
Status: Point in time view as at 27/05/2021.

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STATUTORY INSTRUMENTS

2018 No. 289

PLANT HEALTH, ENGLAND SEEDS, ENGLAND

The Plant Health etc. (Fees) (England) Regulations 2018

<i>Made</i>	- - - -	<i>1st March 2018</i>
<i>Laid before Parliament</i>		<i>5th March 2018</i>
<i>Coming into force</i>	- -	<i>6th April 2018</i>

The Secretary of State makes these Regulations, with the consent of the Treasury, in exercise of the powers conferred by section 56(1) and (2) of the Finance Act 1973 ^{M1}.

Marginal Citations

M1 1973 c.51; subsection (1) was amended by S.I. 2011/1043.

PART 1

General

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Plant Health etc. (Fees) (England) Regulations 2018.

(2) They come into force on 6th April 2018.

(3) They extend to England and Wales, but apply in relation to England only.

Interpretation

[^{F1}2.—(1) In these Regulations, “the ^{F2}... Plant Health Regulation” means Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants.

(2) Words and expressions which are not defined in these Regulations and appear in the ^{F3}... Plant Health Regulation or in 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

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law, rules on animal health and welfare, plant health and plant protection products have the same meaning in these Regulations as they have in the ^{F3}... instrument in question.]

Textual Amendments

- F1** Reg. 2 substituted (14.12.2019) by The Official Controls (Animals, Feed and Food, Plant Health Fees etc.) Regulations 2019 (S.I. 2019/1488), regs. 1(1), **38(2)**
- F2** Word in reg. 2(1) omitted (31.12.2020) by virtue of The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 2(2)(b), **4(2)(a)**
- F3** Word in reg. 2(2) omitted (31.12.2020) by virtue of The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 2(2)(b), **4(2)(b)**

PART 2

Fees relating to plant health

Import inspection fees

3.—(1) This regulation applies in relation to a third country consignment [^{F4}insofar as it includes] plants, plant products or other objects of a description specified in column 1 of the table in Schedule 1 that are [^{F5}described in [^{F6}Part A of Annex 11, or Annex 12, to Commission Implementing Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants]] [^{F7}or any machinery or vehicles which have been operated for agricultural or forestry purposes].

(2) The following fees are payable by the importer of a third country consignment—

(a) in respect of each phytosanitary certificate or phytosanitary certificate for re-export accompanying the consignment, a fee of [^{F8}£10.51];

[^{F9}(b) in the case of—

(i) a Schedule 2 cut flower consignment which includes—

(aa) one lot of cut flowers, the fee specified in respect of those cut flowers in column 3 of the table in Schedule 2;

(bb) two or more lots of cut flowers, a fee equal to the amount of the highest of the fees specified in respect of those lots in column 3 of that table;

(ii) a Schedule 2 fruit or vegetable consignment which includes—

(aa) one lot of fruit or vegetables, the fee specified in respect of those fruit or vegetables in column 3 of the table in Schedule 2;

(bb) two or more lots of fruit or vegetables, a fee equal to the amount of the highest of the fees specified in respect of those lots in column 3 of that table;

(c) in the case of a consignment which—

(i) includes cut branches of *Phoenix* spp. originating in Costa Rica and no other cut branches to which this regulation applies, the fee specified in respect of those cut branches in column 3 of the table in Schedule 2;

(ii) in the case of any other consignment to which this regulation applies—

(aa) where the consignment includes any machinery or vehicles that have been operated for agricultural or forestry purposes, a fee of £5.98;

- (bb) where the consignment includes plants, plant products or other objects of a description specified in column 1 of the table in Schedule 1, the fee or fees specified in respect of those plants, plant products or other objects in column 2 of that table;]
- (d) where an inspector suspects that the consignment is infected with a controlled plant pest and takes a sample from the consignment for laboratory testing to confirm the presence or otherwise of the pest, a fee of [^{F10}£147.35] for each sample tested.
- (3) In this regulation—
 - [^{F11}(a) “controlled plant pest” means a GB quarantine pest, a provisional GB quarantine pest, a PFA quarantine pest or a GB regulated non-quarantine pest;]
 - [^{F12}[^{F13}(aa) “Europe” includes Belarus, the Canary Islands, Georgia, Kazakhstan (except the area east of the Ural river), Russia (except the regions of Tyumen, Chelyabinsk, Irkutsk, Kemerovo, Kurgan, Novossibirsk, Omsk, Sverdlovsk, Tomsk, Chita, Kamchatka, Magadan, Amur and Skhalin, the territories of Krasnoyarsk, Altay, Khabarovsk and Primarie, and the republics of Sakha, Tuva and Buryatia), Ukraine and Turkey (except the area east of the Bosphorus Strait known as Anatolia);]
 - (ab) “lot” means one or more units of a single commodity, identifiable by its homogeneity of composition and origin, which form part of a consignment;
 - [^{F14}(aba)
 - (ac) “Schedule 2 cut flower consignment” means a consignment which includes cut flowers of a description specified in column 1 of the table in Schedule 2 originating in a country specified in column 2 of that table and does not include any other cut flowers to which this regulation applies;
 - (ad) “Schedule 2 fruit or vegetable consignment” means a consignment which includes fruit or vegetables of a description specified in column 1 of the table in Schedule 2 originating in a country specified in column 2 of that table and does not include any other fruit or vegetables to which this regulation applies;]
 - (b) “third country consignment” means a consignment that is introduced into England from a third country;
 - [^{F15}(c)

