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STATUTORY INSTRUMENTS

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**1998 No. 1396**

**SEEDS**

**The Seeds (Fees) (Amendment) Regulations 1998**

<i>Made</i>	- - - -	<i>2nd June 1998</i>
<i>Laid before Parliament</i>		<i>5th June 1998</i>
<i>Coming into force</i>	- -	<i>1st July 1998</i>

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred by sections 16(1), (1A)(e) and (8) and 36 of the Plant Varieties and Seeds Act 1964<sup>(1)</sup>, after consultation in accordance with the said section 16(1) with representatives of such interests as appear to them to be concerned, hereby make the following Regulations:

**Title and commencement**

1. These Regulations may be cited as the Seeds (Fees) (Amendment) Regulations 1998 and shall come into force on 1st July 1998.

**Amendment**

2. For Schedules 1 to 6 to the Seeds (Fees) Regulations 1985<sup>(2)</sup> there shall be substituted the Schedules set out in the Schedule to these Regulations.

2nd June 1998

*Donoghue*  
Parliamentary Secretary, Ministry of Agriculture,  
Fisheries and Food

1st June 1998

*Sewel*  
Parliamentary Under Secretary of State, Scottish  
Office

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(1) 1964 c. 14; section 16 was amended by the European Communities Act 1972 (c. 68) section 4(1) and Schedule 4, paragraph 5(1), (2) and (3); see section 38(1) (as amended by S.I. 1978/272) for a definition of “the Ministers”.  
(2) S.I. 1985/981; relevant amending instruments are S.I. 1990/610 and 1997/1415.

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Signed by authority of the Secretary of State for Wales

1st June 1998

*Win Griffiths*  
Parliamentary Under Secretary of State, Welsh  
Office

## SCHEDULE

Regulation 2

PROVISIONS TO BE SUBSTITUTED FOR THE  
SCHEDULES TO THE SEEDS (FEES) REGULATIONS 1985

## “SCHEDULE 1

Regulation 3

## MATTERS ARISING UNDER THE CEREAL SEEDS REGULATIONS 1993(3)

(1) <i>Matter</i>	(2) <i>When payable</i>	(3) <i>Fee</i> £	£(4)
<b>A. Initial fees</b>			
Initial fee per hectare or part thereof for crops intended to produce:	On application for registration	23.45	(22.35)
(i) pre-basic or basic seed			
(ii) certified seed of the first generation of wheat, durum wheat, spelt wheat, barley, triticale and oats or certified seed of rye and maize		5.90	(5.60)
(iii) certified seed of the second generation of wheat, durum wheat, spelt wheat, barley and oats		5.25	(5.00)
<b>B. Crop inspection fees</b>			
Fee for official examination or re-examination of crops intended to produce pre-basic or basic seed, per hectare or part thereof examined	On application	11.70	(11.15)
<b>C. Seed lot fee</b>			
Fee for the issue of an official certificate in	On application	38.70	(36.85)

(3) S.I. 1993/2005, amended by S.I. 1995/1482 and 1997/616.

(4) The figures in italics are the fees which were charged under the Seeds (Fees) Regulations 1985 (S.I. 1985/981 as amended by S.I. 1997/1415) before the coming into force of the Seeds (Fees) (Amendment) Regulations 1998 on 1st July 1998.

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(1) <i>Matter</i>	(2) <i>When payable</i>	(3) <i>Fee</i> £	£(4)
respect of a seed lot entered as:—			
(i) breeder's, pre-basic or basic seed, certified seed of the first generation of wheat, durum wheat, spelt wheat, barley, triticale, oats or certified seed of rye and maize			
(ii) certified seed of the second generation of wheat, durum wheat, spelt wheat, barley and oats		19.35	(18.45)
<b>D. Seed testing fees</b>			
Fee for an official examination of seed for loose smut infection of wheat, durum wheat, spelt wheat and barley (per thousand embryos examined)	Within one month of demand by or on behalf of the appropriate Minister	34.00	(32.40)
<b>E. Fees for additional tests</b>			
Fee for a Tetrazolium seed viability test in C1 Winter Wheat and C1 Winter Barley	Within one month of demand by or on behalf of the appropriate Minister	39.90	(38.00)

(4) The figures in italics are the fees which were charged under the Seeds (Fees) Regulations 1985 (S.I. 1985/981 as amended by S.I. 1997/1415) before the coming into force of the Seeds (Fees) (Amendment) Regulations 1998 on 1st July 1998.

