

2013 No. 494

PLANT HEALTH, ENGLAND

The Plant Health (Fees) (England) Regulations 2013

<i>Made</i> - - - -	<i>4th March 2013</i>
<i>Laid before Parliament</i>	<i>7th March 2013</i>
<i>Coming into force</i> - -	<i>6th April 2013</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(a).

Title, application, commencement and interpretation

1.—(1) These Regulations may be cited as the Plant Health (Fees) (England) Regulations 2013, apply in England only and come into force on 6th April 2013.

(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(b); and

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

(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) 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

(a) 1973 c.51. Subsection (1) was amended by S.I. 2011/1043, article 6(1)(e).

(b) 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).

(c) S.I. 2005/2530; relevant amending instruments are S.I. 2006/2307, 2008/2411, 2011/1043 and 2012/2922.

- (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 in England under the Banking and Financial Dealings Act 1971(a).

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.
- (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 requirements imposed on the holder of an authority.

(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) The fee is £38.05(a) 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 £76.10(b) 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(c) 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 £117.36(d) 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(e).

Revocation

7. The Plant Health (Fees) (England) Regulations 2012(f) are revoked.

27th February 2013

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

We consent

4th March 2013

Desmond Swayne
David Evennett
Two of the Lords Commissioners of Her Majesty’s Treasury

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- (a) The equivalent fee payable under regulation 5(2) of the Plant Health (Fees) (England) Regulations 2012 (S.I. 2012/745) before commencement of these Regulations was £31.50.
- (b) The equivalent minimum fee payable under regulation 5(2) of the of the Plant Health (Fees) (England) Regulations 2012 before commencement of these Regulations was £63.00.
- (c) S.I. 2004/2590, to which there are amendments not relevant to these Regulations.
- (d) The equivalent fee payable under regulation 6(1) of the Plant Health (Fees) (England) Regulations 2012 before commencement of these Regulations was £87.80.
- (e) OJ No L 319, 2.12.2011, p.112.
- (f) S.I. 2012/745.

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	49.66	74.50
	each additional 1,000, or part thereof	1.98, up to a maximum of 397.31	2.97, up to a maximum of 595.97
Shrubs, trees (other than cut Christmas trees), other woody nursery plants including forest reproductive material (other than seed)	up to 1,000 in number	49.66	74.50
	each additional 100, or part thereof	1.22, up to a maximum of 397.31	1.83, up to a maximum of 595.97
Bulbs, corms, rhizomes, tubers, intended for planting (other than tubers of potatoes)	up to 200 kg	49.66	74.50
	each additional 10 kg, or part thereof	0.45, up to a maximum of 397.31	0.68, up to a maximum of 595.97
Seeds, tissue cultures	up to 100 kg	21.28	31.93
	each additional 10 kg, or part thereof	0.49, up to a maximum of 397.31	0.73, up to a maximum of 595.97
Other plants intended for planting, not specified elsewhere in this Schedule	up to 5,000 in number	49.66	74.50
	each additional 100, or part thereof	0.49, up to a maximum of 397.31	0.73, up to a maximum of 595.97
Cut flowers	up to 20,000 in number	49.66	74.50
	each additional 1,000, or part thereof	0.38, up to a maximum of 397.31	0.57, up to a maximum of 595.97
Branches with foliage, parts of conifers (other than cut Christmas trees)	up to 100 kg	49.66	74.50
	each additional 100 kg, or part thereof	4.94, up to a maximum of 397.31	7.41, up to a maximum of 595.97
Cut Christmas trees	up to 1,000 in number	49.66	74.50
	each additional 100, or part thereof	4.94, up to a maximum of 397.31	7.41, up to a maximum of 595.97
Leaves of plants, such as herbs, spices and leafy vegetables	up to 100 kg	49.66	74.50
	each additional 10 kg, or part thereof	4.94, up to a maximum of 397.31	7.41, up to a maximum of 595.97
Fruits, vegetables	up to 25,000 kg	49.66	74.50