Textual Amendments

- F4** Words in reg. 3(1) substituted (1.10.2019) by [The Plant Health etc. \(Miscellaneous Fees\) \(England\) \(Amendment\) Regulations 2019 \(S.I. 2019/1257\)](#), regs. 2, **3(2)(a)(i)**
- F5** Words in reg. 3(1) substituted (14.12.2019) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) Regulations 2019 \(S.I. 2019/1488\)](#), regs. 1(1), **38(3)(a)**
- F6** Words in reg. 3(1) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 2(2)(b), **4(3)(a)**
- F7** Words in reg. 3(1) inserted (1.10.2019) by [The Plant Health etc. \(Miscellaneous Fees\) \(England\) \(Amendment\) Regulations 2019 \(S.I. 2019/1257\)](#), regs. 2, **3(2)(a)(ii)**
- F8** Sum in reg. 3(2)(a) substituted (1.10.2019) by [The Plant Health etc. \(Miscellaneous Fees\) \(England\) \(Amendment\) Regulations 2019 \(S.I. 2019/1257\)](#), regs. 2, **3(2)(b)(i)**
- F9** Reg. 3(2)(b)(c) substituted (1.10.2019) by [The Plant Health etc. \(Miscellaneous Fees\) \(England\) \(Amendment\) Regulations 2019 \(S.I. 2019/1257\)](#), regs. 2, **3(2)(b)(ii)**
- F10** Sum in reg. 3(2)(d) substituted (1.10.2019) by [The Plant Health etc. \(Miscellaneous Fees\) \(England\) \(Amendment\) Regulations 2019 \(S.I. 2019/1257\)](#), regs. 2, **3(2)(b)(iii)**

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- F11** Words in reg. 3(3)(a) substituted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 2(2)(b), **4(3)(b)(i)**
- F12** Reg. 3(3)(aa)-(ad) inserted (1.10.2019) by The Plant Health etc. (Miscellaneous Fees) (England) (Amendment) Regulations 2019 (S.I. 2019/1257), **regs. 2, 3(2)(c)**
- F13** Reg. 3(3)(a)(aa) substituted (14.12.2019) by The Official Controls (Animals, Feed and Food, Plant Health Fees etc.) Regulations 2019 (S.I. 2019/1488), regs. 1(1), **38(3)(b)(i)**
- F14** Reg. 3(3)(aba) omitted (31.12.2020) by virtue of The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 2(2)(b), **4(3)(b)(ii)**
- F15** Reg. 3(3)(c) omitted (14.12.2019) by virtue of The Official Controls (Animals, Feed and Food, Plant Health Fees etc.) Regulations 2019 (S.I. 2019/1488), regs. 1(1), **38(3)(b)(iii)**

Plant passport authorisation fees

4.—(1) This regulation applies in relation to a plant passport authorisation.

(2) The [^{F16}fee specified in paragraph (3) is] payable in respect of an inspection and any associated activities which are carried out [^{F17}by, or on behalf of, the Secretary of State]—

- (a) in connection with an application for a plant passport authorisation;
- (b) for the purpose of monitoring compliance with any requirements imposed on the holder of a plant passport authorisation.

[^{F18}(3) A fee of £61.58 is payable for each 15 minutes (or part thereof) spent in carrying out the inspection and any associated activities at the relevant premises, subject to a minimum fee of £123.16.]

(4) An additional fee of [^{F19}£20.66] is payable where a person submits an application for a plant passport authorisation in paper form (and not online).

(5) Any fees payable under this regulation are payable by the person applying for a plant passport authorisation or the holder of a plant passport authorisation (as the case may be).

(6) In this regulation-

- (a) “plant passport authorisation” means an authorisation to issue [^{F20}UK] plant passports ^{F21}...;
- (b) “relevant premises”, in relation to an application for a plant passport authorisation or a plant passport authorisation, means the premises which are subject to the application or the authorisation.