## SCHEDULE 2

Regulation 3

MATTERS ARISING UNDER THE FODDER PLANT SEEDS REGULATIONS 1993<sup>(5)</sup>

(1) <i>Matter</i>	(2) <i>When payable</i>	(3) <i>Fee</i> £	£ <sup>(6)</sup>
<b>A. Initial fees</b>			
Initial fee per hectare or part thereof for crops intended to produce:	On application for registration	17.60	(16.75)
(i) pre-basic or basic seed of—			
(a) grasses, legumes (except field beans and field peas) and crucifers			
(b) field beans and field peas		15.25	(14.50)
(ii) certified seed of grasses, legumes (except field beans and field peas) and crucifers		8.25	(7.85)
(iii) certified seed of the first and second generation of field beans and field peas		7.05	(6.70)
<b>B. Crop inspection fee</b>			
Fee for official examination or re-examination of crops intended to produce pre-basic or basic seed, per hectare or part thereof examined (including crops of	On application	11.70	(11.15)

(5) S.I. 1993/2009, amended by S.I. 1993/2529, 1996/1453 and 1997/616.

(6) The figures in italics are the fees which were charged under the Seeds (Fees) Regulations 1985 (S.I. 1985/981 as amended by S.I. 1997/1415) before the coming into force of the Seeds (Fees) (Amendment) Regulations 1998 on 1st July 1998.

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(1) <i>Matter</i>	(2) <i>When payable</i>	(3) <i>Fee</i> £	£(6)
hybrid swede rape and hybrid turnip rape)			
<b>C. Seed lot fee</b>			
Fee for the issue of an official certificate in respect of a seed lot entered as:—	On application	31.70	(30.20)
(i) breeder's seed of—			
(a) grasses, legumes (except field beans and field peas) and crucifers			
(b) field beans and field peas		51.60	(49.15)
(ii) pre-basic or basic seed of—		59.85	(57.00)
(a) grasses, legumes (except field beans and field peas) and crucifers			
(b) field beans and field peas		51.60	(49.15)
(iii) certified seed of grasses, legumes (except field beans and field peas) and crucifers		59.85	(57.00)
(iv) certified seed of the first and second generation of field beans and field peas		48.10	(45.80)

(6) The figures in italics are the fees which were charged under the Seeds (Fees) Regulations 1985 (S.I. 1985/981 as amended by S.I. 1997/1415) before the coming into force of the Seeds (Fees) (Amendment) Regulations 1998 on 1st July 1998.

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(1) <i>Matter</i>	(2) <i>When payable</i>	(3) <i>Fee</i> £	£(6)
(v) Commercial seed of the kinds for the time being specified in regulation 3(3) of the Fodder Plant Seeds Regulations 1993		52.80	(50.30)

## SCHEDULE 3

Regulation 3

## MATTERS ARISING UNDER THE OIL AND FIBRE PLANT SEEDS REGULATIONS 1993(7)

(1) <i>Matter</i>	(2) <i>When payable</i>	(3) <i>Fee</i> £	£(8)
<b>A. Initial fees</b>			
Initial fee per hectare or part thereof for crops intended to produce:	On application for registration	25.85	(24.60)
(i) pre-basic or basic seed			
(ii) all other categories of seed		12.35	(11.75)
<b>B. Crop inspection fees</b>			
Fee for official examination or re-examination of crops intended to produce pre-basic or basic seed, per hectare or part thereof examined	On application	11.70	(11.15)
<b>C. Seed lot fee</b>			
Fee for the issue of an official certificate in respect of a seed lot entered as:—	On application	46.95	(44.70)

(6) The figures in italics are the fees which were charged under the Seeds (Fees) Regulations 1985 (S.I. 1985/981 as amended by S.I. 1997/1415) before the coming into force of the Seeds (Fees) (Amendment) Regulations 1998 on 1st July 1998.

(7) S.I. 1993/2007, amended by S.I. 1994/1423, 1996/1451 and 1997/616.