<i>Column 1</i> <i>Plant, plant product</i> <i>or other object</i>	<i>Column 2</i> <i>Quantity</i>	<i>Column 3</i> <i>Fee for each</i> <i>consignment (daytime</i> <i>working hours) (£)</i>	<i>Column 4</i> <i>Fee for each</i> <i>consignment (non-</i> <i>daytime working</i> <i>hours) (£)</i>
(other than leafy vegetables)	each additional 1,000 kg, or part thereof	1.98	2.97
Tubers of potatoes	up to 25,000 kg	148.99 (for each lot)	223.49 (for each lot)
	each additional 25,000 kg, or part thereof	148.99 (for each lot)	223.49 (for each lot)
Soil and growing medium, bark	up to 25,000 kg	49.66	74.50
	each additional 1,000 kg, or part thereof	1.89, up to a maximum of 397.31	2.97, up to a maximum of 595.97
Grain	up to 25,000 kg	49.66	74.50
	each additional 1,000 kg, or part thereof	1.98, up to a maximum of 1986.56	2.97, up to a maximum of 2979.84
Other plants or plant products not specified elsewhere in this Schedule, except forest trees	each consignment	49.66	74.50

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</i> <i>consignment</i> <i>(daytime working</i> <i>hours) (£)</i>	<i>Column 5</i> <i>Fee for each</i> <i>consignment</i> <i>(non-daytime</i> <i>working hours)</i> <i>(£)</i>
Cut Flowers				
Aster	up to 20,000 in number	Zimbabwe	37.24	55.87
	each additional 1,000 or part thereof	Zimbabwe	1.48, up to a maximum of 297.98	2.22, up to a maximum of 446.97
Dianthus	up to 20,000 in number	Colombia	2.48	3.72
		Ecuador	4.96	7.45
		Kenya	2.48	3.72
		Turkey	12.42	18.62
	each additional 1,000 or part thereof	Colombia	0.02, up to a maximum of 19.87	0.03, up to a maximum of 29.80
		Ecuador	0.04, up to a maximum of 39.72	0.07, up to a maximum of 59.58
		Kenya	0.02, up to a maximum of 19.87	0.03, up to a maximum of 29.80
		Turkey	0.10, up to a	0.16, up to a

<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>
			maximum of 99.36	maximum of 149.04
Rosa	up to 20,000 in number	Colombia	1.43	2.14
		Ecuador	1.43	2.14
		Ethiopia	4.96	7.41
		Kenya	2.48	3.72
		Tanzania	4.96	7.42
		Uganda	12.42	18.62
		Zambia	12.42	18.62
	each additional 1,000 or part thereof	Colombia	0.01, up to a maximum of 11.89	0.01, up to a maximum of 17.84
		Ecuador	0.01, up to a maximum of 11.89	0.01, up to a maximum of 17.84
		Ethiopia	0.04, up to a maximum of 39.72	0.06, up to a maximum of 59.58
		Kenya	0.02, up to a maximum of 19.87	0.03, up to a maximum of 29.80
		Tanzania	0.04, up to a maximum of 39.72	0.07, up to a maximum of 59.58
		Uganda	0.07, up to a maximum of 99.36	0.10, up to a maximum of 149.04
		Zambia	0.07, up to a maximum of 99.36	0.10, up to a maximum of 149.04
Branches with foliage				
Phoenix	up to 100 kg	Costa Rica	17.35	26.03
	each additional 100 kg or part thereof	Costa Rica	1.70, up to a maximum of 139.05	2.56, up to a maximum of 208.57
Fruit				
Citrus	up to 25,000 kg	Egypt	7.45	11.17
		Israel	4.96	7.41
		Mexico	7.45	11.17
		Morocco	2.48	3.72
		Peru	12.42	18.62
		Tunisia	12.42	18.62
		Turkey	1.46	2.19
		Uruguay	7.45	11.17
	each additional 1,000 kg or part	Egypt	0.28	0.42
		Israel	0.21	0.31

