

WELSH STATUTORY INSTRUMENTS

2019 No. 497 (W. 114)

PLANT HEALTH, WALES

The Plant Health (Fees) (Forestry) (Wales) Regulations 2019

<i>Made</i>	- - - -	<i>5 March 2019</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>7 March 2019</i>
<i>Coming into force</i>	- -	<i>28 March 2019</i>

The Welsh Ministers are designated ^{M1} for the purposes of section 2(2) of the European Communities Act 1972 ^{M2} in relation to the common agricultural policy of the European Union and make these Regulations in exercise of the powers conferred on them by that section.

Marginal Citations

- M1** [S.I. 2010/2690](#). Under section 1(2) of the [Plant Health Act 1967 \(c.8\)](#), as amended by article 4(1) of, and paragraph 43 of Schedule 2 to, the [Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), the Welsh Ministers are the competent authority for Wales as regards the protection of forest trees and timber from attack by pests.
- M2** [1972 c.68](#): section 2(2) was amended by section 27(1)(a) of the [Legislative and Regulatory Reform Act 2006 \(c.51\)](#) and Part 1 of the [European Union \(Amendment\) Act 2008 \(c.7\)](#).

Title, application and commencement

- 1.**—(1) The title of these Regulations is the Plant Health (Fees) (Forestry) (Wales) Regulations 2019.
- (2) These Regulations apply in relation to Wales.
- (3) These Regulations come into force on 28 March 2019.

Commencement Information

- II** Reg. 1 in force at 28.3.2019, see reg. 1(3)

[^{F1}Interpretation

- 2.**—(1) In these Regulations—

“approved place of inspection” (“*man arolygu a gymeradwywyd*”) has the meaning given in [F²regulation 13(10) of the Official Controls (Plant Health) Regulations 2020];

[F³“controlled consignment” means a consignment which—

- (a) is introduced into Wales from a third country; and
- (b) consists of, or includes, isolated bark or wood of a type that is described in 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.]

“the ^{F4}... Plant Health Regulation” (“*Rheoliad Iechyd Planhigion yr UE*”) means Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants;

[F⁵“forestry remedial notice” (“*hysbysiad adfer coedwigaeth*”) means a notice served by a plant health inspector under regulation 10 or 15(1) or (2) of the Official Controls (Plant Health) Regulations 2020;]

[F⁶“licence” (“*trwydded*”) means—

- (a) a licence referred to in regulation 51(1) of the Official Controls (Plant Health) Regulations 2020 that has been granted by the Welsh Ministers, or
- (b) an authorisation described in regulation 20(1)(a) or (b)(i) or 21(1)(a) [F⁷or (b)] of the Official Controls (Plant Health) Regulations 2020 granted by the Welsh Ministers;]

[F⁸“the Official Controls (Plant Health) Regulations 2020” (“*Rheoliadau Rheolaethau Swyddogol (Iechyd Planhigion) 2020*”) means the Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020;]

F⁹ ...

F¹⁰ ...

[F¹¹“plant health inspector” (“*arolygydd iechyd planhigion*”) means an official plant health officer appointed by the Welsh Ministers for the purposes of the Official Controls (Plant Health) Regulations 2020;]

“plant passport authority” (“*awdurdodiad pasbort planhigion*”) means an authorisation described in Article 89(1) of the ^{F12}... Plant Health Regulation [F¹³and granted by the Welsh Ministers];

[F¹⁴“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;]

F¹⁵ ...

“remedial work” (“*gwaith adfer*”) means any steps taken by a person for the purposes of complying with [F¹⁶a forestry remedial notice, or by a plant health inspector under regulation 16(1) of the Official Controls (Plant Health) Regulations 2020];

“WPM authorisation” (“*awdurdodiad DPP*”) means an authorisation described in Article 98(1) of the ^{F17}... Plant Health Regulation [^{F18}and granted by the Welsh Ministers].

(2) Words and expressions which are not defined in these Regulations and which appear in the ^{F19}... 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 that application of food and feed 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 ^{F19}... instrument in question.]

