

2012 No. 745

PLANT HEALTH, ENGLAND

The Plant Health (Fees) (England) Regulations 2012

Made - - - - *6th March 2012*

Laid before Parliament *12th March 2012*

Coming into force - - *6th April 2012*

The Secretary of State is a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Union.

The Secretary of State makes regulation 7(a), (b) and (c) in exercise of powers conferred by section 2(2) of the European Communities Act 1972.

The Secretary of State makes these Regulations, with the exception of regulation 7(a), (b) and (c), with the consent of the Treasury, in exercise of powers conferred by section 56(1) and (2) of the Finance Act 1973(c).

Title, application, commencement and interpretation

1.—(1) These Regulations may be cited as the Plant Health (Fees) (England) Regulations 2012, apply in England only and come into force on 6th April 2012.

(2) In these Regulations—

(a) “the Directive” means 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(d); and

(b) “the PHO” means the Plant Health (England) Order 2005(e).

(3) Terms used in these Regulations which are also used in the Directive have the meaning they have in the Directive.

Import inspection fees

2.—(1) This regulation applies in relation to consignments of—

(a) S.I. 1972/1811. The function of the former Minister of Agriculture of making regulations under section 2(2) of the European Communities Act 1972 was transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

(b) 1972 c.68; section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1)(a), and the European Union (Amendment) Act 2008 (c.7), Part 1 of the Schedule.

(c) 1973 c.51. Subsection (6) of section 56 was repealed by the Statute Law (Repeals) Act 1977 (c.18).

(d) OJ No L 169, 10.7.2000, p.1, as last amended by Commission Directive 2010/1/EU (OJ No L 7, 12.1.2010, p.17).

(e) S.I. 2005/2530; relevant amending instruments are S.I. 2006/2307 and 2008/2411.

- (a) plants, plant products and other objects of a description specified in column 1 of Schedule 1 that are listed in Part B of Annex V to the Directive, and
- (b) seeds of *Solanaceae* whether or not listed in that Part,

that are introduced into England from a country or territory other than one within the European Union or are the subject of an agreement made under article 12(6) of the PHO.

(2) Upon import of a consignment to which this regulation applies, an importer must pay to the Secretary of State—

- (a) the fee specified—
 - (i) in column 3 of Schedule 1 in respect of a consignment of a plant, plant product or other object listed in column 1 of that Schedule, other than a consignment of a plant or plant product to which paragraph (ii) of this sub-paragraph applies, or
 - (ii) in column 4 of Schedule 2 in respect of a consignment of a plant or plant product listed in column 1 of that Schedule and originating from a country listed in column 3 of that Schedule; and
- (b) the fees specified in column 3 of Schedule 3 for a documentary check and an identity check.

(3) But where, at the request of an importer or any other person responsible for the consignment, a plant health check is carried out on a consignment outside daytime working hours, the fee payable under paragraph (2)(a) in respect of that consignment is—

- (a) the fee specified in column 4 of Schedule 1 if the consignment is a consignment to which paragraph (2)(a)(i) applies; or
- (b) the fee specified in column 5 of Schedule 2 if the consignment is a consignment to which paragraph (2)(a)(ii) applies.

(4) In this regulation “daytime working hours” means any time between the hours of 8.30 a.m. and 5.00 p.m. on any day except a Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971(a) in England.

Seed potatoes: fees

3.—(1) The fees specified in Schedule 4 are payable in respect of the functions specified in column 1 of that Schedule, which relate to an application for—

- (a) certification of seed potatoes in accordance with regulation 9 of the Seed Potatoes Regulations;
- (b) an authorisation to market seed potatoes in accordance with regulation 8 of those Regulations.

(2) The fee payable in respect of a function is subject to any minimum fee specified in column 3 of Schedule 4 in relation to that function.

(3) The fee in respect of a function specified in Schedule 4 must be paid to the Secretary of State or to any person authorised by the Secretary of State to carry out that function under the Seed Potatoes Regulations on behalf of the Secretary of State.

(4) In this regulation “the Seed Potatoes Regulations” means the Seed Potatoes (England) Regulations 2006(b).

Plant health licence fees

4.—(1) Fees payable under this regulation relate to a licence described in article 40 or 41 of the PHO.