Textual Amendments

- F16** Words in reg. 4(2) substituted (1.10.2019) by The Plant Health etc. (Miscellaneous Fees) (England) (Amendment) Regulations 2019 (S.I. 2019/1257), regs. 2, **3(3)(a)**
- F17** Words in reg. 4(2) inserted (14.12.2019) by The Official Controls (Animals, Feed and Food, Plant Health Fees etc.) Regulations 2019 (S.I. 2019/1488), regs. 1(1), **38(4)(a)**
- F18** Reg. 4(3) substituted (1.10.2019) by The Plant Health etc. (Miscellaneous Fees) (England) (Amendment) Regulations 2019 (S.I. 2019/1257), regs. 2, **3(3)(b)**
- F19** Sum in reg. 4(4) substituted (1.10.2019) by The Plant Health etc. (Miscellaneous Fees) (England) (Amendment) Regulations 2019 (S.I. 2019/1257), regs. 2, **3(3)(c)**
- F20** Word in reg. 4(6)(a) inserted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 2(2)(b), **4(4)**
- F21** Words in reg. 4(6)(a) omitted (14.12.2019) by virtue of The Official Controls (Animals, Feed and Food, Plant Health Fees etc.) Regulations 2019 (S.I. 2019/1488), regs. 1(1), **38(4)(b)**

Plant health licence fees

5.—(1) The fees specified in the table in Schedule 4 are payable in respect of—

- (a) an application for a licence [^{F22}made to the Secretary of State];
- (b) any other activity specified in column 1 of that table which is carried out in connection with a licence [^{F23}granted by the Secretary of State].

(2) The amount of any fee payable in respect of an application for a licence or any other activity specified in column 1 of the table in Schedule 4 is the amount specified in the corresponding entry in column 3 of that table, determined in accordance with the entries in respect of that service (if any) in column 2 of that table.

(3) The fee payable in respect of the monitoring of licence terms and conditions is payable for each 15 minutes (or part thereof) spent in carrying out the inspection and any associated activities at the premises which are subject to the licence, subject to the minimum fee specified.

(4) Any fee payable under this regulation is payable by the person who submits an application for a licence or the licence holder (as the case may be).

(5) In this regulation, “licence” means [^{F24}an authorisation [^{F25}described in regulation 20(1)(a) or (b)(i) or 21(1)(b) of the Official Controls (Plant Health and Genetically Modified Organisms) (England) Regulations 2019]].

Textual Amendments

- F22** Words in reg. 5(1)(a) inserted (14.12.2019) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) Regulations 2019 \(S.I. 2019/1488\)](#), regs. 1(1), **38(5)(a)(i)**
- F23** Words in reg. 5(1)(b) inserted (14.12.2019) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) Regulations 2019 \(S.I. 2019/1488\)](#), regs. 1(1), **38(5)(a)(ii)**
- F24** Words in reg. 5(5) substituted (14.12.2019) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) Regulations 2019 \(S.I. 2019/1488\)](#), regs. 1(1), **38(5)(b)**
- F25** Words in reg. 5(5) substituted (15.10.2020) by [The Official Controls \(Plant Health and Genetically Modified Organisms\) \(England\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/1014\)](#), regs. 1(1), **4**

[^{F26}Export certification services and pre-export services: fees

5A.—(1) [^{F27}Subject to paragraph (4A),] the fees specified in the table in Schedule 4A (“the table”) are payable in respect of the services described in column 1 of the table by a person who applies to the Secretary of State for a certificate or a pre-export service.

(2) The amount of the fee in respect of any service described in column 1 of the table is—

- (a) in the case of a small exporter who, at the date of the application, has only been liable during the financial year in which the application is made to pay fees of £750 or less in respect of the services described in column 1 of the table, the amount specified in the corresponding entry in column 2 of the table;
- (b) in any other case, the amount specified in the corresponding entry in column 3 of the table.

(3) The fees specified in columns 2 and 3 of the table in respect of an inspection of a consignment or an audit of a grain inspection are payable for each 15 minutes (or part thereof) spent in carrying out the inspection or audit and any associated activities, subject to the minimum fees specified in those entries.

(4) Where a person submits an application for a certificate or a pre-export service or a request to amend a certificate in paper form (and not online), the following additional fee is payable in respect of the application or request—

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- (a) in the case of a small exporter who, at the date of the application or request, has only been liable during the financial year in which the application or request is made to pay fees of £750 or less in respect of the services described in column 1 of the table, £7.88;
- (b) in any other case, £15.76.