Textual Amendments

- F1** Reg. 2 substituted (31.1.2020) by The Official Controls (Animals, Feed and Food, Plant Health Fees etc.) (Wales) Regulations 2020 (S.I. 2020/44), regs. 1(2), **35(2)**
- F2** Words in reg. 2(1) substituted (27.3.2020) by The Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020 (S.I. 2020/206), reg. 1, **Sch. 5 para. 5(2)(a)**
- F3** Words in reg. 2(1) substituted (31.12.2020) by The Plant Health (Forestry) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 (S.I. 2019/735), regs. 1(2), **57(2)(a)**; 2020 c. 1, **Sch. 5 para. 1(1)** (as amended by S.I. 2020/1492, regs. 2(a), **5(2)**)
- F4** Word in reg. 2(1) omitted (31.12.2020) by virtue of S.I. 2019/735, reg. 57(2)(ca) (as inserted by The Plant Health (Forestry) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1492), regs. 2(a), **5(3)**)
- F5** Words in reg. 2(1) inserted (27.3.2020) by The Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020 (S.I. 2020/206), reg. 1, **Sch. 5 para. 5(2)(b)**
- F6** Words in reg. 2(1) substituted (27.3.2020) by The Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020 (S.I. 2020/206), reg. 1, **Sch. 5 para. 5(2)(c)**
- F7** Words in reg. 2(1) inserted (13.11.2020) by The Official Controls (Plant Health and Genetically Modified Organisms) (Wales) (Amendment) Regulations 2020 (S.I. 2020/1134), regs. 1, **4**
- F8** Words in reg. 2(1) inserted (27.3.2020) by The Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020 (S.I. 2020/206), reg. 1, **Sch. 5 para. 5(2)(d)**
- F9** Words in reg. 2(1) omitted (27.3.2020) by virtue of The Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020 (S.I. 2020/206), reg. 1, **Sch. 5 para. 5(2)(h)**
- F10** Words in reg. 2(1) omitted (31.12.2020) by virtue of S.I. 2019/735, reg. 57(2)(da) (as inserted by The Plant Health (Forestry) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1492), regs. 2(a), **5(4)**)
- F11** Words in reg. 2(1) inserted (27.3.2020) by The Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020 (S.I. 2020/206), reg. 1, **Sch. 5 para. 5(2)(f)**
- F12** Word in reg. 2(1) omitted (31.12.2020) by virtue of The Plant Health (Forestry) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 (S.I. 2019/735), **reg. 57(2)(f)**; 2020 c. 1, **Sch. 5 para. 1(1)** (as amended by S.I. 2020/1492, regs. 2(a), **5(5)**)
- F13** Words in reg. 2(1) inserted (27.3.2020) by The Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020 (S.I. 2020/206), reg. 1, **Sch. 5 para. 5(2)(g)**
- F14** Words in reg. 2 inserted (17.6.2021) by The Plant Health (Fees) (Forestry) (Wales) (Amendment) Regulations 2021 (S.I. 2021/710), regs. 1, **2(2)**
- F15** Words in reg. 2(1) omitted (27.3.2020) by virtue of The Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020 (S.I. 2020/206), reg. 1, **Sch. 5 para. 5(2)(i)**
- F16** Words in reg. 2(1) substituted (27.3.2020) by The Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020 (S.I. 2020/206), reg. 1, **Sch. 5 para. 5(2)(j)**
- F17** Word in reg. 2(1) omitted (31.12.2020) by virtue of S.I. 2019/735, reg. 57(2)(g) (as inserted by The Plant Health (Forestry) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1492), regs. 2(a), **5(6)**)

- F18** Words in reg. 2(1) inserted (27.3.2020) by [The Official Controls \(Plant Health and Genetically Modified Organisms\) \(Wales\) Regulations 2020 \(S.I. 2020/206\)](#), reg. 1, **Sch. 5 para. 5(2)(k)**
- F19** Word in reg. 2(2) omitted (31.12.2020) by virtue of W.S.I. 2019/735, reg. 57(2)(h) (as inserted by [The Plant Health \(Forestry\) \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1492\)](#), regs. 2(a), **5(6)**)

Fees

3.—(1) Fees payable under this regulation are payable to the Welsh Ministers.

(2) The fee payable for an inspection and associated activities in connection with the granting, variation, or suspension of a plant passport authority or for monitoring compliance with that authority is specified in Schedule 1.

