

2002 No. 1563

SEEDS, ENGLAND

**The Seeds (Fees) (Amendment) (England)
Regulations 2002**

<i>Made</i> - - - - -	<i>12th June 2002</i>
<i>Laid before Parliament</i>	<i>28th June 2002</i>
<i>Coming into force</i> - -	<i>23rd July 2002</i>

The Secretary of State, in exercise of the powers conferred by sections 16(1) and (1A)(e) and 36 of the Plant Varieties and Seeds Act 1964(a), after consultation in accordance with the said section 16(1) with representatives of such interests as appear to her to be concerned, hereby makes the following Regulations:

Title, extent and commencement

1. These Regulations may be cited as the Seeds (Fees) (Amendment) (England) Regulations 2002, shall extend to England and shall come into force on 23rd July 2002.

Amendment

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

12th June 2002

Whitty
Parliamentary Under-Secretary of State,
Department for Environment, Food and Rural Affairs

(a) 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 Minister”. Under the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272), article 2(1) and Schedule 1, the functions of the Minister of Agriculture, Fisheries and Food under the Plant Varieties and Seeds Act 1964 were, so far as they are exercisable in relation to Wales, transferred to the Secretary of State; and under article 2(a) and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) these functions, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales. In respect of the Secretary of State, the functions of the Minister of Agriculture, Fisheries and Food under the Plant Varieties and Seeds Act 1964 were transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food Dissolution Order 2002 (S.I. 2002/794).

(b) S.I. 1985/981; relevant amending instruments are S.I. 1990/610, 1999/1553, 1865 and 2698, 2000/1542 and 2001/2598.

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(a)

<i>(1)</i> <i>Matter</i>	<i>(2)</i> <i>When payable</i>	<i>(3)</i> <i>Fee</i> £	<i>Old fee</i> £(b)
A. Initial fees			
Initial fee per hectare or part thereof for crops intended to produce:	On application for registration		
(i) pre-basic or basic seed		27.15	<i>(25.85)</i>
(ii) certified seed of the first generation of wheat, durum wheat, spelt wheat, barley, triticale and oats or certified seed of rye and maize		6.85	<i>(6.50)</i>
(iii) certified seed of the second generation of wheat, durum wheat, spelt wheat, barley and oats		6.10	<i>(5.80)</i>
B. Crop inspection fees			
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	13.55	<i>(12.90)</i>
Fee for official examination or re-examination of crops produced from seed of a variety entered for but not added to the National List (or to the equivalent list in another Member State) intended to produce certified seed, certified seed of the first generation or certified seed of the second generation, per hectare or part thereof examined.	On application	13.55	<i>(12.90)</i>
C. Seed lot fee			
Fee for the issue of an official certificate (other than in the circumstances described under F. below) in respect of a seed lot entered as:	On application		
(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		44.85	<i>(42.70)</i>
(ii) certified seed of the second generation of wheat, durum wheat, spelt wheat, barley and oats		22.35	<i>(21.30)</i>
D. Seed testing fees			
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	39.40	<i>(37.50)</i>
E. Fees for additional tests			
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	46.20	<i>(44.00)</i>

(a) S.I. 1993/2005, amended by S.I. 1995/1482, 1997/616, 1999/1860 and 2196 and 2000/1793.

(b) The figures in italics are the fees which were charged under these Regulations before the coming into force of the Seeds (Fees) (Amendment) (England) Regulations 2002 (S.I. 2002/1563) on 23rd July 2002.

<i>(1)</i> Matter	<i>(2)</i> When payable	<i>(3)</i> Fee £	<i>Old fee</i> £(a)
F. <i>Seed lot re-entry fee</i>			
Fee for the issue of an official certificate in respect of a seed lot which was entered for one category and has been withdrawn and is being re-entered as:	On application		
(i) pre-basic or basic seed, certified seed of the first generation of wheat, durum wheat, spelt wheat, barley, triticale and oats or certified seed of rye and maize		31.35	<i>(29.85)</i>
(ii) certified seed of the second generation of wheat, durum wheat, spelt wheat, barley and oats		15.65	<i>(14.90)</i>

(a) The figures in italics are the fees which were charged under these Regulations before the coming into force of the Seeds (Fees) (Amendment) (England) Regulations 2002 (S.I. 2002/1563) on 23rd July 2002.

