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SCOTTISH STATUTORY INSTRUMENTS

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**2007 No. 536**

**SEEDS**

**The Seeds (Fees) (Scotland) Regulations 2007**

*Made* - - - - 28th November 2007

*Laid before Parliament* 29th November 2007

*Coming into force* - - 1st January 2008

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 16(1), (1A)(e), (5)(a) and 36 of the Plant Varieties and Seeds Act 1964<sup>(1)</sup>, and all other powers enabling them to do so.

In accordance with section 16(1) of that Act, they have consulted with representatives of such interests as appear to them to be concerned.

**Citation, commencement and extent**

1. These Regulations may be cited as the Seeds (Fees) (Scotland) Regulations 2007 and shall come into force on 1st January 2008.
2. These Regulations extend to Scotland only.

**Fees**

3.—(1) Paragraph (2) applies to matters set out in Schedule 1 relating to the following Regulations—

- (a) the Beet Seeds Regulations 1993<sup>(2)</sup>;
- (b) the Vegetable Seeds Regulations 1993<sup>(3)</sup>;
- (c) the Oil and Fibre Plant Seed (Scotland) Regulations 2004<sup>(4)</sup>;
- (d) the Cereal Seed (Scotland) Regulations 2005<sup>(5)</sup>; and

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(1) 1964 c. 14; Section 16 was amended by the European Communities Act 1972 (c. 68), section 4(1) and paragraph 5(1) and (2) of Schedule 4 and by the Agriculture Act 1986 (c. 49), section 2. See section 38 for the definition of “the Minister”. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(2) S.I. 1993/2006, as relevantly amended by S.I. 1997/616 and 1999/1861 and S.S.I. 2000/246.

(3) S.I. 1993/2008, as relevantly amended by S.I. 1996/1452, 1997/616, 1999/1863 and 2001/3510 and S.S.I. 2000/250 and 2007/305.

(4) S.S.I. 2004/317, as amended by S.S.I. 2006/313 and 2007/224.

(5) S.S.I. 2005/328, as amended by S.S.I. 2006/313 and 448 and 2007/224.

- (e) the Fodder Plant Seed (Scotland) Regulations 2005<sup>(6)</sup>.
- (2) Where this paragraph applies—
  - (a) the relevant person must charge the appropriate fee for the matter set out in Schedule 1; and
  - (b) the fee must be paid to the relevant person within one month of demand.
- (3) In paragraph (2), the “relevant person” is—
  - (a) a licensed crop inspector, where the fee is for an official examination of a crop undertaken by a licensed crop inspector;
  - (b) a licensed seed sampler, where the fee is for the sampling of a seed lot for the purposes of an official examination undertaken by a licensed seed sampler; or
  - (c) in any other case, the Scottish Ministers.
- (4) In paragraph (3), “licensed crop inspector” and “licensed seed sampler” have the same meaning as in regulation 2 (interpretation) of the Seed (Registration, Licensing and Enforcement) (Scotland) Regulations 2006<sup>(7)</sup>.

**4.—**(1) Paragraph (2) applies to matters set out in Schedule 2 relating to the Seeds (Registration, Licensing and Enforcement) (Scotland) Regulations 2006.

- (2) Where this paragraph applies—
  - (a) the Scottish Ministers must charge the appropriate fee for the matter set out in Schedule 2; and
  - (b) the fee must be paid to the Scottish Ministers within the relevant timescale set out in Schedule 2.

### **Withdrawals**

**5.** Where an application in respect of a matter set out in Schedule 1 is withdrawn before arrangements have been made for the purposes of an official crop examination, the appropriate fee set out in that Schedule shall—

- (a) be reduced to the sum of £2.75 per hectare, if the application was in respect of a matter set out in paragraph A of Schedule 1 (initial fee); and
- (b) otherwise not be due (and if already paid shall be repaid).

### **Exemptions**

**6.** The Scottish Ministers may exempt any person from compliance with any provision in these Regulations relating to the payment of fees, subject to any conditions the Scottish Ministers think appropriate.

### **Revocations**

**7.** The regulations listed in the first column of Schedule 3 to these Regulations are revoked to the extent specified in the second column.

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<sup>(6)</sup> S.S.I. 2005/329, as amended by S.S.I. 2006/313 and 448 and 2007/224.

<sup>(7)</sup> S.S.I. 2006/313.