(3) The fee payable in connection with an application for a licence (including an application for an extension or variation of a licence), for an inspection and associated activities in connection with an application for a licence or for monitoring compliance with the terms and conditions of a licence is specified in Schedule 2.

(4) The importer of a controlled consignment must pay—

- (a) in the case of a plant health check in respect of the consignment, the fee specified for the relevant type of consignment in item 1 or 2 of the table in Schedule 3;
- (b) in the case of a documentary check in respect of the consignment, the fee specified in item 1 of the table in Schedule 4;
- (c) in the case of an identity check in respect of the consignment, the fee specified in item 2 of the table in Schedule 4.

(5) Where, at the request of an importer of a controlled consignment, a plant health check is carried out on the consignment at an approved place of inspection, the importer must pay the fee of £30 for each visit made by an inspector in the course of conducting the plant health check at the approved place of inspection, in addition to the fee payable under paragraph (4)(a).

[^{F20}(5A) [^{F21}Subject to paragraph (5E)] the fee payable in connection with an application to the Welsh Ministers for a phytosanitary certificate for export or phytosanitary certificate for re-export is the fee specified in Schedule 4A.

(5B) The fee payable in connection with an application to the Welsh Ministers for a WPM authorisation is the fee specified in Schedule 4B.]

^{F22}(5C)

^{F23}(5D)

[^{F24}(5E) The fee specified in Schedule 4A is 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.

(5F) Paragraph (5E) ceases to have effect at the end of 30 June 2025.]

^{F25}(6)

[^{F26}(6A) The person on whom a forestry remedial notice is served or who is given notice under regulation 16(1) of the Official Controls (Plant Health) Regulations 2020 must pay the fee specified in Schedule 5 for the carrying out or the monitoring by a plant health inspector of remedial work and associated activities in connection with a controlled consignment.]

Textual Amendments

- F20** Reg. 3(5A)(5B) inserted (31.1.2020) by *The Official Controls (Animals, Feed and Food, Plant Health Fees etc.) (Wales) Regulations 2020* (S.I. 2020/44), regs. 1(2), **35(3)**
- F21** Words in reg. 3(5A) substituted (30.12.2023) by *The Plant Health etc. (Miscellaneous Fees) (Amendment) (Wales) Regulations 2023* (S.I. 2023/1380), regs. 1(1), **3(2)(a)**
- F22** Reg. 3(5C) omitted (30.12.2023) by virtue of *The Plant Health etc. (Miscellaneous Fees) (Amendment) (Wales) Regulations 2023* (S.I. 2023/1380), regs. 1(1), **3(2)(b)**
- F23** Reg. 3(5D) omitted (30.12.2023) by virtue of *The Plant Health etc. (Miscellaneous Fees) (Amendment) (Wales) Regulations 2023* (S.I. 2023/1380), regs. 1(1), **3(2)(b)**
- F24** Reg. 3(5E)(5F) inserted (30.12.2023) by *The Plant Health etc. (Miscellaneous Fees) (Amendment) (Wales) Regulations 2023* (S.I. 2023/1380), regs. 1(1), **3(2)(c)**
- F25** Reg. 3(6) omitted (27.3.2020) by virtue of *The Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020* (S.I. 2020/206), reg. 1, **Sch. 5 para. 5(3)(a)**
- F26** Reg. 3(6A) inserted (27.3.2020) by *The Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020* (S.I. 2020/206), reg. 1, **Sch. 5 para. 5(3)(b)**

Commencement Information

- I2** Reg. 3 in force at 28.3.2019, see reg. 1(3)

Revocations

4. The following Regulations are revoked—
- (a) the *Plant Health (Fees) (Forestry) Regulations 2006* ^{M3};
 - (b) the *Plant Health (Fees) (Forestry) (Amendment) Regulations 2008* ^{M4};
 - (c) the *Plant Health (Fees) (Forestry) (Amendment) Regulations 2009* ^{M5};
 - (d) the *Plant Health (Fees) (Forestry) (Amendment) Regulations 2010* ^{M6}.

