT INSPECTION FEES FOR PLANT HEALTH CHECKS

Item	Plant, plant product or other object	Quantity	*Fees	
			Normal working hours	Outside normal working hours
1	Cuttings, seedlings (except forestry reproductive material), young plants of strawberries or of vegetables	up to 10,000 in number	£30	£54
		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)	up to 1,000 in number	£30	£54
		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	Bulbs, corms, rhizomes, tubers, intended for planting (other than tubers of potatoes)	Per consignment— up to 200kg in weight	£30	£54
		for each additional 10kg (or part thereof)	£0.20 up to a maximum of £168	£0.40 up to a maximum of £318
4	Seeds, tissues cultures	Per consignment— up to 100kg in weight	£30	£54
		for each additional 10kg (or part thereof)	£0.50 up to a maximum of	£0.90 up to a maximum of

			£168	£318
5	Other plants intended for planting, not specified elsewhere in this table	Per consignment— up to 5,000 in number	£30	£54
		for each additional 100 units (or part thereof)	£0.20 up to a maximum of £168	£0.40 up to a maximum of £318
6	Cut flowers	Per consignment— up to 20,000 in number	£30	£54
		for each additional 1,000 units (or part thereof)	£0.20 up to a maximum of £168	£0.30 up to a maximum of £318
7	Branches with foliage, parts of conifers (other than cut Christmas trees)	Per consignment— up to 200kg in weight	£30	£54
		for each additional 100kg (or part thereof (or part thereof)	£1.80 up to a maximum of £168	£3.60 up to a maximum of £318
8	Cut Christmas trees	Per consignment— up to 1,000 in number	£30	£54
		for each additional 100 units (or part thereof)	£1.80 up to a maximum of £168	£3.60 up to a maximum of £318
9	Leaves of plants, such as herbs, spices and leafy vegetables	Per consignment— up to 100kg in weight	£30	£54
		for each additional 10kg (or part thereof)	£1.80 up to a maximum of £168	£3.60 up to a maximum of £318
10	Fruits, vegetables (other than leafy vegetables)	Per consignment— up to 25,000kg in weight	£30	£54
		for each additional 1,000kg (or part thereof)	£0.80	£1.50
11	Tubers of potatoes	Per lot— up to 25,000kg in weight	£64	£96
		for each additional 25,000kg in weight (or part thereof)	£52	£78
12	Soil and growing medium, bark	Per consignment— up to 25,000kg in weight	£30	£54
		for each additional 1,000kg (or part thereof)	£0.80 up to a maximum of £168	£1.50 up to a maximum of £318
13	Grain	Per consignment— up to 25,000kg in weight	£30	£54
		for each additional 1,000kg (or part thereof)	£0.80 up to a maximum of £168	£1.50 up to a maximum of £318
14	Other plants or plant products not specified elsewhere in this table	Per consignment	£30	£54

15	Machinery and vehicles which have been operated for agricultural or forestry purposes	Per consignment	£30	£54
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* Fees include: travel costs (weekday/weekend rate - based on average costs) and the cost of physical inspection, which depends on the type and size of import.

Note: fees are rounded up to the nearest pound, with the exception of the additional quantity values which are rounded up to the nearest decimal point”.

(6) For schedule 2 (reduced import inspection fees for plant health checks), substitute—

“SCHEDULE 2

Regulations 3 and 4(2)