(8) The figures in italics are the fees which were charged under the Seeds (Fees) Regulations 1985 (S.I. 1985/981 as amended by S.I. 1997/1415) before the coming into force of the Seeds (Fees) (Amendment) Regulations 1998 on 1st July 1998.

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(1) <i>Matter</i>	(2) <i>When payable</i>	(3) <i>Fee</i> £	£(8)
(i) breeder's, pre-basic or basic seed			
(ii) all other categories of seed		46.95	(44.70)
<b>D. Seed testing fees</b>			
Fee for an official examination of seed for:—	Within one month of demand by or on behalf of the appropriate Minister	39.85	(37.95)
(i) sunflower for <i>Botrytis</i> spp			
(ii) flax and linseed for:—		32.80	(31.25)
(a) <i>Alternaria</i> spp			
(b) <i>Phoma exigua</i> var. <i>linicola</i>			
(c) <i>Colletotrichum lini</i>			
(d) <i>Fusarium</i> spp			
(e) <i>Botrytis</i> spp			

## SCHEDULE 4

Regulation 3

## MATTERS ARISING UNDER THE BEET SEEDS REGULATIONS 1993(9)

(1) <i>Matter</i>	(2) <i>When payable</i>	(3) <i>Fee</i> £	£(10)
<b>A. Initial fees</b>			
Initial fee per hectare or part thereof for	On application for registration	30.50	(29.05)

(8) The figures in italics are the fees which were charged under the Seeds (Fees) Regulations 1985 (S.I. 1985/981 as amended by S.I. 1997/1415) before the coming into force of the Seeds (Fees) (Amendment) Regulations 1998 on 1st July 1998.

(9) S.I. 1993/2006, amended by S.I. 1997/616.

(10) The figures in italics are the fees which were charged under the Seeds (Fees) Regulations 1985 (S.I. 1985/981 as amended by S.I. 1997/1415) before the coming into force of the Seeds (Fees) (Amendment) Regulations 1998 on 1st July 1998.



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(1) <i>Matter</i>	(2) <i>When payable</i>	(3) <i>Fee</i> £	£(10)
crops intended to produce:			
(i) pre-basic or basic seed			
(ii) certified seed		14.10	(13.45)
<b>B. Crop inspection fees</b>			
Fee for official examination or re-examination of crops intended to produce pre-basic or basic seed, per hectare or part thereof examined	On application	11.70	(11.15)
<b>C. Seed lot fee</b>			
Fee for the issue of an official certificate in respect of a seed lot entered as:—	On application	57.50	(54.75)
(i) pre-basic or basic seed			
(ii) certified seed		56.30	(53.60)

## SCHEDULE 5

Regulation 3

## MATTERS ARISING UNDER THE VEGETABLE SEEDS REGULATIONS 1993(11)

(1) <i>Matter</i>	(2) <i>When payable</i>	(3) <i>Fee</i> £	£(12)
<b>A. Initial fees</b>			
Initial fee for crops intended to produce:	On application for registration	41.05	(39.10)
(i) pre-basic or basic seed of—			
(a) all kinds, except peas, broad beans,			

(10) The figures in italics are the fees which were charged under the Seeds (Fees) Regulations 1985 (S.I. 1985/981 as amended by S.I. 1997/1415) before the coming into force of the Seeds (Fees) (Amendment) Regulations 1998 on 1st July 1998.

(11) S.I. 1993/2008, amended by S.I. 1996/1452 and 1997/616.

(12) The figures in italics are the fees which were charged under the Seeds (Fees) Regulations 1985 (S.I. 1985/981 as amended by S.I. 1997/1415) before the coming into force of the Seeds (Fees) (Amendment) Regulations 1998 on 1st July 1998.