Commencement Information

- I3** Reg. 4 in force at 28.3.2019, see reg. 1(3)

Marginal Citations

- M3** S.I. 2006/2697, as amended by S.I. 2008/702, 2009/2956, 2010/2001, 2013/755.
- M4** S.I. 2008/702.
- M5** S.I. 2009/2956.
- M6** S.I. 2010/2001.

Lesley Griffiths
Minister for Environment, Energy and Rural
Affairs, one of the Welsh Ministers

Changes to legislation: There are currently no known outstanding effects for the *The Plant Health (Fees) (Forestry) (Wales) Regulations 2019*. (See end of Document for details)

[^{F27}SCHEDULE 1

Regulation 3(2)

Fees for inspections in connection with a plant passport authority

Textual Amendments

F27 Sch. 1 substituted (5.8.2021) by [The Plant Health \(Fees\) \(Forestry\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/838\)](#), regs. 1(2), **2(2)**

<i>Type of inspection</i>	<i>Fee</i>
Physical inspection and associated activities (including travelling and office time) in connection with granting, variation or suspension of a plant passport authority or for monitoring compliance with that authority—	
(a) up to and including the first hour;	£49.50
(b) thereafter, for each additional 15 minutes or part thereof	£12.38]

SCHEDULE 2

Regulation 3(3)

FEES IN CONNECTION WITH LICENCES

Commencement Information

I4 Sch. 2 in force at 28.3.2019, see reg. 1(3)

<i>Item</i>	<i>Type of application or inspection</i>	<i>Fee</i>
1	Application for a licence	£305
2	Application for an extension or variation of a licence with changes requiring scientific or technical assessment	£100
3	Application for an extension of a licence with no changes or for an extension or variation of a licence with changes not requiring scientific or technical assessment	£12
4	Inspection and associated activities (including travelling and office time) in connection with item 1, 2 or 3 or for monitoring compliance with licence terms and conditions—	
	(a) (a) up to and including the first hour;	£37
	(b) (b) thereafter, for each additional 15 minutes or part thereof	£9.25

SCHEDULE 3

Regulation 3(4)(a)

FEES FOR PLANT HEALTHCHECKS

Commencement Information

I5 Sch. 3 in force at 28.3.2019, see [reg. 1\(3\)](#)

<i>Item</i>	<i>Description of relevant material in consignment subject to a plant health check</i>	<i>Unit</i>	<i>Fee</i>
1	Isolated bark, wood shavings, wood chips or sawdust	Per consignment - up to [^{F28} 100m ³] - for each additional [^{F29} m ³] or part thereof	£31.20 £0.49 Up to a maximum fee of £98 per consignment
2	Wood (other than wood in the form of isolated bark, wood shavings, wood chips or sawdust)	Per consignment - up to [^{F28} 100m ³] - for each additional [^{F29} m ³] or part thereof	£31.20 £0.25

Textual Amendments

F28 Word in Sch. 3 para. 1 table substituted (17.6.2021) by [The Plant Health \(Fees\) \(Forestry\) \(Wales\) \(Amendment\) Regulations 2021 \(S.I. 2021/710\)](#), regs. 1, **3(1)**

F29 Word in Sch. 3 para. 1 table substituted (17.6.2021) by [The Plant Health \(Fees\) \(Forestry\) \(Wales\) \(Amendment\) Regulations 2021 \(S.I. 2021/710\)](#), regs. 1, **3(2)**

SCHEDULE 4

Regulation 3(4)(b) and (c)

FEES FOR DOCUMENTARY CHECKS AND IDENTITY CHECKS

Commencement Information

I6 Sch. 4 in force at 28.3.2019, see [reg. 1\(3\)](#)

<i>Item</i>	<i>Type of check</i>	<i>Unit</i>	<i>Fee</i>
1	Documentary check	Per consignment	£7.20
2	Identity check	Per consignment	

Changes to legislation: There are currently no known outstanding effects for the The Plant Health (Fees) (Forestry) (Wales) Regulations 2019. (See end of Document for details)

- for each load of £7.20 up to 30m³ forming part of the consignment contained in one truck, railway wagon or comparable container
- for each bulk load of £7.20 less than 100m³
- for each bulk load of £14.40 100m³ or more

[^{F30}SCHEDULE 4A

Regulation 3(5A)

