

2009 No. 8

PLANT HEALTH

**The Plant Health (Import Inspection Fees) (Scotland)
Amendment Regulations 2009**

<i>Made</i>	- - - -	<i>13th January 2009</i>
<i>Laid before the Scottish Parliament</i>		<i>15th January 2009</i>
<i>Coming into force</i>	- -	<i>6th February 2009</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and section 56(1) and (2) of the Finance Act 1973(b) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Plant Health (Import Inspection Fees) (Scotland) Amendment Regulations 2009 and come into force on 6th February 2009.

Amendment of the Plant Health (Import Inspection Fees) (Scotland) Regulations 2005

2. The Plant Health (Import Inspection Fees) (Scotland) Regulations 2005(c) are amended in accordance with regulations 3 and 4.

Amendment of regulation 2

3. In regulation 2 (interpretation), omit the definition “official body of point of entry”(d).

(a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3) and the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1)(a). The powers in section 2(2) of the 1972 Act are exercised as regards regulation 3 of this instrument. The function conferred upon the Minister of the Crown under section 2(2) in so far as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(b) 1973 c.51. The reference to a Government department in section 56(1) is to be read as a reference to the Scottish Administration by virtue of article 2(2) of the Scotland Act (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820) and the functions of the Minister transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998. The requirement to obtain the consent of the Treasury was removed by section 55 of the Scotland Act 1998.

(c) S.S.I. 2005/216, amended by S.S.I. 2007/138 and 499.

(d) Inserted by S.S.I. 2007/499.

Amendment of Schedule 2

4. For Schedule 2 (import inspection fees (reduced rates)), substitute—

“SCHEDULE 2

Regulation 4(3)

IMPORT INSPECTION FEES (REDUCED RATES)

<i>Genus</i>	<i>Quantity</i>	<i>Country of origin</i>	<i>Fee</i>	<i>Fee (non-daytime working hours)</i>
<i>Cut flowers</i>				
<i>Dianthus</i>	Per consignment			
	— up to 20,000 in number	Colombia	£0.40	£0.60
		Kenya	£1.32	£1.98
		Ecuador	£1.98	£2.97
		Turkey	£3.31	£4.96
		Israel	£4.63	£6.95
	— for each additional 1,000 units or part thereof	Colombia	£0.003	£0.004
		Kenya	£0.01	£0.015
		Ecuador	£0.01	£0.02
		Turkey	£0.02	£0.03
		Israel	£0.03	£0.05
	— maximum price	Colombia	£3.17	£4.75
		Kenya	£10.59	£15.89
		Ecuador	£15.88	£23.83
		Turkey	£26.48	£39.72
Israel		£37.07	£55.60	
<i>Rosa</i>	Per consignment			
	— up to 20,000 in number	Ecuador	£0.40	£0.60
		Colombia	£0.66	£0.99
		Ethiopia, Kenya	£1.32	£1.98
		Tanzania	£1.98	£2.97
		Zambia	£3.31	£4.96
		India, Uganda	£6.62	£9.93
		— for each additional 1,000 units or part thereof	Ecuador	£0.003
	Colombia		£0.005	£0.007
	Ethiopia, Kenya		£0.01	£0.015
	Tanzania		£0.01	£0.02
	Zambia		£0.02	£0.03
	India, Uganda		£0.05	£0.07
	— maximum price	Ecuador	£3.17	£4.75
		Colombia	£5.29	£7.94
Ethiopia, Kenya		£10.59	£15.89	
Tanzania		£15.88	£23.83	
Zambia		£26.48	£39.72	
India, Uganda		£52.96	£79.44	

<i>Genus</i>	<i>Quantity</i>	<i>Country of origin</i>	<i>Fee</i>	<i>Fee (non-daytime working hours)</i>
<i>Fruit</i>				
<i>Malus</i>	Per consignment			
	— up to 25,000 kg in weight	Chile	£0.93	£1.39
		Argentina, New Zealand, South Africa	£1.32	£1.98
		Brazil	£1.98	£2.97
		China, USA	£3.31	£4.96
	— for each additional 1,000 kg or part thereof	Chile	£0.03	£0.05
		Argentina, New Zealand, South Africa	£0.05	£0.07
		Brazil	£0.07	£0.11
		China, USA	£0.13	£0.19
	<i>Mangifera</i>	Per consignment		
— up to 25,000 kg in weight		Brazil	£0.66	£0.99
— for each additional 1,000 kg or part thereof		Brazil	£0.02	£0.03
<i>Prunus</i>	Per consignment			
	— up to 25,000 kg in weight	Chile, South Africa, Turkey	£1.32	£1.98
		Argentina	£3.31	£4.96
		USA	£6.62	£9.93
	— for each additional 1,000 kg or part thereof	Chile, South Africa, Turkey	£0.05	£0.07
		Argentina	£0.13	£0.19
	USA	£0.26	£0.39	
<i>Pyrus</i>	Per consignment			
	— up to 25,000 kg in weight	South Africa	£1.98	£2.97
		Argentina	£3.31	£4.96
		Chile	£4.63	£6.95
		China	£6.62	£9.93
	— for each additional 1,000 kg or part thereof	South Africa	£0.07	£0.11
		Argentina	£0.13	£0.19
		Chile	£0.18	£0.27
	China	£0.26	£0.39	
<i>Citrus</i>	Per consignment			
	— up to 25,000 kg in weight	Turkey	£0.39	£0.58
		Morocco	£0.66	£0.99
		Uruguay, USA	£1.98	£2.97
		Egypt, Israel, Mexico, Peru	£3.31	£4.96

