
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 216

The Plant Health (Import Inspection Fees) (Scotland) Regulations 2005

Title, commencement and extent

1.—(1) These Regulations may be cited as the Plant Health (Import Inspection Fees) (Scotland) Regulations 2005 and shall come into force on 6th May 2005.

(2) These Regulations extend to Scotland only.

Commencement Information

II Reg. 1 in force at 6.5.2005, see [reg. 1\(1\)](#)

Interpretation

2.—(1) In these Regulations—

“consignment” has the same meaning as in Article 2(1)(p) of the Directive;

“the Directive” means Council Directive [2000/29/EC\(1\)](#) on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community as last amended by Commission Directive [2005/15/EC\(2\)](#);

“documentary check” has the same meaning as in Article 13a(1)(b)(i) of the Directive;

“identity check” has the same meaning as in Article 13a(1)(b)(ii) of the Directive;

“normal working hours” means any time between the hours of 6 a.m. to 5 p.m. on any day except a Saturday, Sunday, Easter Monday, 26th December if it is not a Saturday or Sunday, 27th December in a year in which 25th or 26th December is a Sunday or a day which is a bank holiday in Scotland under the Banking and Financial Dealings Act 1971(3);

“plant” has the same meaning as in Article 2(1)(a) of the Directive;

“plant health check” has the same meaning as in Article 13a(1)(b)(iii) of the Directive;

“plant intended for planting” has the same meaning as in Article 2(1)(d) of the Directive;

“plant product” has the same meaning as in Article 2(1)(b) of the Directive; and

“third country” means a country or territory other than one within the European Community.

(2) A reference in these Regulations to anything done in writing or produced in written form includes a reference to an electronic communication, as defined in the Electronic Communications Act 2000(4), which has been recorded and is consequently capable of being reproduced.

(1) O.J. No. L 169, 10.7.00, p.1.

(2) O.J. No. L 56, 2.3.2005, p.12.

(3) 1971 c. 80.

(4) 2000 c. 7.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Plant Health (Import Inspection Fees) (Scotland) Regulations 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I2 Reg. 2 in force at 6.5.2005, see [reg. 1\(1\)](#)

Consignments to which Regulations apply

3. These Regulations apply to consignments of plants, plant products and other objects of a description specified in the first column of Schedule 1, landed in Scotland from a third country in respect of which Article 13d(1) of the Directive requires Member States to collect phytosanitary fees to cover the costs occasioned by documentary checks, identity checks and plant health checks.

Commencement Information

I3 Reg. 3 in force at 6.5.2005, see [reg. 1\(1\)](#)

Fees

4.—(1) An importer of a consignment to which these Regulations apply must pay to the Scottish Ministers the fees specified in this regulation.

(2) In respect of a plant health check carried out on any consignment of plants, plant products or other objects, other than a consignment of a plant or plant product to which paragraph (3) applies, the fee payable shall be—

- (a) the fee specified in the third column of Schedule 1 in respect of a check carried out during normal working hours; or
- (b) the fee specified in the fourth column of that Schedule in respect of a check carried out outside those hours.

(3) In respect of a plant health check carried out, or which, but for Article 13a(2) of the Directive (providing for checks to be carried out at reduced frequency), would have been required to be carried out, on a consignment of any plant or plant product listed in the first column of Schedule 2 and originating from a country listed in the third column of that Schedule, the fee payable, in accordance with Article 13d(2) of the Directive, shall be—

- (a) the fee specified in the fourth column of Schedule 2 in respect of a check carried out during normal working hours; or
- (b) the fee specified in the fifth column of that Schedule in respect of a check carried out outside those hours.

(4) In respect of a documentary check or an identity check carried out on any consignment the fee payable shall be that specified for that check in the third column of Schedule 3.

Commencement Information

I4 Reg. 4 in force at 6.5.2005, see [reg. 1\(1\)](#)

Mixed consignments

5. Where a consignment to which these Regulations apply does not consist exclusively of plants, plant products or other objects coming within one description in the first column of Schedule 1, those parts thereof consisting of plants, plant products or other objects coming within other descriptions

in the first column of that Schedule shall be treated as separate consignments and subject to separate fees under regulation 4.

Commencement Information

I5 Reg. 5 in force at 6.5.2005, see [reg. 1\(1\)](#)

Notification of consignments

6. An importer of a consignment to which these Regulations apply must submit to the Scottish Ministers such information relating to the consignment, in writing and in such form as the Scottish Ministers may reasonably require, and such information must be submitted at least 48 hours before the consignment is landed in Scotland.

Commencement Information

I6 Reg. 6 in force at 6.5.2005, see [reg. 1\(1\)](#)

Pentland House, Edinburgh
14th April 2005

ROSS FINNIE
A member of the Scottish Executive

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Changes and effects yet to be applied to :

- sch 2 am by [S.S.I. 2009/305 regs 23 schedule](#)
- Sch. 2 entries omitted by [S.S.I. 2011/311 reg. 2](#)
- sch 2 subst by [S.S.I. 2007/138 reg 4](#)
- sch 2 subst by [S.S.I. 2007/499 arts 25](#)
- sch 2 subst by [S.S.I. 2009/8 regs 24](#)
- sch 2 subst by [S.S.I. 2010/405 reg 2](#)
- sch 2 subst (1.1.2010) by [S.S.I. 2009/305 regs 24](#)
- Regulations revoked by [S.S.I. 2014/338 reg. 6\(b\)](#)
- regs 23 am by [S.S.I. 2007/499 regs 2 - 4](#)
- reg 2 rev in pt by [S.S.I. 2009/8 regs 23](#)
- reg 6 rev by [S.S.I. 2007/138 reg 3](#)