

2018 No. 286

PLANT HEALTH, ENGLAND

**The Plant Health (Export Certification) (England) (Amendment)
Order 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, with the consent of the Treasury, makes this Order in exercise of the powers conferred by sections 3(1) and 4A of the Plant Health Act 1967(a) and now vested in the Secretary of State(b).

Citation and commencement

1. This Order may be cited as the Plant Health (Export Certification) (England) (Amendment) Order 2018 and comes into force on 6th April 2018.

Amendment of the Plant Health (Export Certification) (England) Order 2004

2.—(1) The Plant Health (Export Certification) (England) Order 2004(c) is amended as follows.
(2) For article 4 substitute—

“4.—(1) The fees specified in the table in Schedule 3 are payable in respect of the services described in column 1 of the table by a person who applies 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 in Schedule 3 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 £250 or less in respect of services under this Order, the amount specified in the corresponding entry in column 3 of that table, determined in accordance with the entries for that service in column 2 of that table;
- (b) in any other case, the amount specified in the corresponding entry in column 4 of that table, determined in accordance with the entries for that service in column 2 of that table.

(a) 1967 c. 8; section 3(1) was amended by paragraph 8(2)(a) and (b) of Schedule 4 to the European Communities Act 1972 and S.I. 2011/1043. Section 4A was inserted by section 3 of the Agriculture Act 1986 (c. 49).
(b) The functions of the Minister of Agriculture, Fisheries and Food under the Plant Health Act 1967, in so far as they were not exercisable in relation to Wales, were transferred to the Secretary of State by article 2(2) of S.I. 2002/794.
(c) S.I. 2004/1404; relevant amending instruments are S.I. 2005/3480, 2014/609, 2015/382.

(3) The fees specified in the entries in columns 3 and 4 of the table in Schedule 3 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 the request—

- (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 £250 or less in respect of services under this Order, £7.43;
- (b) in any other case, £14.86.

(5) Any fee payable under this article is payable to the Secretary of State on demand.

(6) In this article, “small exporter”, in relation to an application for a certificate or a pre-export service or a request to amend a certificate, 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^(a); 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.”.

(3) For Schedule 3 substitute—

“SCHEDULE 3

Article 4(1)

Fees for export certification services and pre-export services

In this Schedule—

“period 1” means the period ending on 30th September 2018;

“period 2” means the period beginning on 1st October 2018 and ending on 31st March 2019.

<i>(1)</i> Service	<i>(2)</i> Date	<i>(3)</i> Fee (£)	<i>(4)</i> Fee (£)
Inspection of consignment	In the case of an inspection carried out in period 1	34.44 for each 15 minutes (or part thereof), subject to a minimum fee of 68.88	68.88 for each 15 minutes (or part thereof), subject to a minimum fee of 137.76
	In the case of an inspection carried out in period 2	35.38 for each 15 minutes (or part thereof), subject to a minimum fee of 70.76	70.76 for each 15 minutes (or part thereof), subject to a minimum fee of 141.52
	In the case of an inspection carried out on or after 1st April 2019	36.80 for each 15 minutes (or part thereof), subject to a minimum fee of 73.60	70.76 for each 15 minutes (or part thereof), subject to a minimum fee of

(a) 1994 c. 23.

			141.52
Audit of a grain inspection carried out pursuant to article 3(3)	In the case of an audit carried out in period 1	9.90 for each 15 minutes (or part thereof), subject to a minimum fee of 19.80	19.80 for each 15 minutes (or part thereof), subject to a minimum fee of 36.90
	In the case of an audit carried out in period 2	11.55 for each 15 minutes (or part thereof), subject to a minimum fee of 23.10	23.10 for each 15 minutes (or part thereof), subject to a minimum fee of 46.20
	In the case of an audit carried out on or after 1st April 2019	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	In the case of a laboratory examination carried out in period 1	7.69 per sample tested	15.38 per sample tested
	In the case of a laboratory examination carried out in period 2	11.53 per sample tested	23.07 per sample tested
	In the case of a laboratory examination carried out on or after 1st April 2019	15.38 per sample tested	30.76 per sample tested
Issue of certificate	In the case of a certificate issued in period 1	9.11 per certificate	18.23 per certificate
	In the case of a certificate issued in period 2	10.20 per certificate	20.41 per certificate
	In the case of a certificate issued on or after 1st April 2019	11.29 per certificate	22.59 per certificate
Amendment of a certificate at the request of the exporter	-	7.43 per certificate	14.86 per certificate”

(4) Omit Schedule 4.

27th February 2018

We consent

1st March 2018

Gardiner of Kimble
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Plant Health (Export Certification) (England) Order 2004 (S.I. 2004/1404) to provide for increases in the fees payable for services in respect of applications for phytosanitary certificates (including phytosanitary certificates for re-export) and related pre-export services.

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

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