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STATUTORY INSTRUMENTS

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**2022 No. 836**

**The Plant Health etc. (Miscellaneous Fees)  
(Amendment) (England) Regulations 2022**

**Amendment of the Plant Health etc. (Fees) (England) Regulations 2018**

3.—(1) The Plant Health etc. (Fees) (England) Regulations 2018<sup>(1)</sup> are amended as follows.

(2) In regulation 3 (import inspection fees)—

(a) in paragraph (1)—

- (i) for “are described in” substitute “fall within”;
- (ii) omit the words from “or any machinery” to the end;

(b) for paragraph (2A) substitute—

“(2A) Subject to paragraphs (2B), (2C) and (2E), the fees payable by the importer of a third country consignment in respect of liability to a physical check and identity check that may be carried out on the consignment (whether or not any such check is carried out) are, where a consignment includes plants, plant products or other objects of a description specified in column 1 of the table, which originate in a country specified in the corresponding entry in column 2 of the table—

- (a) the fee specified in column 3 of the table in respect of a physical check of plants, plant products or other objects of each such description included in the consignment; and
- (b) the fee specified in column 4 of the table in respect of an identity check of plants, plant products or other objects of each such description included in the consignment.”;

(c) for paragraph (2B) substitute—

“(2B) The fees specified under paragraph (2A) in respect of liability to a physical check and identity check of cut flowers, fruit, vegetables or leaves are payable in respect of a single lot of the kind in question.”;

(d) for paragraph (2C) substitute—

“(2C) Where a consignment includes two or more plants, plant products or other objects falling within a single category specified in column 1 of the table, the fee payable under paragraph (2A) in respect of liability to a physical check or identity check of the plants, plant products or other objects within the category in question is—

- (a) so far as the consignment includes two or more lots either of cut flowers or of fruit, vegetables or leaves—
  - (i) the fee payable in respect of a single lot of cut flowers or of fruit, vegetables or leaves (as the case may be); or

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<sup>(1)</sup> S.I. 2018/289; relevant amending instruments are S.I. 2019/1257, 2019/1488, 2020/9, 2020/1482, 2021/623, 2021/625, 2021/1443.

- (ii) where different amounts are specified in relation to the lots in question, a fee equal to the highest of the fees relating to liability to a physical check or identity check (as the case may be);
- (b) so far as the consignment includes any other plants, plant products or other objects which originate in the same country—
  - (i) the fee payable in respect of a single plant, plant product or other object of any of the descriptions in question; or
  - (ii) where different amounts are specified in relation to those plants, plant products or other objects, a fee equal to the highest of the fees relating to liability to a physical check or identity check (as the case may be).”;
- (e) omit paragraph (2D);
- (f) for paragraph (2E) substitute—
 

“(2E) No fee is payable under paragraph (2A) in respect of any consignment originating in an EU Member State, Liechtenstein or Switzerland that is imported before the end of the transitional staging period, in respect of any plants or plant products specified in Schedule 2A that are contained in the consignment.”;
- (g) after paragraph (2E), insert—
 

“(2F) Where an inspector suspects that a third country consignment is infected with a controlled plant pest and takes a sample from the consignment for laboratory testing to confirm whether the pest is present, the fee payable by the importer of the third country consignment is £147.35 for each sample tested.

(2G) For the purposes of this regulation, the table and Schedule 2A—

  - (a) “leaves” means vegetables, herbs and spices, so far as they take the form of leaves with or without stems or stalks attached, and the loose leaves of any other plants;
  - (b) “vegetables”, except in sub-paragraph (a), means vegetables other than in so far as they take the form of leaves.”;
- (h) for paragraph (3) substitute—
 

“(3) In this regulation—

  - (a) “category”, in relation to anything specified in column 1 of the table, means a grouping which is listed in column 1 in bold typeface;
  - (b) “controlled plant pest” means a GB quarantine pest, a provisional GB quarantine pest, a PFA quarantine pest or a GB regulated non-quarantine pest(2);
  - (c) “description”, in relation to anything specified in column 1 of the table, means the specific description in respect of which a fee is specified;
  - (d) “lot” means one or more units of a single commodity, identifiable by its homogeneity of composition and origin, which form part of a consignment;
  - (e) “the table” means the table in Schedule 1;
  - (f) “third country consignment” means a consignment that is introduced into England from a third country;
  - (g) “the transitional staging period” has the meaning given in Annex 6 to Regulation (EU) 2017/625 of the European Parliament and of the Council on official

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(2) “GB quarantine pest”, “GB regulated non-quarantine pest”, “PFA quarantine pest” and “provisional GB quarantine pest” are defined in Article 2(32), (33), (37) and (40), respectively, of EUR 2016/2031 (as amended by S.I. 2020/1482). Those definitions apply for the purposes of S.I. 2018/289 by virtue of regulation 2(2) of that S.I.

controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products<sup>(3)</sup>”.

(3) In regulation 5A (export certification services and pre-export services: fees), in paragraph (4B), for “2022” substitute “2023”.

(4) For Schedule 1 substitute the Schedule 1 contained in Schedule 1 to these Regulations.

(5) Omit Schedules 1A and 2.

(6) For Schedule 2A substitute the Schedule 2A contained in Schedule 2 to these Regulations.

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(3) Annex 6 is inserted into EUR 2017/625 by [S.I. 2020/1481](#) and amended by [S.I. 2021/429](#), [2021/809](#), [2021/1096](#) and [2021/1443](#).