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(1) <i>Matter</i>	(2) <i>When payable</i>	(3) <i>Fee</i>	<i>£(12)</i>
cucumber, gherkin and tomato, per hectare or part thereof entered			
(b) peas and broad beans per hectare or part thereof entered		25.85	<i>(24.60)</i>
(c) cucumber, gherkin and tomato, per crop entered		41.05	<i>(39.10)</i>
(ii) certified seed of—		22.25	<i>(21.20)</i>
(a) all kinds, except peas, broad beans, cucumber, gherkin and tomato, per hectare or part thereof entered			
(b) peas and broad beans per hectare or part thereof entered		10.55	<i>(10.05)</i>
(c) cucumber, gherkin and tomato, per crop entered		22.25	<i>(21.20)</i>
<b>B. Crop inspection fees</b>			

(12) The figures in italics are the fees which were charged under the Seeds (Fees) Regulations 1985 (S.I. 1985/981 as amended by S.I. 1997/1415) before the coming into force of the Seeds (Fees) (Amendment) Regulations 1998 on 1st July 1998.

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(1) <i>Matter</i>	(2) <i>When payable</i>	(3) <i>Fee</i> £	£(12)
Fee for official examination or re-examination of crops intended to produce:	On application	11.70	(11.15)
(i) A(i)(a) or (b) above, per hectare or part thereof examined			
(ii) A(i)(c) above, per crop examined		11.70	(11.15)
<b>C. Seed lot fee</b>			
Fee for the issue of an official certificate in respect of a seed lot entered	On application	93.85	(89.40)

## SCHEDULE 6

Regulation 3

## MATTERS ARISING UNDER THE SEEDS (REGISTRATION, LICENSING AND ENFORCEMENT) REGULATIONS 1985(13)

(1) <i>Matter</i>	(2) <i>When payable</i>	(3) <i>Fee</i> £	£(14)
<b>A. Representations by, and hearings of, a seed merchant, processor or packer</b>			
(i) Fee for making written representations to the Minister	On making representations	29.35	(27.95)
(ii) Fee for being heard by a person appointed by the Minister	On applying to be heard	58.65	(55.85)
<b>B. Licensed Seed Testing Stations</b>			

(12) The figures in italics are the fees which were charged under the Seeds (Fees) Regulations 1985 (S.I. 1985/981 as amended by S.I. 1997/1415) before the coming into force of the Seeds (Fees) (Amendment) Regulations 1998 on 1st July 1998.

(13) S.I. 1985/980, amended by S.I. 1987/1098, 1990/611 and 1993/2530.

(14) The figures in italics are the fees which were charged under the Seeds (Fees) Regulations 1985 (S.I. 1985/981 as amended by S.I. 1997/1415) before the coming into force of the Seeds (Fees) (Amendment) Regulations 1998 on 1st July 1998.

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(1) <i>Matter</i>	(2) <i>When payable</i>	(3) <i>Fee</i> £	£(14)
(i) Annual fee payable during the currency of the licence (or a proportion thereof in respect of a part of a year)	Within one month of demand by the Minister, annually in advance	1,936.00	(1,844.00)
(ii) Fee payable by a Licensed Seed Testing Station in respect of an official examination of seed	Within one month of demand by the Minister, annually in arrears	4.65	(4.45)''

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which come into force on 1st July 1998, amend the Seeds (Fees) Regulations 1985 (as amended). They prescribe revised fees in respect of matters arising under the Cereal Seeds Regulations 1993 (as amended), the Fodder Plant Seeds Regulations 1993 (as amended), the Oil and Fibre Plant Seeds Regulations 1993 (as amended), the Beet Seeds Regulations 1993 (as amended), the Vegetable Seeds Regulations 1993 (as amended) and the Seeds (Registration, Licensing and Enforcement) Regulations 1985 (as amended) (regulation 2).

The matters in respect of which the revised fees are prescribed are listed in the Schedule to these Regulations, and the fees which were chargeable before these Regulations came into force are printed in italics beside the revised fees.

A uniform increase of 5 per cent. has been applied to all fees and has been rounded to the nearest five pence except in the case of the annual fee for Licensed Seed Testing Stations, which has been rounded to the nearest £1.

A regulatory appraisal has been prepared and placed in the libraries of both Houses of Parliament. Copies can be obtained from the Plant Variety Rights Office and Seeds Division of the Ministry of Agriculture, Fisheries and Food, White House Lane, Huntingdon Road, Cambridge CB3 0LF.

(14) The figures in italics are the fees which were charged under the Seeds (Fees) Regulations 1985 (S.I. 1985/981 as amended by S.I. 1997/1415) before the coming into force of the Seeds (Fees) (Amendment) Regulations 1998 on 1st July 1998.