(a) 1971 c.80; see section 1 and Schedule 1.
(b) S.I. 2006/1161, amended by S.I. 2008/560, 2009/2342 and 2010/1511.

(2) In respect of an application or inspection of a type described in column 2 of Schedule 5, a person must pay to the Secretary of State the fee specified in column 3 of that Schedule in relation to that type of application or inspection.

Plant passport authorisation fees

5.—(1) The fee specified in paragraph (2) must be paid to the Secretary of State in respect of an inspection (which may include an inspection of business records) carried out in connection with—

- (a) an application for an authority; or
- (b) ensuring compliance with any conditions subject to which an authority was granted.

(2) The fee is £31.50 for each quarter of an hour or part of quarter of an hour (including time spent on an inspection, on travelling and on associated administration), subject to a minimum fee of £63.00 per visit.

(3) In this regulation “authority” means an authority to issue plant passports conferred under article 8 of the Plant Health (*Phytophthora ramorum*) (England) Order 2004(a) or article 29 of the PHO.

Potatoes originating in Egypt: fees

6.—(1) Where an inspector takes a sample of potatoes originating in Egypt in order to ascertain whether, for the purposes of paragraph 5 of the Annex to the Decision, those potatoes are infected with *Ralstonia solanacearum* (Smith) Yabuuchi et al., the importer must pay to the Secretary of State £87.80 in respect of each lot sampled.

(2) In this regulation “the Decision” means Commission Implementing Decision 2011/787/EU authorising member States temporarily to take emergency measures against the dissemination of *Ralstonia solanacearum* (Smith) Yabuuchi et al. as regards Egypt(b).

Revocations

7. The following are revoked—

- (a) the Plant Health (Licence Fees) (England and Wales) Regulations 1996(c), in relation to England only;
- (b) regulation 6 of the Potatoes Originating in Egypt (England) Regulations 2004(d);
- (c) the Seed Potatoes (Fees) (England) Regulations 2006(e);
- (d) the Plant Health (Plant Passport Fees) (England) Regulations 2007(f);
- (e) the Plant Health (Import Inspection Fees) (England) Regulations 2010(g); and
- (f) the Plant Health (Import Inspection Fees) (England) (Amendment) Regulations 2012(h).

27th February 2012

Taylor of Holbeach
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

(a) S.I. 2004/2590, to which there are amendments not relevant to these Regulations.
(b) OJ No L 319, 2.12.2011, p.112.
(c) S.I. 1996/26.
(d) S.I. 2004/1165.
(e) S.I. 2006/1160.
(f) S.I. 2007/720.
(g) S.I. 2010/2693, amended by S.I. 2012/103.
(h) S.I. 2012/103.

6th March 2012

Two of the Lords Commissioners of Her Majesty's Treasury

SCHEDULE 1 Regulation 2(1)(a), (2)(a)(i) and (3)(a)
Import Inspection Fees

<i>Column 1</i> <i>Plant, plant product or other object</i>	<i>Column 2</i> <i>Quantity</i>	<i>Column 3</i> <i>Fee for each consignment (daytime working hours) (£)</i>	<i>Column 4</i> <i>Fee for each consignment (non-daytime working hours) (£)</i>
Cuttings, seedlings (except forestry reproductive material), young plants of strawberries or of vegetables	up to 10,000 in number	46.98	70.47
	each additional 1,000, or part thereof	1.88, up to a maximum of 375.84	2.81, up to a maximum of 563.76
Shrubs, trees (other than cut Christmas trees), other woody nursery plants including forest reproductive material (other than seed)	up to 1,000 in number	46.98	70.47
	each additional 100, or part thereof	1.15, up to a maximum of 375.84	1.73, up to a maximum of 563.76
Bulbs, corms, rhizomes, tubers, intended for planting (other than tubers of potatoes)	up to 200 kg	46.98	70.47
	each additional 10 kg, or part thereof	0.43, up to a maximum of 375.84	0.64, up to a maximum of 563.76
Seeds, tissue cultures	up to 100 kg	20.13	30.20
	each additional 10 kg, or part thereof	0.46, up to a maximum of 375.84	0.69, up to a maximum of 563.76
Other plants intended for planting, not specified elsewhere in this Schedule	up to 5,000 in number	46.98	70.47
	each additional 100, or part thereof	0.46, up to a maximum of 375.84	0.69, up to a maximum of 563.76
Cut flowers	up to 20,000 in number	46.98	70.47
	each additional 1,000, or part thereof	0.36, up to a maximum of 375.84	0.54, up to a maximum of 563.76
Branches with foliage,	up to 100 kg	46.98	70.47