<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>
	thereof	Mexico	0.28	0.42
		Morocco	0.07	0.10
		Peru	0.49	0.73
		Tunisia	0.49	0.73
		Turkey	0.03	0.05
		Uruguay	0.28	0.42
		USA	0.28	0.42
<i>Malus</i>	up to 25,000 kg	Argentina	4.96	7.41
		Brazil	12.42	18.62
		Chile	2.47	3.70
		New Zealand	4.96	7.41
		South Africa	2.47	3.70
		USA	17.38	26.07
	each additional 1,000 kg or part thereof	Argentina	0.21	0.31
		Brazil	0.49	0.74
		Chile	0.07	0.10
		New Zealand	0.21	0.31
		South Africa	0.07	0.10
		USA	0.69	1.03
<i>Passiflora</i>	up to 25,000 kg	Colombia	4.94	7.41
		Kenya	4.94	7.41
		South Africa	24.83	37.25
		Zimbabwe	24.83	37.25
	each additional 1,000 kg or part thereof	Colombia	0.17	0.26
		Kenya	0.17	0.26
		South Africa	0.97	1.46
		Zimbabwe	0.97	1.46
<i>Prunus</i>	up to 25,000 kg	Argentina	24.83	37.25
		Chile	4.96	7.41
		Morocco	24.83	37.25
		South Africa	4.96	7.41
		Turkey	7.44	11.17
		USA	7.44	11.17
	each additional 1,000 kg or part thereof	Argentina	0.97	1.46
		Chile	0.17	0.26
		Morocco	0.97	1.46
		South Africa	0.17	0.26
		Turkey	0.29	0.44
		USA	0.29	0.44
<i>Pyrus</i>	up to 25,000 kg	Argentina	4.96	7.41
		Chile	12.42	18.62
		China	24.83	37.25
		South Africa	4.96	7.41
	each additional 1,000 kg or part	Argentina	0.17	0.26
		Chile	0.49	0.73

<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>
	thereof	China	0.97	1.46
		South Africa	0.17	0.26
<i>Vaccinium</i>	up to 25,000 kg	Argentina	11.74	17.61
	each additional 1,000 kg or part thereof	Argentina	0.47	0.71
Vegetables				
Momordica	up to 25,000 kg	Surinam	24.83	37.25
	each additional 1,000 kg or part thereof	Surinam	0.97	1.46
Solanum melongena	up to 25,000 kg	Kenya	4.96	7.41
		Turkey	4.96	7.41
	each additional 1,000 kg or part thereof	Kenya	0.17	0.26
		Turkey	0.17	0.26

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	4.31
Identity	each consignment up to the size of a truck load, a railway wagon load or the load of a container of comparable size	4.31
	each consignment bigger than the above size	8.62

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	129.84*	n/a
Certification as basic seed	super elite 1, super elite 2	64.92
		129.84

potato, classified as:	or super elite 3		
	elite 1, elite 2 or elite 3	64.92	129.84
	A	61.71	123.43
Certification as certified seed potato		56.10	112.20
Authorisation to market seed potatoes		129.84*	n/a
Inspection of harvested tubers			
Up to two inspections		19.24	38.47
Third and subsequent inspections		129.84*	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</i> <i>Item</i>	<i>Column 2</i> <i>Type of application or inspection</i>	<i>Column 3</i> <i>Fee (£)</i>
1	Application for a licence other than a licence covered by item 2 or 3	793.03
2	Application for a licence in respect of soil or other growing medium for analysis	572.02
3	Application for a licence for scientific or trial purposes covering 5 or more types of article	793.03, plus 31.20 per type of article in excess of 5
4	Application for renewal or variation of a licence with changes requiring scientific or technical assessment	260.01
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	31.20
6	Inspection and associated activities (including travelling time and office time) for monitoring compliance with licence terms and conditions	42.75 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. They revoke and replace the Plant Health Fees (England) Regulations 2012 (S.I. 2012/745) (“the 2012 Regulations”) (regulation 7). They do not introduce any new types of fee which were not provided for in the 2012 Regulations.

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 Council Directive 2000/29/EC.

The fee levels provided for in these Regulations form the second part of a phased move towards full cost recovery of fees over a period of three years. These Regulations provide for average increases on the fees specified in the 2012 Regulations as follows:

(1) import inspection fees (other than documentary and identity checks) by 5% (regulation 2 and Schedules 1 and 2);

(2) fees relating to seed potato inspections by 5% (regulation 3 and Schedule 4);

(3) licensing fees by 1.6% (regulation 4 and Schedule 5);

(4) fees for plant passporting services by 20% (regulation 5); and

(5) fees for inspections of potatoes originating in Egypt by 25% (regulation 6).

These Regulations also provide for decreases by 19% on the fees specified in the 2012 Regulations for import inspection documentary and identity checks (regulation 2 and Schedule 3). 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/DEFRA1356%20Final%20IA%20Seed%20Potato%20Certification.pdf>

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<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>

The impact assessments are also published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk and available from the Plant Health Policy and Bee Policy Unit, Defra, 10GA07, Sand Hutton, York YO14 1LZ.

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STATUTORY INSTRUMENTS

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