MATTERS ARISING UNDER THE FODDER PLANT SEEDS REGULATIONS
1993(a)

<i>(1)</i> <i>Matter</i>	<i>(2)</i> <i>When payable</i>	<i>(3)</i> <i>Fee</i> £	<i>Old fee</i> £(b)
A. Initial fees			
Initial fee per hectare or part thereof for crops intended to produce:	On application for registration		
(i) pre-basic or basic seed of—			
(a) grasses, legumes (except field beans and field peas) and crucifers		20.40	<i>(19.45)</i>
(b) field beans and field peas		17.65	<i>(16.80)</i>
(ii) certified seed of grasses, legumes (except field beans, field peas, white lupin, narrow-leaved lupin (blue lupin), yellow lupin, Hungarian vetch, common vetch, hairy vetch and lucerne) and crucifers		9.55	<i>(9.10)</i>
(iii) certified seed of the first and second generation of field beans and field peas		8.15	<i>(7.75)</i>
(iv) certified seed of the first generation of white lupin, narrow-leaved lupin (blue lupin), yellow lupin, Hungarian vetch, common vetch, hairy vetch and lucerne		9.55	<i>(9.10)</i>
B. Crop inspection fee			
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 hybrid swede rape and hybrid turnip rape).	On application	13.55	<i>(12.90)</i>
Fee for official examination or re-examination of crops produced from seed of a variety entered for but not added to the National List (or to the equivalent list in another Member State) intended to produce certified seed of grasses, legumes, (except field beans, field peas, white lupin, narrow-leaved lupin (blue lupin), yellow lupin, Hungarian vetch, common vetch, hairy vetch and lucerne) and crucifers or certified seed of the first generation and certified seed of the second generation of field beans and field peas or certified seed of the first generation of white lupin, narrow-leaved lupin (blue lupin), yellow lupin, Hungarian vetch, common vetch, hairy vetch and lucerne per hectare or part thereof examined.	On application	13.55	<i>(12.90)</i>
C. Seed lot fee			
Fee for the issue of an official certificate (other than in the circumstances described under D. below) in respect of a seed lot entered as:	On application		
(i) breeder's seed of—			
(a) grasses, legumes (except field beans and field peas) and crucifers		36.70	<i>(34.95)</i>
(b) field beans and field peas		59.75	<i>(56.90)</i>

(a) S.I. 1993/2009, amended by S.I. 1993/2529, 1996/1453, 1997/616, 1999/1864 and 2000/1792.

(b) The figures in italics are the fees which were charged under these Regulations before the coming into force of the Seeds (Fees) (Amendment) (England) Regulations 2002 (S.I. 2002/1563) on 23rd July 2002.

<i>(1)</i> Matter	<i>(2)</i> When payable	<i>(3)</i> Fee £	<i>Old fee</i> £(a)
(ii) pre-basic or basic seed of—			
(a) grasses, legumes (except field beans and field peas) and crucifers		69.30	<i>(66.00)</i>
(b) field beans and field peas		59.75	<i>(56.90)</i>
(iii) certified seed of grasses, legumes (except field beans, field peas, white lupin, narrow-leaved lupin (blue lupin), yellow lupin, Hungarian vetch, common vetch, hairy vetch and lucerne) and crucifers		69.30	<i>(66.00)</i>
(iv) certified seed of the first and second generation of field beans and field peas		55.70	<i>(53.05)</i>
(ivA) certified seed of the first generation of white lupin, narrow-leaved lupin (blue lupin), yellow lupin, Hungarian vetch, common vetch, hairy vetch and lucerne		69.30	<i>(66.00)</i>
(v) commercial seed of the kinds for the time being specified in regulation 3(3) of the Fodder Plant Seeds Regulations 1993		61.10	<i>(58.20)</i>
D. <i>Seed lot re-entry fee</i>			
Fee for the issue of an official certificate in respect of a seed lot which was entered for one category and has been withdrawn and is being re-entered as:	On application		
(i) pre-basic or basic seed of—			
(a) grasses, legumes (except field beans and field peas) and crucifers		48.50	<i>(46.20)</i>
(b) field beans and peas		41.85	<i>(39.85)</i>
(ii) certified seed of grasses, legumes (except field beans, field peas, white lupin, narrow-leaved lupin (blue lupin), yellow lupin, Hungarian vetch, common vetch, hairy vetch and lucerne) and crucifers		48.50	<i>(46.20)</i>
(iii) certified seed of the first and second generation of field beans and peas		38.95	<i>(37.10)</i>
(iiiA) certified seed of the first generation of white lupin, narrow-leaved lupin (blue lupin), yellow lupin, Hungarian vetch, common vetch, hairy vetch and lucerne		48.50	<i>(46.20)</i>
(iv) commercial seed of the kinds for the time being specified in regulation 3(3) of the Fodder Plant Seeds Regulations 1993		42.80	<i>(40.75)</i>

(a) The figures in italics are the fees which were charged under these Regulations before the coming into force of the Seeds (Fees) (Amendment) (England) Regulations 2002 (S.I. 2002/1563) on 23rd July 2002.

