
STATUTORY INSTRUMENTS

1997 No. 1421

**FEES AND CHARGES
WILDLIFE**

**The Control of Trade in Endangered
Species (Fees) Regulations 1997**

<i>Made</i>	- - - -	<i>5th June 1997</i>
<i>Laid before Parliament</i>		<i>9th June 1997</i>
<i>Coming into force</i>	- -	<i>1st July 1997</i>

The Secretary of State, in exercise of the powers conferred by section 56(1) and (2) of the Finance Act 1973(1) with the consent of the Treasury, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Control of Trade in Endangered Species (Fees) Regulations 1997 and shall come into force on 1st July 1997.

Interpretation

2.—(1) In these Regulations—

“Department” means the Department of the Environment; and

“Principal Regulation” means Council Regulation (EC) No. 338/97(2) on the protection of species of wild fauna and flora by regulating trade therein.

(2) Unless the context otherwise requires, expressions used in these Regulations, and which are also used in the Principal Regulation, shall have the meaning they bear in that Regulation.

(3) For the purposes of these Regulations, a specimen is imported, exported or re-exported for commercial purposes if it is imported, exported or re-exported for use in the course of a trade or business carried on for profit.

(1) 1973 c. 51.
(2) OJ No. L61, 3.3.1997, p.1.

Prescription of fees

3.—(1) Subject to paragraph (2) below, the fees specified in column 2 of the Schedule to these Regulations are hereby prescribed as the fees payable in connection with the services provided by the Department in pursuance of the United Kingdom's Community obligations arising from Articles 4 and 5 of the Principal Regulation, each fee specified in column 2 of that Schedule being the fee payable in connection with the service specified alongside that fee in column 1 of that Schedule.

(2) The Department may waive the fee where the application relates to import, export or re-export which is not for commercial purposes and from which conservation benefits will accrue to the species to which the application relates.

(3) The Schedule to these Regulations shall have effect subject to the Notes to that Schedule which identify special cases.

Payment of fees

4. A fee payable under regulation 3 above shall be paid to the Department at the same time as the application to which it relates is made to the Department.

Payment into the Consolidated Fund

5. Fees paid to the Department under these Regulations shall be paid into the Consolidated Fund.

Signed by authority of the Secretary of State

3rd June 1997

Michael Meacher
Minister of State,
Department of the Environment

We consent to the making of these Regulations

5th June 1997

Bob Ainsworth
Jon Owen Jones
Two of the Lords Commissioners of Her
Majesty's Treasury

SCHEDULE

Regulation 3

PRESCRIBED FEES

<i>Column 1</i> <i>Description of Service</i>	<i>Column 2</i> <i>Fee</i>
<p>1. Evaluation and processing of an application for an import permit under Article 4 of the Principal Regulation:</p> <p>(a) application in respect of fewer than five plant genera where the import is for commercial purposes;</p> <p>(b) (b) application in respect of five or more plant genera where the import is for commercial purposes;</p> <p>(c) (c) application in respect of any number of plant genera where the import is not for commercial purposes;</p> <p>(d) (d) application in respect of fewer than five animal species where the import is for commercial purposes;</p> <p>(e) (e) application in respect of five or more animal species where the import is for commercial purposes;</p> <p>(f) (f) application in respect of any number of animal species where the import is not for commercial purposes.</p> <p>2. Evaluation and processing of an application to export or re-export specimens under Article 5 of the Council Regulation:</p> <p>(a) application in respect of fewer than five plant genera where the export or re-export is for commercial purposes;</p> <p>(b) (b) application in respect of five or more plant genera where the export or re-export is for commercial purposes;</p> <p>(c) (c) application in respect of any number of plant genera where the export or re-export is not for commercial purposes;</p>	<p>£7 per genus</p> <p>£5 per genus</p> <p>£5 per genus</p> <p>£10 per species</p> <p>£8 per species</p> <p>£5 per species</p> <p>£7 per genus</p> <p>£5 per genus</p> <p>£5 per genus</p>
<p>Notes For the purposes of this Schedule—</p> <p>(a) an application to import specimens from more than one country will be treated as separate applications to import from each country;</p> <p>(b) an application which is for import, export or re-export both for commercial purposes and for purposes which are not commercial will be treated as a separate application in relation to each purposes; and</p> <p>(c) an application in respect of coral will be treated in the same way as an application in respect of a plant.</p>	

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<i>Column 1</i> <i>Description of Service</i>	<i>Column 2</i> <i>Fee</i>
(d) (d) application in respect of fewer than five animal species where the export or re-export is for commercial purposes;	£10 per species
(e) (e) application in respect of five or more animal species where the export or re-export is for commercial purposes;	£8 per species
(f) (f) application in respect of any number of animal species where the export or re-export is not for commercial purposes.	£5 per species

Notes

For the purposes of this Schedule—

- (a) an application to import specimens from more than one country will be treated as separate applications to import from each country;
- (b) an application which is for import, export or re-export both for commercial purposes and for purposes which are not commercial will be treated as a separate application in relation to each purposes; and
- (c) an application in respect of coral will be treated in the same way as an application in respect of a plant.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe fees to be paid to the Department of the Environment in connection with the issue of certain permits and certificates by the Department in pursuance of the Community obligations of the United Kingdom under Council Regulation (EC) No. 338/97 (OJ No. L61, 3.3.97, p.1) (“the Principal Regulations”) on the protection of species of wild fauna and flora by regulating trade therein.

The services in connection with which fees are prescribed in these Regulations are as follows:

- (a) the evaluation and processing of an application for an import permit under Article 4 of the Principal Regulation (item 1 of the Schedule to these Regulations);
- (b) the evaluation and processing of an application for an export permit or re-export certificate under Article 5 of the Principal Regulation (item 2 of the Schedule to these Regulations).

The fees are set out in the Schedule to these Regulations, which must be read with the Notes at the end (regulation 3(3)). Provision is made for the waiver of the fee, at the Department’s discretion, where the import, export or re-export to which the application relates is not for commercial purposes and conservation benefits will accrue to the species to which the application relates (regulation 3(2)). The time at which the prescribed fees must be paid is governed by regulation 4.

A compliance cost assessment has been prepared in respect of both these Regulations and the Principal Regulation. Copies of this assessment can be obtained from the Department of the

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Environment, Room 806, Tollgate House, Houlton Street, Bristol BS2 9DJ. A copy has been placed in both Houses of Parliament.