REDUCED IMPORT INSPECTION FEES FOR PLANT HEALTH CHECKS

Item	Product	Quantity	Country of Origin	*Fees	
				Normal working hours	Outside normal working hours
Cut Flowers	Aster	up to 20,000 in number	Zimbabwe	£25.50	£45.00
		for each additional 1,000 units		£0.15	£0.23
		maximum price		£120.00	£234.00
	Dianthus	up to 20,000 in number	Columbia	£12.60	£19.10
			Ecuador, Turkey	£14.70	£23.40
			Kenya	£12.90	£19.80
		for each additional 1,000 units	Columbia	£0.01	£0.01
			Ecuador, Turkey	£0.03	£0.05
			Kenya	£0.01	£0.02
		maximum price	Columbia	£16.40	£26.70
			Ecuador, Turkey	£33.60	£61.20
			Kenya	£19.20	£32.40
	Phoenix	up to 20,000 in number	Costa Rica	£21.00	£36.00
		for each additional 1,000 units		£0.10	£0.15
		maximum price		£84.00	£162.00
	Rosa	up to 20,000 in number	Columbia	£12.60	£19.10
			Ecuador	£12.20	£18.40
			Ethiopia	£12.90	£19.80
			Kenya, Zambia	£13.80	£21.60
			Tanzania	£21.00	£36.00
		for each additional 1,000 units	Columbia	£0.01	£0.01
			Ecuador	£0.01	£0.01
			Ethiopia	£0.01	£0.02
			Kenya, Zambia	£0.02	£0.03
maximum price		Tanzania	£0.10	£0.15	
		Columbia	£16.40	£26.70	
Ecuador	£13.40	£20.90			

			Ethiopia	£19.20	£32.40
			Kenya, Zambia	£26.40	£46.80
			Tanzania	£84.00	£162.00
Fruit	<i>Actinidia</i>	up to 25,000kg in weight	Any third country	£12.90	£19.80
		for each additional 1,000kg		£0.04	£0.08
	<i>Carica papaya</i>	up to 25,000kg in weight	Any third country	£12.90	£19.80
		for each additional 1,000kg		£0.04	£0.08
	<i>Citrus</i>	up to 25,000kg in weight	Egypt	£25.50	£45.00
			Mexico	£21.00	£36.00
			Morocco, Turkey	£12.60	£19.10
			Peru	£13.80	£21.60
			USA	£16.50	£27.00
		for each additional 1,000kg	Egypt	£0.60	£1.13
			Mexico	£0.40	£0.75
			Morocco, Turkey	£0.03	£0.05
			Peru	£0.08	£0.15
			USA	£0.20	£0.38
	<i>Cydonia</i>	up to 25,000kg in weight	Any third country in Europe	£12.90	£19.80
		for each additional 1,000kg		£0.04	£0.08
	<i>Fragaria</i>	up to 25,000kg in weight	Any third country	£12.90	£19.80
		for each additional 1,000kg		£0.04	£0.08
	<i>Malus</i>	up to 25,000kg in weight	Argentina	£18.30	£30.60
			Brazil	£21.00	£36.00
			Chile, Any third country in Europe, South Africa	£12.90	£19.80
			New Zealand	£13.80	£21.60
		for each additional 1,000kg	Argentina	£0.28	£0.53
			Brazil	£0.40	£0.75
			Chile, South Africa	£0.04	£0.08
			New Zealand	£0.08	£0.15
	<i>Mangifera</i>	up to 25,000kg in weight	Brazil	£21.00	£36.00
		for each additional 1,000kg		£0.40	£0.75
<i>Passiflora</i>	up to 25,000kg in weight	Columbia	£13.30	£20.60	
		Kenya, Vietnam	£16.50	£27.00	
		South Africa	£21.00	£36.00	
		Zimbabwe	£25.50	£45.00	
	for each additional 1,000kg	Columbia	£0.06	£0.11	
		Kenya, Vietnam	£0.20	£0.38	
		South Africa	£0.40	£0.75	
Zimbabwe	£0.60	£1.13			
<i>Persea americana</i>	up to 25,000kg in weight	Any third country	£12.90	£19.80	
	for each additional 1,000kg		£0.04	£0.08	
<i>Prunus</i>	up to 25,000kg in weight	Argentina	£25.50	£45.00	
		Chile	£13.80	£21.60	
		Any third country in Europe	£12.90	£19.80	
		Morocco	£21.00	£36.00	
		Turkey	£18.30	£30.60	
	for each additional 1,000kg	Argentina	£0.60	£1.13	