SCHEDULE 3

Regulation 3

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

<i>(1)</i> Matter	<i>(2)</i> When payable	<i>(3)</i> Fee £	<i>Old fee</i> £(b)
A. Initial fees			
Initial fee per hectare or part thereof for crops intended to produce:	On application for registration		
(i) pre-basic or basic seed		29.95	<i>(28.50)</i>
(ii) all other categories of seed		14.30	<i>(13.60)</i>
B. Crop inspection fees			
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	13.55	<i>(12.90)</i>
Fee for official examination or re-examination of crops produced from seed of a variety entered for but not added to the National List (or to the equivalent list in another Member State) intended to produce certified seed, certified seed of the first generation, certified seed of the second generation or certified seed of the third generation, per hectare or part thereof examined.	On application	13.55	<i>(12.90)</i>
C. Seed lot fee			
Fee for the issue of an official certificate (other than in the circumstances described under E. below) in respect of a seed lot entered as:	On application		
(i) breeder's, pre-basic or basic seed		54.35	<i>(51.75)</i>
(ii) all other categories of seed		54.35	<i>(51.75)</i>
D. Seed testing fees			
Fees for an official examination of seed for:	Within one month of demand by or on behalf of the appropriate Minister		
(i) sunflower for <i>Botrytis</i> spp		46.15	<i>(43.95)</i>
(ii) flax and linseed for:		37.95	<i>(36.15)</i>
(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			
(iii) soya bean for <i>Pseudomonas syringae</i> pv. <i>glycinea</i> spp			
for one sub-sample test		66.15	<i>(63.00)</i>
for five sub-sample tests		220.50	<i>(210.00)</i>
(iv) soya bean for <i>Diaporthe phaselorum</i> spp		41.35	<i>(39.40)</i>
E. Seed lot re-entry fee			
Fee for the issue of an official certificate in respect of a seed lot which was entered for one category and has been withdrawn and is being re-entered in any category	On application	38.05	<i>(36.25)</i>

(a) S.I. 1993/2007, amended by S.I. 1994/1423, 1996/1451, 1997/616, 1999/1862 and 2000/1789.

(b) The figures in italics are the fees which were charged under these Regulations before the coming into force of the Seeds (Fees) (Amendment) (England) Regulations 2002 (S.I. 2002/1563) on 23rd July 2002.

SCHEDULE 4

Regulation 3

MATTERS ARISING UNDER THE BEET SEEDS REGULATIONS 1993(a)

<i>(1)</i> Matter	<i>(2)</i> When payable	<i>(3)</i> Fee £	<i>Old fee</i> £(b)
A. Initial fees			
Initial fee per hectare or part thereof for crops intended to produce:	On application for registration		
(i) pre-basic or basic seed		35.35	<i>(33.65)</i>
(ii) certified seed		16.35	<i>(15.55)</i>
B. Crop inspection fees			
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	13.55	<i>(12.90)</i>
Fee for official examination or re-examination of crops produced from seed of a variety entered for but not added to the National List (or to the equivalent list in another Member State) intended to produce certified seed, per hectare or part thereof examined.	On application	13.55	<i>(12.90)</i>
C. Seed lot fee			
Fee for the issue of an official certificate (other than in the circumstances described under D. below) in respect of a seed lot entered as:	On application		
(i) pre-basic or basic seed		66.55	<i>(63.40)</i>
(ii) certified seed		65.15	<i>(62.05)</i>
D. Seed lot re-entry fee			
Fee for the issue of an official certificate in respect of a seed lot which was entered for one category and has been withdrawn and is being re-entered as:	On application		
(i) pre-basic or basic seed		46.60	<i>(44.40)</i>
(ii) certified seed		45.60	<i>(43.45)</i>

(a) S.I. 1993/2006, amended by S.I. 1997/616, 1999/1861 and 2000/1791.

(b) The figures in italics are the fees which were charged under these Regulations before the coming into force of the Seeds (Fees) (Amendment) (England) Regulations 2002 (S.I. 2002/1563) on 23rd July 2002.