[^{F28}(4A) The fees specified in Schedule 4A are not payable in respect of a consignment to be transported to Northern Ireland—

- (a) by a person acting otherwise than in the course of a business, where the consignment is not to be placed on the market; or
- (b) for delivery to—
 - (i) a professional operator whose principal place of business is in Northern Ireland or
 - (ii) any person resident in Northern Ireland, where the consignment is not to be placed on the market or used for the purposes of any business.

(4B) Paragraph (4A) ceases to have effect at the end of 31st December 2022.]

(5) In this regulation—

“certificate” means either a phytosanitary certificate for export or a phytosanitary certificate for re-export;

“pre-export service” means any plant health inspection or examination, including by the taking of samples, which is required to be carried out in relation to a plant, plant product or other object which is to be exported ^{F29}... in order to satisfy the [^{F30}relevant phytosanitary import requirements within the meaning of Article 99a of the Plant Health Regulation], other than any such inspection or examination required for the issue of a certificate;

[^{F31}“professional operator” means any person, governed by public or private law, involved professionally in, and legally responsible for, one or more of the following activities concerning plants, plant products and other objects—

- (a) planting;
- (b) breeding;
- (c) production, including growing, multiplying and maintaining;
- (d) introduction into, and movement within and out of Northern Ireland;
- (e) making available on the market;
- (f) storage, collection, dispatching and processing.]

“small exporter” means a person who—

- (a) in the financial year in which the application or request is made—
 - (i) is not a taxable person for the purposes of the Value Added Tax Act 1994; or
 - (ii) does not make a taxable supply of plants, plant products, seeds, soil or agricultural machinery for the purposes of the Value Added Tax Act 1994; or
- (b) in the financial year preceding the year in which the application or request is made, exported goods which were accompanied by a certificate the total value of which was less than £5,000.]

Textual Amendments

F26 Reg. 5A inserted (14.12.2019) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) Regulations 2019 \(S.I. 2019/1488\)](#), regs. 1(1), **38(6)**

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- F27** Words in reg. 5A(1) inserted (27.5.2021) by The Plant Health etc. (Miscellaneous Fees) (Amendment) (England) Regulations 2021 (S.I. 2021/623), regs. 1(2), **3(2)(a)**
- F28** Reg. 5A(4A)(4B) inserted (27.5.2021) by The Plant Health etc. (Miscellaneous Fees) (Amendment) (England) Regulations 2021 (S.I. 2021/623), regs. 1(2), **3(2)(b)**
- F29** Words in reg. 5A(5) omitted (31.12.2020) by virtue of The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 2(2)(b), **4(5)(a)**
- F30** Words in reg. 5A(5) substituted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 2(2)(b), **4(5)(b)**
- F31** Words in reg. 5A(5) inserted (27.5.2021) by The Plant Health etc. (Miscellaneous Fees) (Amendment) (England) Regulations 2021 (S.I. 2021/623), regs. 1(2), **3(2)(c)**

Potatoes originating in Egypt: fee

6.—(1) Where an [^{F32}official plant health officer] takes a sample of potatoes originating in Egypt in order to ascertain ^{F33}... those potatoes are infected with *Ralstonia solanacearum* (Smith) Yabuuchi et al., the importer must pay a fee of [^{F34}£70.83] in respect of each lot sampled.

^{F35}(2)

- Textual Amendments**
- F32** Words in reg. 6(1) substituted (14.12.2019) by The Official Controls (Animals, Feed and Food, Plant Health Fees etc.) Regulations 2019 (S.I. 2019/1488), regs. 1(1), **38(7)**
 - F33** Words in reg. 6(1) omitted (31.12.2020) by virtue of The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 2(2)(b), **4(6)(a)**
 - F34** Sum in reg. 6(1) substituted (1.10.2019) by The Plant Health etc. (Miscellaneous Fees) (England) (Amendment) Regulations 2019 (S.I. 2019/1257), regs. 2, **3(4)**
 - F35** Reg. 6(2) omitted (31.12.2020) by virtue of The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 2(2)(b), **4(6)(b)**

Potatoes originating in Lebanon: fee

^{F36}**6A.**

- Textual Amendments**
- F36** Reg. 6A omitted (31.12.2020) by virtue of The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 2(2)(b), **4(7)**

Potatoes originating in Lebanon: fee

^{F37}**7.**

- Textual Amendments**
- F37** Reg. 7 omitted (14.12.2019) by virtue of The Official Controls (Animals, Feed and Food, Plant Health Fees etc.) Regulations 2019 (S.I. 2019/1488), regs. 1(1), **38(8)**

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PART 3

Fees relating to the certification of seed potatoes and fruit plants and fruit plant propagating material

Seed potatoes: fees

8.—(1) The fees specified in the table in Schedule 5 are payable in respect of the activities specified in column 1 of that table which relate to an application for the certification of seed potatoes in accordance with regulation 10 of the Seed Potatoes (England) Regulations 2015 ^{M2}.