St Andrew's House,  
Edinburgh  
28th November 2007

*RICHARD LOCHHEAD*  
A member of the Scottish Executive

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## SCHEDULE 1

Regulation 3(2)(a)

FEES FOR MATTERS RELATING TO THE BEET SEEDS REGULATIONS 1993, THE VEGETABLE SEEDS REGULATIONS 1993, THE OIL AND FIBRE PLANT SEED (SCOTLAND) REGULATIONS 2004, THE CEREAL SEED (SCOTLAND) REGULATIONS 2005 AND THE FODDER PLANT SEED (SCOTLAND) REGULATIONS 2005

**Interpretation**

1. In this Schedule, words and expressions have the same meaning as they do in the relevant Regulations; and “the relevant Regulations” means the particular Regulations which the matter relates to that are listed in regulation 4(1) to these Regulations.

<i>Matter</i>	<i>Fee</i> £
<b>A. Initial fee</b>	
Initial fee for crops intended to produce:—	
(i) pre basic seed or basic seed	29.60 <sup>(1)</sup>
(ii) certified seed, certified seed of the first generation, certified seed of the second generation or certified seed of the third generation	4.25 <sup>(1)</sup>
<b>B. Crop inspection fees</b>	
(i) Official examination of crops intended to produce pre basic seed, basic seed, certified seed, certified seed of the first generation, certified seed of the second generation or certified seed of the third generation	14.25 <sup>(1)</sup>
(ii) Official re-examination of crops intended to produce pre basic seed, basic seed, certified seed, certified seed of the first generation, certified seed of the second generation or certified seed of the third generation, except:—	14.25 <sup>(1)</sup>
(a) official re-examination of crops for wild oats	7.15 <sup>(1)</sup>
(b) official re-examination of crops for isolation	2.85 <sup>(1)</sup>
(c) authentication of seed lot sown (where this has not been carried out at crop inspection)	6.40
<b>C. Seed lot fee</b>	
(1) per hectare; parts of a hectare shall be rounded up to the nearest hectare.	
(2) per seed lot	
(3) per certificate	

<i>Matter</i>	<i>Fee</i> £
Issuing an official certificate or a breeder's confirmation (other than in the circumstances described under D below) in respect of a seed lot entered as:–	
(i) all multiplication categories	73.00
(ii) all final generation categories	30.55
<b>D. Seed lot re-entry fee</b>	
Issuing an official certificate or breeder's confirmation in respect of a seed lot which was entered for one category and has been withdrawn and is being re entered as:–	
(i) pre basic seed or basic seed, certified seed, certified seed of the first generation	35.00
(ii) certified seed of the second generation, certified seed of the third generation	17.45
<b>E. Sampling fees</b>	
Sampling or re-sampling of a seed lot for the purposes of an official examination, and for sampling or re-sampling imported seed intended for further multiplication	48.90
<b>F. Official label fees</b>	
Issuing and printing of official labels:–	
(i) tear resistant labels for breeder's confirmation seed, pre basic seed and seed for export	40.50 <sup>(2)</sup>
(ii) self adhesive labels for breeder's confirmation seed, pre basic seed and seed for export	28.00 <sup>(2)</sup>
<b>G. OECD Certificate</b>	
Issuing an Organisation for Economic Co-operation and Development (OECD) Certificate	25.00 <sup>(3)</sup>
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(1) per hectare; parts of a hectare shall be rounded up to the nearest hectare.	
(2) per seed lot	
(3) per certificate	

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## SCHEDULE 2

Regulation 4(2)

FEEES FOR MATTERS RELATING TO THE SEED (REGISTRATION,  
LICENSING AND ENFORCEMENT) (SCOTLAND) REGULATIONS 2006

**Interpretation**

1. In this Schedule, words and expressions have the same meaning as they do in the Seed (Registration, Licensing and Enforcement) (Scotland) Regulations 2006<sup>(8)</sup>.

