

2024 No. 86

PLANT HEALTH

**The Plant Health (Export Certification) (Scotland) Amendment
Order 2024**

<i>Made</i>	- - - -	<i>19th March 2024</i>
<i>Laid before the Scottish Parliament</i>		<i>21st March 2024</i>
<i>Coming into force</i>	- -	<i>18th May 2024</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 3(1) and 4A of the Plant Health Act 1967(a) and all other powers enabling them to do so.

Citation and commencement

1. This Order may be cited as the Plant Health (Export Certification) (Scotland) Amendment Order 2024 and comes into force on 18 May 2024.

Amendment of the Plant Health (Export Certification) (Scotland) Order 2018

- 2.—(1) The Plant Health (Export Certification) (Scotland) Order 2018(b) is amended as follows.
- (2) In article 4(1), 4(2)(a) and 4(4) (fees for export certification services), for “schedule”, substitute “schedule 1”.
- (3) After article 4 (fees for export certification services) insert—

“Fees for services in connection with delegation of inspection functions

4A.—(1) Where the Scottish Ministers delegate inspection functions related to the issue of a phytosanitary certificate under Article 28 of Regulation (EU) 2017/625(c), the person to whom those functions are delegated must pay to the Scottish Ministers the fee prescribed in column 3 of the table in schedule 2 that corresponds to either a service described in column 2 of the table, which has been performed by an inspector in connection with the delegation of functions, or the issue of a phytosanitary certificate.

(2) Where paragraph (1) applies, no fees are charged where all goods transported pursuant to the delegation are moved exclusively to Northern Ireland.

(a) 1967 c. 8 (“the 1967 Act”). Section 3(1) of the 1967 Act was amended by section 4 and paragraph 8 of schedule 4 of the European Communities Act 1972 (c. 68) and S.I. 2020/1482. Section 4A of the 1967 Act was inserted by section 3 of the Agriculture Act 1986 (c. 49). Section 1(2) of the 1967 Act specifies the competent authorities for the purposes of that Act. The functions of the Secretary of State insofar as exercisable within devolved competence 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.S.I. 2018/132, relevantly amended by S.S.I. 2020/466 and S.S.I. 2021/88.

(c) Article 28 was amended by S.I. 2020/1481.

(3) In this article, “Regulation (EU) 2017/625” means Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products^(a).”.

(4) Renumber the schedule (applications for certificates: table of fees) as schedule 1.

(5) After schedule 1, insert schedule 2 as set out in the schedule of this Order.

LORNA SLATER

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
19th March 2024

(a) EUR 2017/625, relevantly amended by S.I. 2020/1481.

SCHEDULE

Article 2(5)

“SCHEDULE 2

Article 4A

Services associated with the delegation of functions of the Scottish Ministers: table of fees

<i>Column 1 No.</i>	<i>Column 2 Service</i>	<i>Column 3 Fee</i>
1	Initial site visit (training, assessment and authorisation)	£328.00 per authorised site
2	Auditing/monitoring	£191.00 per audit
3	Issue of certificate	£25.00 per phytosanitary certificate”

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under sections 3(1) and 4A of the Plant Health Act 1967 and makes provision in the area of plant health fees.

Article 2 amends the Plant Health (Export Certification) (Scotland) Order 2018 introducing fees associated with the delegation of inspection functions in relation to the issuance of phytosanitary certificates. These fees are specified in a new schedule 2 of the 2018 Order.

A partial business and regulatory impact assessment has been prepared for this Order and has been placed in the Scottish Parliament Information Centre. Copies may be obtained from the Scottish Government, Directorate for Agriculture and Rural Economy, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD or at <http://www.gov.scot/Publications/2017/12/2001/348911>.

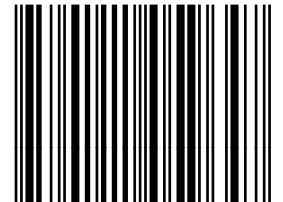
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