<i>Column 1</i> <i>Plant, plant product or other object</i>	<i>Column 2</i> <i>Quantity</i>	<i>Column 3</i> <i>Fee for each consignment (daytime working hours) (£)</i>	<i>Column 4</i> <i>Fee for each consignment (non-daytime working hours) (£)</i>
parts of conifers (other than cut Christmas trees)	each additional 100 kg, or part thereof	4.67, up to a maximum of 375.84	7.01, up to a maximum of 563.76
Cut Christmas trees	up to 1,000 in number	46.98	70.47
	each additional 100, or part thereof	4.67, up to a maximum of 375.84	7.01, up to a maximum of 563.76
Leaves of plants, such as herbs, spices and leafy vegetables	up to 100 kg	46.98	70.47
	each additional 10 kg, or part thereof	4.67, up to a maximum of 375.84	7.01, up to a maximum of 563.76
Fruits, vegetables (other than leafy vegetables)	up to 25,000 kg	46.98	70.47
	each additional 1,000 kg, or part thereof	1.88	2.81
Tubers of potatoes	up to 25,000 kg	140.94 (for each lot)	211.41 (for each lot)
	each additional 25,000 kg, or part thereof	140.94 (for each lot)	211.41 (for each lot)
Soil and growing medium, bark	up to 25,000 kg	46.98	70.47
	each additional 1,000 kg, or part thereof	1.88, up to a maximum of 375.84	2.81, up to a maximum of 563.76
Grain	up to 25,000 kg	46.98	70.47
	each additional 1,000 kg, or part thereof	1.88, up to a maximum of 1879.19	2.81, up to a maximum of 2818.78
Other plants or plant products not specified elsewhere in this Schedule, except forest trees	each consignment	46.98	70.47

SCHEDULE 2 Regulation 2(2)(a)(ii) and (3)(b)

Import Inspection Fees: Reduced Rates

<i>Column 1</i> <i>Genus</i>	<i>Column 2</i> <i>Quantity</i>	<i>Column 3</i> <i>Country of origin</i>	<i>Column 4</i> <i>Fee for each consignment (daytime working hours) (£)</i>	<i>Column 5</i> <i>Fee for each consignment (non-daytime working hours) (£)</i>
Cut Flowers				

<i>Column 1 Genus</i>	<i>Column 2 Quantity</i>	<i>Column 3 Country of origin</i>	<i>Column 4 Fee for each consignment (daytime working hours) (£)</i>	<i>Column 5 Fee for each consignment (non-daytime working hours) (£)</i>
<i>Dianthus</i>	up to 20,000 in number	Colombia	2.35	3.52
		Ecuador	4.70	7.05
		Kenya	2.35	3.52
		Turkey	11.74	17.62
	each additional 1,000 or part thereof	Colombia	0.02, up to a maximum of 18.79	0.03, up to a maximum of 28.19
		Ecuador	0.04, up to a maximum of 37.58	0.07, up to a maximum of 56.38
		Kenya	0.02, up to a maximum of 18.79	0.03, up to a maximum of 28.19
		Turkey	0.10, up to a maximum of 93.96	0.15, up to a maximum of 140.94
<i>Rosa</i>	up to 20,000 in number	Colombia	1.41	2.11
		Ecuador	1.41	2.11
		Ethiopia	2.35	3.52
		Kenya	2.35	3.52
		Tanzania	4.70	7.05
		Uganda	11.74	17.62
		Zambia	11.74	17.62
	each additional 1,000 or part thereof	Colombia	0.01, up to a maximum of 11.28	0.01, up to a maximum of 16.91
		Ecuador	0.01, up to a maximum of 11.28	0.01, up to a maximum of 16.91
		Ethiopia	0.02, up to a maximum of 18.79	0.03, up to a maximum of 28.19
		Kenya	0.02, up to a maximum of 18.79	0.03, up to a maximum of 28.19
		Tanzania	0.04, up to a maximum of	0.07, up to a maximum of