(2) The fees specified in column 2 of the table in Schedule 5 are payable subject to the minimum fees (if any) specified in the corresponding entries in column 3 of that table.

(3) The [^{F38}fees] specified in column 2 of the table in Schedule 5 in respect of an inspection of [^{F39}growing crops for certification as Union grade PBTC and an inspection of harvested tubers are] payable for each 15 minutes (or part thereof) spent in carrying out the inspection and any associated activities at the relevant premises.

(4) An additional fee of [^{F40}£15.76] is payable where a person submits an application for the certification of seed potatoes in paper form (and not online).

[^{F41}(4A) Where a person submits an application for the provision of printed labels, the following additional fee is payable—

(a) in the case of an application submitted online, £11.45;

(b) in the case of an application submitted in paper form, £15.61.]

(5) Any fees payable under this regulation are payable by the applicant.

(6) In paragraph (3), “relevant premises” means the premises at which [^{F42}the growing crops for certification as Union grade PBTC or] the harvested tubers to be inspected are located.

Textual Amendments

- F38** Word in reg. 8(3) substituted (21.5.2018) by [The Plant Health etc. \(Fees\) \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/510\)](#), regs. 1, **2(2)(a)(i)**
- F39** Words in reg. 8(3) substituted (21.5.2018) by [The Plant Health etc. \(Fees\) \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/510\)](#), regs. 1, **2(2)(a)(ii)**
- F40** Sum in reg. 8(4) substituted (1.10.2019) by [The Plant Health etc. \(Miscellaneous Fees\) \(England\) \(Amendment\) Regulations 2019 \(S.I. 2019/1257\)](#), regs. 2, **3(5)(a)**
- F41** Reg. 8(4A) inserted (1.10.2019) by [The Plant Health etc. \(Miscellaneous Fees\) \(England\) \(Amendment\) Regulations 2019 \(S.I. 2019/1257\)](#), regs. 2, **3(5)(b)**
- F42** Words in reg. 8(6) inserted (21.5.2018) by [The Plant Health etc. \(Fees\) \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/510\)](#), regs. 1, **2(2)(b)**

Marginal Citations

M2 [S.I. 2015/1953](#).

Fruit plants and fruit plant propagating material: fees

9.—(1) The fee specified in paragraph (2) is payable in connection with an application for the certification of fruit plants and fruit plant propagating material in accordance with regulation 9 of the Marketing of Fruit Plant and Propagating Material (England) Regulations 2017 ^{M3}.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Plant Health etc. (Fees) (England) Regulations 2018. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

[^{F43}(2) A fee of £26.00 per each 15 minutes (or part thereof) is payable in respect of time spent in carrying out an official examination and any associated activities at the relevant premises for the purposes of certifying the material, subject to a minimum fee of £52.00.]

(3) Any fees payable under this regulation are payable by the applicant.

(4) In paragraph (2), “relevant premises” means the premises at which the material to be certified is located.

Textual Amendments

F43 Reg. 9(2) substituted (1.10.2019) by The Plant Health etc. (Miscellaneous Fees) (England) (Amendment) Regulations 2019 (S.I. 2019/1257), regs. 2, **3(6)**

Marginal Citations

M3 S.I. 2017/595.

PART 4

Payment of fees

Payment of fees

10. Fees payable under these Regulations are payable to the Secretary of State on demand.

Suspension of registration

11.—(1) Where any sum due by way of, or on account of, any fee or any part of a fee payable by a [^{F44}registered professional operator] under Part 2 of these Regulations remains unpaid, the Secretary of State may—

- (a) recover the sum as a civil debt, or
- (b) after giving one month's written notice, suspend the [^{F45}operator's] registration until such sum has been paid.

^{F46}(2)

Textual Amendments

F44 Words in reg. 11(1) substituted (14.12.2019) by The Official Controls (Animals, Feed and Food, Plant Health Fees etc.) Regulations 2019 (S.I. 2019/1488), regs. 1(1), **38(9)(a)(i)**

F45 Word in reg. 11(1)(b) substituted (14.12.2019) by The Official Controls (Animals, Feed and Food, Plant Health Fees etc.) Regulations 2019 (S.I. 2019/1488), regs. 1(1), **38(9)(a)(ii)**

F46 Reg. 11(2) omitted (14.12.2019) by virtue of The Official Controls (Animals, Feed and Food, Plant Health Fees etc.) Regulations 2019 (S.I. 2019/1488), regs. 1(1), **38(9)(b)**

Status: Point in time view as at 27/05/2021.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Plant Health etc. (Fees) (England) Regulations 2018. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

PART 5

Revocations

Revocations

- 12.** The instruments listed in Schedule 6 are revoked.

