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STATUTORY INSTRUMENTS

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**2013 No. 572**

**PLANT HEALTH, ENGLAND**

**The Plant Health (Export Certification)  
(England) (Amendment) Order 2013**

<i>Made</i>	- - - -	<i>11th March 2013</i>
<i>Laid before Parliament</i>		<i>14th March 2013</i>
<i>Coming into force</i>	- -	<i>6th April 2013</i>

The Secretary of State<sup>(1)</sup>, with the consent of the Treasury, makes the following Order in exercise of the powers conferred by sections 3(1) and 4A of the Plant Health Act 1967<sup>(2)</sup>.

**Citation and commencement**

1. This Order may be cited as the Plant Health (Export Certification) (England) (Amendment) Order 2013 and comes into force on 6th April 2013.

**Amendment of the Plant Health (Export Certification) (England) Order 2004**

- 2.—(1) The Plant Health (Export Certification) (England) Order 2004<sup>(3)</sup> is amended as follows.  
(2) For Schedule 3 substitute—

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(1) The functions of the Minister of Agriculture, Fisheries and Food under the Plant Health Act 1967 (c. 8) were, so far as exercisable in relation to Wales, transferred to the Secretary of State by article 2 of, and Schedule 1 to, the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272). Those functions were transferred from the Secretary of State to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32). The remaining functions of the Minister of Agriculture, Fisheries and Food were transferred to the Secretary of State by article 2(2) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

(2) 1967 c. 8; section 3(1) was amended by the European Communities Act 1972 (c. 68), section 4(1) and Schedule 4, paragraph 8 and further amended by S.I. 2011/1043, Part 2, article 6(1)(e); section 4A was inserted by the Agriculture Act 1986 (c. 49), section 3.

(3) S.I. 2004/1404, amended by S.I. 2005/3480.

## “SCHEDULE 3

Articles 3 and 4

<i>Services in respect of applications for certificates</i>	<i>Fee (£)</i>	<i>Fee</i> <i>(small exporter)(£)</i>
(1) Services for consignments other than grain:		
inspection and, where necessary, laboratory examination	46.61 for each quarter hour or part thereof with a minimum fee of 93.22	23.31 for each quarter hour or part thereof with a minimum fee of 46.62
laboratory examination only	26.43	13.22
issue of a certificate where no inspection or laboratory examination is required	8.21	4.11
(2) Services for consignments of grain:		
monitoring of inspections carried out by a person authorised under article 3(3) and, where necessary, laboratory examination carried out by an authorised officer	51.47	25.73”

(3) For Schedule 4 substitute—

## “SCHEDULE 4

Article 4

<i>Service</i>	<i>Fee (3)</i>	<i>Fee (small exporter) (£)</i>
Pre-export service	37.46 for each quarter hour or part thereof with a minimum fee of 74.92	18.73 for each quarter hour or part thereof with a minimum fee of 37.46”

7th March 2013

We consent

11th March 2013

*de Mauley*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural  
Affairs

*David Evennett*  
*Robert Goodwill*  
Two of the Lords Commissioners of Her  
Majesty’s Treasury

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## EXPLANATORY NOTE

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

This Order, which comes into force on 6th April 2013, amends the Plant Health (Export Certification) (England) Order 2004 ([S.I. 2004/1404](#)) (“the 2004 Order”).

The fee levels provided for in this Order form the first part of a move towards full cost recovery of fees over three years. This Order provides for increases on the fees specified in the 2004 Order as follows:

- (1) fees for services in respect of applications for certificates by a range from 15% to 130% (article 2(2)), and
- (2) fees for pre-export services by 85% (article 2(3)).

Further details are provided in the Explanatory Memorandum.

An impact assessment of the effects of this Order on the costs of business, in relation to the types of fee covered, is published with its Explanatory Memorandum on [www.legislation.gov.uk](http://www.legislation.gov.uk) and is available from the Plant Health Policy and Bee Policy Unit, Defra, 10GA07, Sand Hutton, York YO14 1LZ.