<i>Matter</i>	<i>When payable</i>	<i>Fee £</i>
<b>A. Representations by, and hearings of, a seed merchant, processor or packer, licensed crop inspector, licensed seed sampler or personnel pertaining to a Licensed Seed Testing Station</b>		
(i) Making written representations to the Scottish Ministers	On making representations	33.95
(ii) Being heard by a person appointed by the Scottish Ministers	On applying to be heard	67.95
<b>B. Licensed Seed Testing Stations</b>		
(i) Annual fee payable during the currency of the licence (or a proportion thereof in respect of a part of a year)	Within one month of demand by or on behalf of the Scottish Ministers, annually in advance	1500.00
(ii) Fee payable by a Licensed Seed Testing Station in respect of an official examination of seed.	Within one month of demand by or on behalf of the Scottish Ministers, annually in arrears	5.25
<b>C. Crop Inspection Courses and Examination</b>		
(i) crop inspection course	Within one month of demand by or on behalf of the Scottish Ministers	570.00
(ii) initial examination and compulsory re-test		

<sup>(8)</sup> S.S.I. 2006/313.

<i>Matter</i>	<i>When payable</i>	<i>Fee £</i>
(a) Theory together with all 3 species groups		95.00
(b) Theory only		25.00
(c) 1 species only		25.00
<b>D. Seed Sampling Courses and Examination</b>		
	Within one month of demand by or on behalf of the Scottish Ministers	
(i) tuition and examination for seed samplers licence (administrative and sampling elements)		400.00
(ii) tuition and examination for seed samplers licence (administrative element only)		120.00
<b>E. Seed Analyst Courses and Examination</b>		
	Within one month of demand by or on behalf of the Scottish Ministers	
(i) Laboratory Management Course Registration		504.00
(ii) Laboratory Management Course Attendance		1210.00
(iii) Analyst Course Registration		1344.00
(iv) Analyst Course additional and retake divisions (per division)		141.00
(v) Analyst Course attendance		380.00
(vi) Tetrazolium Testing Course attendance Barley and Wheat		824.00
(vii) Tetrazolium Testing Course attendance Barley Wheat and Oats		824.00
(viii) Tetrazolium Testing Course attendance Additional Species		200.00

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<i>Matter</i>	<i>When payable</i>	<i>Fee £</i>
(ix) Tetrazolium Testing Assessment Barley and Wheat		412.00
(x) Tetrazolium Testing Assessment Barley Wheat and Oats		577.00
(xi) Tetrazolium Testing Assessment Additional Species		165.00

### SCHEDULE 3

Regulation 7

### REVOCATIONS

<i>Regulations</i>	<i>Provisions revoked</i>
The Seeds (Fees) (Scotland) Regulations 2002 ( <a href="#">S.S.I. 2002/526</a> )	The whole Regulations
The Oil and Fibre Plant Seed (Scotland) Regulations 2004 ( <a href="#">S.S.I. 2004/317</a> )	Regulation 26
The Cereal Seed (Scotland) Regulations 2005 ( <a href="#">S.S.I. 2005/328</a> )	Regulation 27
The Fodder Plant Seed (Scotland) Regulations 2005 ( <a href="#">S.S.I. 2005/329</a> )	Regulation 27
The Seeds (Fees) (Scotland) Amendment Regulations 2006 ( <a href="#">S.S.I. 2006/70</a> )	The whole Regulations
The Seed (Registration, Licensing and Enforcement) (Scotland) Regulations 2006 ( <a href="#">S.S.I. 2006/313</a> )	Regulation 44
The Seeds (Fees) (Scotland) Amendment Regulations 2007 ( <a href="#">S.S.I. 2007/184</a> )	The whole Regulations

### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations prescribe fees—



- (in regulation 4 and Schedule 1) for matters relating to: the Beet Seeds Regulations 1993, the Vegetable Seeds Regulations 1993, the Oil And Fibre Plant Seed (Scotland) Regulations 2004, the Cereal Seed (Scotland) Regulations 2005 and the Fodder Plant Seed (Scotland) Regulations 2005; and
- (in regulation 5 and Schedule 2) for matters relating to the Seed (Registration, Licensing And Enforcement) (Scotland) Regulations 2006.

These Regulations commence on 1st January 2008.

Regulation 6 provides for non-charging and repayment of fees for applications (in respect of matters specified in Schedule 1) which are withdrawn before arrangements have been made for a crop inspection.

Regulation 7 makes provision for the Scottish Ministers to exempt any person from compliance with these Regulations relating to payment of fees.

Regulation 8 of, and Schedule 3 to, these Regulations revoke the Seeds (Fees) (Scotland) Regulations 2002, together with the provisions of related S.S.I.s which amended those Regulations.

A Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies can be obtained from the Scottish Government Rural Directorate, Mail point 1-B, Pentland House, 47 Robb's loan, Edinburgh EH14 1TY.