Department for Environment, Food and Rural
Affairs

Gardiner of Kimble
Parliamentary Under Secretary of State

We consent

Andrew Stephenson
Rebecca Harris
Two of the Lords Commissioners of Her
Majesty's Treasury

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[^{F47}SCHEDULE 1

Regulation 3(1)

Import inspection fees

Textual Amendments

F47 Sch. 1 substituted (1.10.2019) by [The Plant Health etc. \(Miscellaneous Fees\) \(England\) \(Amendment\) Regulations 2019 \(S.I. 2019/1257\)](#), regs. 2, 3(7)

<i>Column 1</i>	<i>Column 2</i>
<i>Plant, plant product or other object</i>	<i>Fee (£)</i>
Cuttings, seedlings (except forestry reproductive material), young plants of strawberries or of vegetables	173.91
Shrubs, trees (other than cut Christmas trees), other woody nursery plants including forest reproductive material (other than seed)	182.38
Bulbs, corms, rhizomes, tubers, intended for planting (other than tubers of potatoes)	205.04
Seeds, tissue cultures	128.13
Other plants intended for planting, not specified elsewhere in this table	182.38
Cut flowers	42.75
Branches with foliage, parts of conifers (other than cut Christmas trees)	33.99
Cut Christmas trees	119.64
Leaves of plants, such as herbs, spices and leafy vegetables	71.68
Fruits, vegetables (other than leafy vegetables)	53.10
Tubers of potatoes	156.69
Soil and growing medium, bark	119.64
Grain	142.98
Other plants or plant products not specified elsewhere in this table, except forest trees	22.73]

[^{F48}SCHEDULE 2

Regulation 3(2) and (3)

Import inspection fees: reduced rates

Textual Amendments

F48 Sch. 2 substituted (1.2.2020) by [The Plant Health etc. \(Fees\) \(England\) \(Amendment\) Regulations 2020 \(S.I. 2020/9\)](#), regs. 1, 2(3)

Status: Point in time view as at 27/05/2021.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Plant Health etc. (Fees) (England) Regulations 2018. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

<i>Genus</i>	<i>Country of Origin</i>	<i>Fee (£)</i>
Cut flowers		
<i>Aster</i>	Zimbabwe	32.06
<i>Dianthus</i>	Colombia	1.28
	Ecuador	6.41
	Kenya	2.14
	Turkey	6.41
<i>Rosa</i>	Colombia	1.28
	Ecuador	0.43
	Ethiopia	2.14
	Kenya	4.28
	Tanzania	21.38
	Zambia	4.28
Branches with foliage		
<i>Phoenix</i>	Costa Rica	17.00
Fruit		
<i>Actinidia</i>	Any third country	2.66
<i>Carica papaya</i>	Any third country	2.66
F49	F49	F49
...
<i>Cydonia</i>	Any third country in Europe	2.66
<i>Fragaria</i>	Any third country	2.66
<i>Malus</i>	Argentina	18.59
	Brazil	26.55
	Chile	2.66
	Any third country in Europe	2.66
	New Zealand	5.31
	South Africa	2.66
F49	F49	F49
...
F49	F49	F49
...
<i>Persea americana</i>	Any third country	2.66

- (1) "Third country in Europe" includes Albania, Andorra, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Canary Islands, Faeroe Islands, Georgia, Iceland, Liechtenstein, Moldova, Monaco, Montenegro, North Macedonia, Norway, Russia (only the following parts: Central Federal District (Tsentralny federalny okrug), Northwestern Federal District (Severo-Zapadny federalny okrug), Southern Federal District (Yuzhny federalny okrug), North Caucasian Federal District (Severo-Kavkazsky federalny okrug) and Volga Federal District (Privolzhsky federalny okrug), San Marino, Serbia, Turkey and Ukraine.]