<i>Column 1 Genus</i>	<i>Column 2 Quantity</i>	<i>Column 3 Country of origin</i>	<i>Column 4 Fee for each consignment (daytime working hours) (£)</i>	<i>Column 5 Fee for each consignment (non-daytime working hours) (£)</i>
			37.58	56.38
		Uganda	0.07, up to a maximum of 93.96	0.10, up to a maximum of 140.94
		Zambia	0.07, up to a maximum of 93.96	0.10, up to a maximum of 140.94
Branches with foliage				
<i>Phoenix</i>	up to 100 kg	Costa Rica	16.44	24.66
	each additional 100 kg or part thereof	Costa Rica	1.63, up to a maximum of 131.54	2.45, up to a maximum of 197.32
Fruit				
<i>Citrus</i>	up to 25,000 kg	Egypt	7.05	10.57
		Israel	4.70	7.05
		Mexico	7.05	10.57
		Morocco	2.35	3.52
		Peru	11.74	17.62
		Turkey	1.41	2.11
		Uruguay	7.05	10.57
		USA	7.05	10.57
	each additional 1,000 kg or part thereof	Egypt	0.26	0.39
		Israel	0.19	0.28
		Mexico	0.26	0.39
		Morocco	0.07	0.10
		Peru	0.47	0.70
		Turkey	0.03	0.05
<i>Malus</i>	up to 25,000 kg	Argentina	4.70	7.05
		Brazil	7.05	10.57
		Chile	2.35	3.52
		China	23.49	35.23

<i>Column 1 Genus</i>	<i>Column 2 Quantity</i>	<i>Column 3 Country of origin</i>	<i>Column 4 Fee for each consignment (daytime working hours) (£)</i>	<i>Column 5 Fee for each consignment (non-daytime working hours) (£)</i>
		New Zealand	4.70	7.05
		South Africa	2.35	3.52
		USA	11.74	17.62
	each additional 1,000 kg or part thereof	Argentina	0.19	0.28
		Brazil	0.28	0.42
		Chile	0.09	0.14
		China	0.94	1.40
		New Zealand	0.19	0.28
		South Africa	0.09	0.14
		USA	0.47	0.70
<i>Passiflora</i>		up to 25,000 kg	Colombia	4.70
	Kenya		4.70	7.05
	South Africa		23.49	35.23
	Zimbabwe		16.44	24.66
	each additional 1,000 kg or part thereof	Colombia	0.16	0.25
		Kenya	0.16	0.25
		South Africa	0.92	1.38
		Zimbabwe	0.63	0.94
<i>Prunus</i>	up to 25,000 kg	Argentina	16.44	24.66
		Chile	4.70	7.05
		South Africa	4.70	7.05
		Turkey	4.70	7.05
		USA	4.70	7.05
	each additional 1,000 kg or part thereof	Argentina	0.63	0.94
		Chile	0.16	0.25
		South Africa	0.16	0.25
		Turkey	0.16	0.25
		USA	0.16	0.25
<i>Pyrus</i>	up to 25,000 kg	Argentina	4.70	7.05
		Chile	11.74	17.62

<i>Column 1 Genus</i>	<i>Column 2 Quantity</i>	<i>Column 3 Country of origin</i>	<i>Column 4 Fee for each consignment (daytime working hours) (£)</i>	<i>Column 5 Fee for each consignment (non-daytime working hours) (£)</i>
		China	16.44	24.66
		South Africa	4.70	7.05
	each additional 1,000 kg or part thereof	Argentina	0.16	0.25
		Chile	0.47	0.70
		China	0.66	0.98
		South Africa	0.16	0.25
Vegetables				
<i>Solanum melongena</i>	up to 25,000 kg	Turkey	4.70	7.05
	each additional 1,000 kg or part thereof	Turkey	0.16	0.25

SCHEDULE 3

Regulation 2(2)(b)