			Chile	£0.08	£0.15
			Any third country in Europe	£0.04	£0.08
			Morocco	£0.40	£0.75
			Turkey	£0.28	£0.53
	<i>Prunus – other than P. persica</i>	up to 25,000kg in weight for each additional 1,000kg	South Africa	£13.80	£21.60
				£0.08	£0.15
	<i>Pyrus</i>	up to 25,000kg in weight	Argentina, Chile	£14.70	£23.40
			China	£21.00	£36.00
			Any third country in Europe	£12.90	£19.80
			South Africa	£13.80	£21.60
		for each additional 1,000kg	Argentina, Chile	£0.12	£0.23
			China	£0.40	£0.75
			Any third country in Europe	£0.04	£0.08
			South Africa	£0.08	£0.15
	<i>Ribes</i>	up to 25,000kg in weight for each additional 1,000kg	Any third country in Europe	£12.90	£19.80
				£0.04	£0.08
	<i>Rebus</i>	up to 25,000kg in weight for each additional 1,000kg	Any third country	£12.90	£19.80
				£0.04	£0.08
	<i>Vaccinium</i>	up to 25,000kg in weight	Argentina	£16.50	£27.00
			Any third country in Europe	£12.90	£19.80
			Chile, Peru	£13.80	£21.60
		for each additional 1,000kg	Argentina	£0.20	£0.38
			Any third country in Europe	£0.04	£0.08
			Chile, Peru	£0.08	£0.15
<i>Vitis</i>	up to 25,000kg in weight for each additional 1,000kg	Any third country	£12.90	£19.80	
			£0.04	£0.08	
Vegetables	<i>Solanum lycopersicon</i>	up to 25,000kg in weight for each additional 1,000kg	Canary Islands, Morocco	£12.90	£19.80
			Canary Islands, Morocco	£0.04	£0.08
	<i>Solanum melongena</i>	up to 25,000kg in weight for each additional 1,000kg	Turkey	£14.70	£23.40
				£0.12	£0.23
Other Object	Machinery and vehicles which have been operated for agricultural or forestry purposes	Per consignment	Any third country	£12.90	£19.80

*Fees include: travel costs (weekday/weekend based on average costs) and the cost of physical inspection, which depends on the type and size of import and the country of origin.

Note: fees are rounded up to the nearest decimal point, with the exception of the additional quantity values which are rounded up to the nearest penny”.

(7) After schedule 2 (reduced import inspection fees for plant health checks), insert—

“SCHEDULE 2A Regulations 3 and 4(3)
**IMPORT INSPECTION FEES FOR DOCUMENTARY CHECKS
AND IDENTITY CHECKS**

<i>Check</i>	<i>Quantity</i>	<i>Fee</i>
Documentary check	Per consignment	£6.00
Identity check	Per consignment	£6.00”.

Revocation

3. Regulation 2 of the Plant Health (Import Inspection Fees) (Scotland) Amendment Regulations 2019(a) is revoked.

MAIRI GOUGEON
Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
17th December 2019

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Plant Health (Import Inspection Fees) (Scotland) Regulations 2014 (“the principal Regulations”).

Regulation 2(2) makes amendments to definitions used in the principal Regulations.

Regulation 2(3) and (4) make changes to regulations 3 and 4 of the principal Regulations to make separate provision for the charging of (i) fees for plant health checks and (ii) fees for document and identity checks.

Regulation 2(5) substitutes schedule 1 of the principal Regulations which previously made provision for document and identity checks as well as for plant health checks. The new schedule 1 makes provision for fees for plant health checks only.