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<i>Genus</i>	<i>Country of Origin</i>	<i>Fee (£)</i>
<i>Prunus</i>	Argentina	39.83
	Chile	5.31
	Any third country in Europe	2.66
	Morocco	26.55
	Turkey	18.59
<i>Prunus other than prunus persica</i>	South Africa	5.31
<i>Pyrus</i>	Argentina	7.97
	Chile	7.97
	China	26.55
	Any third country in Europe	2.66
	South Africa	5.31
<i>Ribes</i>	Any third country in Europe	2.66
<i>Rubus</i>	Any third country	2.66
<i>Vaccinium</i>	Argentina	13.28
	Chile	5.31
	Peru	5.31
	Any third country in Europe	2.66
	Any third country	2.66
Vegetables		
<i>Solanum lycopersicon</i>	Canary Islands	2.66
	Morocco	2.66
<i>Solanum melongena</i>	Turkey	7.97

- (1) “Third country in Europe” includes Albania, Andorra, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Canary Islands, Faeroe Islands, Georgia, Iceland, Liechtenstein, Moldova, Monaco, Montenegro, North Macedonia, Norway, Russia (only the following parts: Central Federal District (Tsentralny federalny okrug), Northwestern Federal District (Severo-Zapadny federalny okrug), Southern Federal District (Yuzhny federalny okrug), North Caucasian Federal District (Severo-Kavkazsky federalny okrug) and Volga Federal District (Privolzhsky federalny okrug), San Marino, Serbia, Turkey and Ukraine.]

Textual Amendments

- F49** Words in Sch. 2 omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 2(2)(b), **4(8)**

Status: Point in time view as at 27/05/2021.

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Textual Amendments
F50 Sch. 3 omitted (1.10.2019) by virtue of [The Plant Health etc. \(Miscellaneous Fees\) \(England\) \(Amendment\) Regulations 2019 \(S.I. 2019/1257\)](#), **regs. 2, 3(9)**

^{F51}SCHEDULE 4

Regulation 5(1)

Plant health licence fees

Textual Amendments
F51 Sch. 4 substituted (1.10.2019) by [The Plant Health etc. \(Miscellaneous Fees\) \(England\) \(Amendment\) Regulations 2019 \(S.I. 2019/1257\)](#), **regs. 2, 3(10)**

In this Schedule—

“period 1” means the period ending on 31st March 2020;

“period 2” means the period beginning on 1st April 2020 and ending on 30th September 2020.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Type of application or inspection</i>	<i>Date of application</i>	<i>Fee (£)</i>
Application for a licence for scientific or trial purposes, other than—		995.36
—a licence in respect of the analysis of soil or other growing medium		
—a licence for scientific or trial purposes covering 5 or more items		
Application for a licence for scientific or trial purposes covering 5 or more items		995.36, plus 52.45 per item in excess of 5 items
Application for a licence in respect of the analysis of soil or other growing medium, other than a licence in respect of the analysis of soil or other growing medium covering 5 or more items		745.41
Application for a licence in respect of the analysis of		745.41, plus 52.45 per item in excess of 5 items

Status: Point in time view as at 27/05/2021.

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Type of application or inspection</i>	<i>Date of application</i>	<i>Fee(£)</i>
soil or other growing medium covering 5 or more items		
Application for a variation of a licence with changes requiring scientific or technical assessment		380.25
Application for any other licence		42.50
Issue of an annual letter of authority		42.50
Monitoring compliance with licence terms and conditions	In the case of monitoring undertaken during period 1	69.75 for each 15 minutes (or part thereof), subject to a minimum fee of 139.50
	In the case of monitoring undertaken during period 2	81.25 for each 15 minutes (or part thereof), subject to a minimum fee of 162.50
	In the case of monitoring undertaken on or after 1st October 2020	92.67 for each 15 minutes (or part thereof), subject to a minimum fee of 185.34]

[^{F52}SCHEDULE 4A

Regulation 5A

Fees for export certification services and pre-export services

Textual Amendments

F52 Sch. 4A inserted (14.12.2019) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) Regulations 2019 \(S.I. 2019/1488\)](#), regs. 1(1), **38(10)**

<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
<i>Service</i>	<i>Fee - Small Exporter (£)</i>	<i>Fee – other Exporter (£)</i>
Inspection of consignment	31.90 for each 15 minutes (or part thereof), subject to a minimum fee of 63.80	63.80 for each 15 minutes (or part thereof), subject to a minimum fee of 127.60
Audit of a grain inspection	13.20 for each 15 minutes (or part thereof), subject to a minimum fee of 26.40	26.40 for each 15 minutes (or part thereof), subject to a minimum fee of 52.80
Laboratory examination (including laboratory testing)	16.78 per sample tested	33.56 per sample tested

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(1)	(2)	(3)
<i>Service</i>	<i>Fee - Small Exporter (£)</i>	<i>Fee – other Exporter (£)</i>
Issue of certificate	12.76 per certificate	25.52 per certificate
Amendment of a certificate at the request of the exporter	7.88 per certificate	15.76 per certificate]