Import Inspection Fees: Documentary and Identity Checks

<i>Column 1 Check</i>	<i>Column 2 Quantity</i>	<i>Column 3 Fee (£)</i>
Documentary	each consignment	5.36
Identity	each consignment up to the size of a truck load, a railway wagon load or the load of a container of comparable size	5.36
	each consignment bigger than the above size	10.71

SCHEDULE 4

Regulation 3

Seed Potatoes: Fees

<i>Column 1 Function</i>	<i>Column 2 Fee⁽¹⁾ (£)</i>	<i>Column 3 Minimum fee (£)</i>
Inspection of growing crops and provision of labels and seals in respect of applications		
Certification as pre-basic seed potato	122.57*	n/a

Certification as basic seed potato, classified as:	super elite 1, super elite 2 or super elite 3	61.29	122.57
	elite 1, elite 2 or elite 3	61.29	122.57
	A	58.26	116.52
Certification as certified seed potato		52.96	105.93
Authorisation to market seed potatoes		122.57*	n/a
Inspection of harvested tubers			
Up to two inspections		18.16	36.32
Third and subsequent inspections		122.57*	n/a

⁽¹⁾ Of the rates listed in this column and in column 3, those that are marked with an asterisk are per hour or part of an hour, and those not so marked are per half-hectare or part of half-hectare.

SCHEDULE 5

Plant Health Licence Fees

Regulation 4(2)

<i>Column 1 Item</i>	<i>Column 2 Type of application or inspection</i>	<i>Column 3 Fee (£)</i>
1	Application for a licence other than a licence covered by item 2 or 3	781.27
2	Application for a licence in respect of soil or other growing medium for analysis	563.54
3	Application for a licence for scientific or trial purposes covering 5 or more types of article	781.27, plus 30.74 per type of article in excess of 5
4	Application for renewal or variation of a licence with changes requiring scientific or technical assessment	256.15
5	Application for renewal of a licence with no changes, or for renewal or variation of a licence with only minor changes requiring no scientific or technical assessment	30.74
6	Inspection and associated activities (including travelling time and office time) for monitoring compliance with licence terms and conditions	42.06 per hour or part of an hour

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in England only, specify fees payable to the Secretary of State in the field of plant health.

The fees are payable in relation to specified inspections and other operations carried out pursuant to 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 for documentary, identity and plant health checks in relation to certain imports of plants, plant products and other objects from third countries (regulation 2 and Schedules 1, 2 and 3) are specified pursuant to the requirement in Article 13d of Directive 2000/29/EC.

The Regulations consolidate several previous instruments which dealt separately with particular fees in relation to plant health; those previous instruments are revoked (regulation 7). These Regulations do not introduce any new types of fee.

The fee levels provided for in this instrument form part of a phased move towards full cost recovery of fees over a period of three years. Most fees are substantially increased: import inspection fees by 229%, fees in relation to seed potatoes by 52%, licensing fees by 160%, fees for inspection of Egyptian potatoes by 184% and fees for plant passporting services by 55%. Further details are provided in the Explanatory Memorandum.

Full impact assessments of the effect that this instrument will have on the costs of business, in relation to each of the five types of fees covered by this instrument, are available using the following links:

<http://www.ialibrary.bis.gov.uk/uploaded/DEFRA1352%20Final%20IA%20Plant%20Health%20Imports%20Inspection%20Fees.pdf>

<http://www.ialibrary.bis.gov.uk/uploaded/DEFRA1353%20Final%20IA%20Plant%20Health%20Licences.pdf>

<http://www.ialibrary.bis.gov.uk/uploaded/DEFRA1354%20Final%20IA%20Plant%20Passports.pdf>

<http://www.ialibrary.bis.gov.uk/uploaded/DEFRA1355%20Final%20IA%20Egypt%20Potato%20Imports.pdf>

<http://www.ialibrary.bis.gov.uk/uploaded/DEFRA1356%20Final%20IA%20Seed%20Potato%20Certification.pdf>

The impact assessments are published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk.

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STATUTORY INSTRUMENTS

2012 No. 745

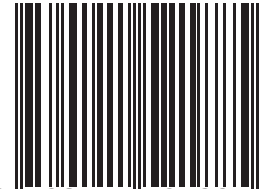
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