Article 13d of Council Directive 2000/29/EC (OJ L 169, 10.7.2000, p.1) (“the Directive”) requires a Member State to ensure the collection of fees to cover the costs occasioned by the documentary checks, identity checks and plant health checks of certain imports of plants, plant products and other objects from third countries which are required by Article 13a(1) of the Directive. Pursuant to Article 2 of Commission Regulation (EC) 1756/2004 (OJ L 313, 12.10.2004, p.6), the European Commission notifies Member States of plants and plant products which should be subject to reduced inspection and of the rate of such inspection. Regulation 2(6) substitutes schedule 2 of the principal Regulations to take account of the most recent Commission Notification on reduced inspections rates as published on the following website:

https://ec.europa.eu/food/plant/plant_health_biosecurity/non_eu_trade/less_frequent_checks_en

The table provides a comparison of changes made to the fees in schedule 2 of the principal Regulations:

TABLE A

<i>Genus</i>	<i>Country of origin</i>	<i>Previous rate of inspection</i>	<i>Previous fee⁽ⁱ⁾</i>	<i>New rate of inspection</i>	<i>New fee, specified in Schedule 2⁽ⁱ⁾</i>
Fruit					
<i>Actinidia</i>	Any third country	New	-	5%	£12.90
<i>Carica</i>	Any third country	New	-	5%	£12.90
<i>Citrus</i>	Mexico	100%	£30.00	50%	£21.00
<i>Citrus</i>	Tunisia	75%	£25.50	100% ⁽ⁱⁱ⁾	£30.00
<i>Citrus limon, C aurantiifolid</i>	Israel	25%	£16.50	100% ⁽ⁱⁱ⁾	£30.00
<i>Cydonia</i>	Any third country in Europe	New	-	5%	£12.90
<i>Fragaria</i>	Any third country	New	-	5%	£12.90
<i>Malus</i>	Any third country in Europe	New	-	5%	£12.90
<i>Passiflora</i>	South Africa	35%	£18.30	50%	£21.00
<i>Passiflora</i>	Zimbabwe	50%	£21.00	75%	£25.50
<i>Persea</i>	Any third	New	-	5%	£12.90

<i>americana</i>	country				
<i>Prunus</i>	Any third country in Europe	New	-	5%	£12.90
<i>Prunus</i>	USA	50%	£21.00	100% ⁽ⁱⁱ⁾	£30.00
<i>Prunus, other than P. persica</i>	South Africa	5%	£12.90	10%	£13.80
<i>Pyrus</i>	Any third country in Europe	New	-	5%	£12.90
<i>Ribes</i>	Any third country in Europe	New	-	5%	£12.90
<i>Rubus</i>	Any third country	New	-	5%	£12.90
<i>Vaccinium</i>	Any third country in Europe	New	-	5%	£12.90
<i>Vaccinium</i>	Chile	New	-	10%	£13.80
<i>Vaccinium</i>	Peru	New	-	10%	£13.80
<i>Vitis</i>	Any third country	New	-	5%	£12.90
Vegetables					
<i>Solanum melongena</i>	Turkey	25%	£16.50	15%	£14.70
Machinery and vehicles which have been operated for agricultural or forestry purposes					
Machinery and vehicles	Any third country	New	-	5%	£12.90

- (i) Initial fee per consignment for cut flowers (up to 20,000 in number) and fruit and vegetables (up to 25,000 kg in weight). Corresponding fees are set in the principal Regulations for additional quantities, maximum price per consignment and inspections carried out outside normal working hours. The fee amount stated is the previous fee for the plant health check only. The amount stated does not include the £12 fee for document and identity checks which was previously included in the fee total.
- (ii) Consignments subject to an inspection rate of 100% are excluded from the reduced rate inspection scheme and are subject to the import inspection fees specified in schedule 1 of the principal Regulations.

Regulation 2(7) inserts a new schedule 2A into the principal Regulations which makes separate provision for the charging of fees for document and identity checks.

Regulation 3 revokes regulation 2 of the Plant Health (Import Inspection Fees) (Scotland) Amendment Regulations 2019.

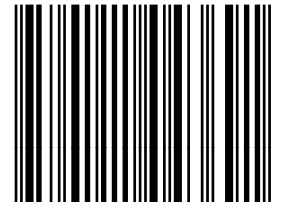
No business or regulatory impact assessment has been prepared for this instrument as it has limited impact on the cost of business.

£6.90

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