[^{F53}SCHEDULE 5

Regulation 8(1)

Seed potatoes: fees

Textual Amendments

F53 Sch. 5 substituted (1.10.2019) by [The Plant Health etc. \(Miscellaneous Fees\) \(England\) \(Amendment\) Regulations 2019 \(S.I. 2019/1257\)](#), regs. 2, **3(11)**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Activity</i>	<i>Fee (£)</i>	<i>Minimum fee (£)</i>
Soil sampling and testing for Potato Cyst Nematode		
Soil sampling and testing for the purposes of paragraph 4, 7 or 10 of Schedule 1 to the Seed Potatoes (England) Regulations 2015	24.75 for each hectare (or part thereof) sampled and tested	
Inspection of growing crop		
Certification as pre-basic seed potatoes: Union grade PBTC	30.39 for each 15 minutes (or part thereof)	60.78
Certification as pre-basic seed potatoes: Union grade PB	12.16 per each 0.1 hectare (or part thereof) inspected	60.75
Certification as basic seed potatoes: Union grade S	10.57 per each 0.1 hectare (or part thereof) inspected	105.70
Certification as basic seed potatoes: Union grade SE	10.57 per each 0.1 hectare (or part thereof) inspected	105.70
Certification as basic seed potatoes: Union grade E	10.33 per each 0.1 hectare (or part thereof) inspected	103.30
Certification as certified seed potatoes: Union grade A or B	9.39 per each 0.1 hectare (or part thereof) inspected	93.90
Inspection of harvested tubers		
Inspection	40.55 for each 15 minutes (or part thereof)	81.10
Provision of labels and seals in respect of application		
Printed labels for bags holding 50 kgs of seed potatoes or less	0.05 per label	

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Activity</i>	<i>Fee (£)</i>	<i>Minimum fee (£)</i>
Printed labels and seals for bags holding more than 50 kgs of seed potatoes	0.11 per label (including seal)	
Blank labels and seals	0.16 per label (including seal)]	

SCHEDULE 6

Regulation 12

Revocations

- The Plant Health (Fees) (England) Regulations 2014 ^{M4}.
- The Plant Health (Fees) (England) (Amendment) Regulations 2014 ^{M5}.
- The Plant Health (Fees) (England) (Amendment) Regulations 2015 ^{M6}.
- The Plant Health (Fees) (England) (Amendment) Regulations 2016 ^{M7}.
- The Plant Health (Fees) (England) (Amendment) Regulations 2017 ^{M8}.
- The Plant Health (Fees) (England) (Amendment) Regulations 2018 ^{M9}.

Marginal Citations

- M4** [S.I. 2014/601](#), amended by [S.I. 2014/3243](#), 2015/1996, 2016/1255. 2017/125, 2018/15.
- M5** [S.I. 2014/3243](#).
- M6** [S.I. 2015/1996](#).
- M7** [S.I. 2016/1225](#).
- M8** [S.I. 2017/125](#).
- M9** [S.I. 2018/15](#).

Marginal Citations

- M4** [S.I. 2014/601](#), amended by [S.I. 2014/3243](#), 2015/1996, 2016/1255. 2017/125, 2018/15.
- M5** [S.I. 2014/3243](#).
- M6** [S.I. 2015/1996](#).
- M7** [S.I. 2016/1225](#).
- M8** [S.I. 2017/125](#).
- M9** [S.I. 2018/15](#).

Status: Point in time view as at 27/05/2021.

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to England only, specify fees payable to the Secretary of State in relation to plant health services and the certification of seed potatoes and fruit plants and fruit plant propagating material. They revoke and replace the Plant Health Fees (England) Regulations 2014 (S.I. 2014/601).

The fees specified in regulations 3, 6 and 7 are payable in relation to imports of plants, plant products and other objects from third countries pursuant to the requirements of Article 13 of Council Directive [2000/29/EC](#) on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ No L 169, 10.7.2000, p. 1).

The fees specified in regulations 4 and 5 are payable in relation to other inspections and activities carried out pursuant to Council Directive [2000/29/EC](#).

The fees specified in regulation 8 are payable in relation to certain inspections and other activities carried out pursuant to Council Directive [2002/56/EC](#) on the marketing of seed potatoes (OJ No L 193, 20.7.2002, p. 60).

The fees specified in regulation 9 are payable in relation to certain inspections and other activities carried out pursuant to Council Directive [2008/90/EC](#) on the marketing of fruit plant propagating material and fruit plants intended for fruit production (OJ No L 267, 8.10.2008, p. 8).

An impact assessment has not been produced for this instrument as no, no significant, impact on the private, voluntary or public sector is foreseen.

Status:

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