SCHEDULE 5

Regulation 3

MATTERS ARISING UNDER THE VEGETABLE SEEDS REGULATIONS
1993(a)

<i>(1)</i> Matter	<i>(2)</i> When payable	<i>(3)</i> Fee £	<i>Old fee</i> £(b)
A. Initial fees			
Initial fee for crops intended to produce:			
(i) pre-basic or basic seed of:			
(a) all kinds, except peas, broad beans, cucumber, gherkin and tomato, per hectare or part thereof entered		47.50	<i>(45.25)</i>
(b) peas and broad beans per hectare or part thereof entered		29.95	<i>(28.50)</i>
(c) cucumber, gherkin and tomato, per crop entered		47.50	<i>(45.25)</i>
(ii) certified seed of:			
(a) all kinds, except peas, broad beans, cucumber, gherkin and tomato, per hectare or part thereof entered		25.75	<i>(24.50)</i>
(b) peas and broad beans per hectare or part thereof entered		12.25	<i>(11.65)</i>
(c) cucumber, gherkin and tomato, per crop entered		25.75	<i>(24.50)</i>
B. Crop inspection fees			
Fee for official examination or re-examination of crops intended to produce:		On application	
(i) A(i)(a) or (b) above, per hectare or part thereof examined		13.55	<i>(12.90)</i>
(ii) A(i)(c) above, per crop examined		13.55	<i>(12.90)</i>
Fee for official examination or re-examination of crops produced from seed of a variety entered for but not added to the National List (or to the equivalent list in another Member State) intended to produce:		On application	
(i) A(ii)(a) or (b) above, per hectare or part thereof examined		13.55	<i>(12.90)</i>
(ii) A(ii)(c) above, per crop examined		13.55	<i>(12.90)</i>
C. Seed lot fee			
Fee for the issue of an official certificate (other than in the circumstances described under D. below) in respect of a seed lot entered		108.70	<i>(103.50)</i>
D. Seed lot re-entry fee			
Fee for the issue of an official certificate in respect of a seed lot which was entered for one category and has been withdrawn and is being re-entered in any category		76.05	<i>(72.45)</i>

(a) S.I. 1993/2006, amended by S.I. 1997/616, 1999/1861 and 2000/1791.

(b) The figures in italics are the fees which were charged under these Regulations before the coming into force of the Seeds (Fees) (Amendment) (England) Regulations 2002 (S.I. 2002/1563) on 23rd July 2002.

SCHEDULE 6

Regulation 3

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

<i>(1)</i> Matter	<i>(2)</i> When payable	<i>(3)</i> Fee £	<i>Old fee</i> £(b)
A. Representations by, and hearings of, a seed merchant, processor or packer			
(i) Fee for making written representations to the Secretary of State	On making representations	33.95	<i>(32.35)</i>
(ii) Fee for being heard by a person appointed by the Secretary of State	On applying to be heard	67.95	<i>(64.70)</i>
B. Licensed Seed Testing Stations			
(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 Secretary of State annually in advance	1,800.00	<i>(2,135.00)</i>
(ii) Fee payable by a Licensed Seed Testing Station in respect of an official examination of seed	Within one month of demand by the Secretary of State, annually in arrears	9.65	<i>(9.20)</i>
C. Examination fees			
(i) Examination for crop inspector in respect of:			
— cereals,			
— field beans, field peas and pulses, or			
— grasses and herbage legumes,			
(a) examination	Before the examination	157.45	<i>(149.95)</i>
(b) re-sit of examination (other than cereals)	Before the examination	157.45	<i>(149.95)</i>
(c) re-sit of either part of cereals examination	Before the examination	78.70	<i>(74.95)</i>
(d) re-test	Before the examination	78.70	<i>(74.95)</i>
(ii) Examination for crop inspector in respect of			
— sugar beet, or			
— fodder and oil crucifers; turnips; fodder beet and mangels; flax and linseed; soya bean,			
(a) examination	Before the examination	98.40	<i>(93.70)</i>
(b) re-sit of examination	Before the examination	98.40	<i>(93.70)</i>
(c) re-test	Before the examination	78.70	<i>(74.95)</i>
(iii) Examination for seed sampler	Before the examination	98.40	<i>(93.70)</i>

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

(b) The figures in italics are the fees which were charged under these Regulations before the coming into force of the Seeds (Fees) (Amendment) (England) Regulations 2002 (S.I. 2002/1563) on 23rd July 2002.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations 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.

All fees have been increased by 5 per cent. rounded to the nearest five pence except in the case of the annual fee for Licensed Seed Testing Stations which has been reduced by £335.

A Regulatory Impact Assessment has been prepared and placed in the library of each House of Parliament. Copies can be obtained from the Plant Variety Rights Office and Seeds Division of the Department for Environment, Food and Rural Affairs, White House Lane, Huntingdon Road, Cambridge CB3 0LF.

2002 No. 1563

SEEDS, ENGLAND

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Regulations 2002

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