<i>Genus</i>	<i>Quantity</i>	<i>Country of origin</i>	<i>Fee</i>	<i>Fee (non-daytime working hours)</i>
		Honduras	£9.93	£14.89
	— for each additional 1,000 kg or part thereof	Turkey	£0.01	£0.02
		Morocco	£0.02	£0.03
		Uruguay, USA	£0.07	£0.11
		Egypt, Israel, Mexico, Peru	£0.13	£0.19
		Honduras	£0.39	£0.58
<i>Passiflora</i>	Per consignment			
	— up to 25,000 kg in weight	Colombia, Kenya	£1.32	£1.98
		Zimbabwe	£4.63	£6.95
		South Africa	£6.62	£9.93
	— for each additional 1,000 kg or part thereof	Colombia, Kenya	£0.05	£0.07
		Zimbabwe	£0.18	£0.27
		South Africa	£0.26	£0.39
<i>Vegetables</i>				
<i>Solanum melongena</i>	Per consignment			
	— up to 25,000 kg in weight	Turkey	£1.98	£2.97
	— for each additional 1,000 kg or part thereof	Turkey	£0.07	£0.11

Where the total amount of any fee comprises an amount of less than £0.01, that amount is to be excluded.”.

RICHARD LOCHHEAD
A member of the Scottish Executive

St Andrew’s House,
Edinburgh
13th January 2009

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Plant Health (Import Inspection Fees) (Scotland) Regulations 2005 (“the principal Regulations”). The principal Regulations implement Article 13d of 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 (O.J. No. L 169, 10.7.00, p.1), which requires member States to charge fees to cover the costs occasioned by the documentary checks, identity checks and plant health checks of certain imports of plants, plant products and other objects from third countries.

These Regulations delete a definition in the principal Regulations (regulation 3), and substitute a new Schedule 2 to the principal Regulations (regulation 4), to give effect to the latest agreed reduced rates for inspections of certain material. (Schedule 2 to the principal Regulations includes provision for reduced rates for certain plants and plant products agreed under the procedure provided for in Articles 13d(2) and 18(2) of Directive 2000/29/EC.) The changes to the fees made by these Regulations, which are set at a proportion of the standard fee (described in Schedule 1 to the principal Regulations) corresponding to the rate of inspection, are based on the agreed inspection rates set out below:

Genus	Country of origin	Previous rate of inspection	Initial fee ⁽¹⁾	New rate of inspection	Initial fee, specified in Schedule 2
Cut Flowers					
<i>Dianthus</i>	Kenya	100% ⁽²⁾	-	10%	£1.32
<i>Rosa</i>	Ethiopia	5%	£0.66	10%	£1.32
<i>Rosa</i>	Kenya	5%	£0.66	10%	£1.32
<i>Rosa</i>	Uganda	10%	£1.32	50%	£6.62
<i>Rosa</i>	Zambia	10%	£1.32	25%	£3.31
<i>Rosa</i>	Zimbabwe	50%	£6.62	100% ⁽²⁾	-
Fruit					
<i>Malus</i>	Argentina	15%	£1.98	10%	£1.32
<i>Malus</i>	Brazil	25%	£3.31	15%	£1.98
<i>Malus</i>	China	35%	£4.63	25%	£3.31
<i>Mangifera</i>	Peru	50%	£6.62	100% ⁽²⁾	-
<i>Passiflora</i>	Colombia	15%	£1.98	10%	£1.32
<i>Prunus</i>	Chile	15%	£1.98	10%	£1.32
<i>Citrus</i>	Honduras	100% ⁽²⁾	-	75%	£9.93
<i>Citrus</i>	Turkey	5%	£0.66	5%	£0.66
<i>Citrus</i>	USA	10%	£1.32	10%	£1.32
<i>Momordica</i>	Suriname	50%	£6.62	100% ⁽²⁾	-
Vegetables					
<i>Solanum melongena</i>	Turkey	75%	£9.93	25%	£3.31

⁽¹⁾ Initial fee per consignment for cut flowers (up to 20,000 in number) and fruit and vegetables (up to 25,000 kg in weight). Corresponding fees are set in the principal Regulations for additional quantities, maximum price per consignment and non-daytime working hours.

⁽²⁾ Consignments subject to an inspection rate of 100% are excluded from the reduced rate inspection scheme and are subject to the import inspection fees specified in Schedule 1 to the principal Regulations.

No Regulatory Impact Assessment has been prepared for this instrument as it has no impact on the cost of business.

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£5.00