Fees in connection with an application for a phytosanitary certificate for export or phytosanitary certificate for re-export: Wales

Textual Amendments

F30 Sch. 4A substituted (5.8.2021) by The Plant Health (Fees) (Forestry) (Wales) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/838), regs. 1(2), **2(3)**

<i>Service</i>	<i>Fee</i>
The consideration of an application, including the issue, where appropriate, of a phytosanitary certificate for export or a phytosanitary certificate for re-export	£21.00
The examination or testing of wood, wood products, isolated bark or used forestry machinery and associated activities (including travelling and office time)—	
(a) up to and including the first hour;	£37.80
(b) thereafter, for each additional 15 minutes or part thereof	£10.50]

[^{F31}SCHEDULE 4B

Regulation 3(5B)

Fees in connection with an application for a WPM authorisation

Textual Amendments

F31 Sch. 4A, Sch. 4B inserted (31.1.2020) by The Official Controls (Animals, Feed and Food, Plant Health Fees etc.) (Wales) Regulations 2020 (S.I. 2020/44), regs. 1(2), **35(4)**

(1) Type of application

(2) Fee

Application for a WPM authorisation, other than a renewal of an existing WPM authorisation	£400.00
Application for a renewal of an existing WPM authorisation	£120.00
Application for a re-assessment for the purposes a WPM authorisation	£120.00]

SCHEDULE 5

Regulation 3(6)

FEES FOR THE CARRYING OUT OR MONITORING OF REMEDIAL WORK

Commencement Information

I7 Sch. 5 in force at 28.3.2019, see reg. 1(3)

<i>Remedial work</i>	<i>Fee</i>
The carrying out or monitoring by an inspector of remedial work and associated activities (including travelling and office time) in connection with a controlled consignment—	
(a) (a) up to and including the first hour;	£37
(b) (b) thereafter, for each additional 15 minutes or part thereof	£9.25

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Plant Health (Fees) (Forestry) Regulations 2006 (S.I. 2006/2697) in relation to Wales.

These Regulations implement Article 13d 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). Article 13d requires member States to collect fees for documentary, identity and plant health checks carried out on certain consignments of wood, wood products and isolated bark originating in countries outside the European Union (“controlled consignments”).

Regulation 3 requires the following fees to be paid to the Welsh Ministers—

- the fees specified in Schedule 1 for inspections in connection with an authority to issue plant passports under article 28 of the Plant Health (Forestry) Order 2005 (S.I. 2005/2517) (“the Principal Order”);
- the fees specified in Schedule 2 in connection with licences to which article 38 or 39 of the Principal Order applies;

Changes to legislation: There are currently no known outstanding effects for the *The Plant Health (Fees) (Forestry) (Wales) Regulations 2019*. (See end of Document for details)

- (c) the fees specified in Schedule 3 and regulation 3(5) for plant health checks on controlled consignments;
- (d) the fees specified in Schedule 4 for documentary checks and identity checks on controlled consignments;
- (e) the fees specified in Schedule 5 for the carrying out or monitoring of remedial work by an inspector under the Principal Order in connection with controlled consignments.

These Regulations bring the fees in line with the rest of Great Britain. The changes are as follows—

- (a) the fees for plant health checks increase from £26 to £31.20 per consignment (and from £0.20 to £0.25 for each additional m³ in excess of 100m³ in relation to a consignment of wood other than wood in the form of shavings, chips or sawdust);
- (b) the reduced rate fees in relation to plant health checks on consignments of *Acer saccharum* from Canada and the United States of America are removed. Under the procedure provided for in Articles 13a(2) and 18(2) of Council Directive [2000/29/EC](#), these consignments are no longer subject to reduced levels of plant health checks and are therefore no longer eligible for reduced rate fees;
- (c) the fees for documentary checks increase from £6 to £7.20 per consignment and for identity checks from £6 to £7.20 and, for bulk loads of 100m³ or more, from £12 to £14.40, per consignment.

Otherwise the fees remain the same as in the Plant Health (Fees) (Forestry) Regulations 2006. The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Economy, Skills and Natural Resources Department of the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

Changes to legislation:

There are currently no known outstanding effects for the The Plant Health (Fees) (Forestry) (Wales) Regulations 2019.