
STATUTORY INSTRUMENTS

1990 No. 610

SEEDS

The Seeds (Fees) (Amendment) Regulations 1990

<i>Made</i>	- - - -	<i>8th March 1990</i>
<i>Laid before Parliament</i>		<i>15th March 1990</i>
<i>Coming into force</i>	- -	<i>5th April 1990</i>

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred on them by sections 16(1), (1A)(e), (5)(a), (5A) and (8) and 38(1) of the Plant Varieties and Seeds Act 1964⁽¹⁾ and of all other powers enabling them in that behalf, after consultation in accordance with the said section 16(1) with representatives of such interests as appear to them to be concerned, hereby make the following Regulations:

Title and commencement

1. These Regulations may be cited as the Seeds (Fees) (Amendment) Regulations 1990 and shall come into force on 5th April 1990.

Amendment of principal Regulations

2. The Seeds (Fees) Regulations 1985⁽²⁾ shall be amended as follows—
- (a) regulation 4 (repayment of initial fees in certain circumstances) shall be omitted; and
 - (b) for Schedules 1 to 6 there shall be substituted Schedules 1 to 6 to these Regulations.

(1) 1964 c. 14; section 16 was amended by the European Communities Act 1972 (c. 68), section 4(1) and paragraph 5(1), (2) and (3) of Schedule 4; subsection (5A) was inserted by section 2 of the Agriculture Act 1986 (c. 49) and section 38(1) (as amended by S.I. 1978/272) contains a definition of “the Ministers” relevant to the exercise of the statutory powers under which these Regulations are made.

(2) S.I. 1985/981, amended by S.I. 1986/1114, 1987/1148.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 6th March 1990.

L.S.

John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

8th March 1990

Sanderson of Bowden
Minister of State, Scottish Office

7th March 1990

Peter Walker
Secretary of State for Wales

SCHEDULE 1

MATTERS ARISING UNDER THE CEREAL SEEDS REGULATIONS 1985(3)

(1) Matter	(2) When Payable	(3) Fee £	£(4)
A. Initial fees			
Initial fee per hectare or part thereof for crops intended to produce:	On application for registration		
(i) pre-basic or basic seed		20.00	(10.20 or 20.40)
(ii) certified seed of the first generation of wheat, durum wheat, spelt wheat, barley, triticale and oats or certified seed of rye and maize		5.00	(2.90 or 5.80)
(iii) certified seed of the second generation of wheat, durum wheat, spelt wheat, barley and oats		4.20	(2.35 or 4.70)
B. Crop inspection fees			
Fee for official examination or re-examination of crops intended to produce pre-basic or basic seed, per hectare or part thereof examined	On application	7.80	(3.90 or 7.80)
C. Seed lot fee			
Fee for the issue of an official certificate in respect of a seed lot entered as:—	On application		

(3) S.I. 1985/976, amended by S.I. 1987/1091, 1989/1311.

(4) The figures in italics are the fees which were charged under the Seeds (Fees) Regulations 1987 before the coming into operation of these Regulations.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(1) Matter	(2) When Payable	(3) Fee £	£(4)
(i) breeder's, pre-basic or basic seed, certified seed of the first generation of wheat, durum wheat, spelt wheat, barley, triticale, oats or certified seed of rye		32.00	(16.80 to 42.45)
(ii) certified seed of the second generation of wheat, durum wheat, spelt wheat, barley and oats		15.95	(17.85)
D. Seed testing fees			
Fee for an official examination of seed for loose smut infection of wheat, durum wheat, spelt wheat and barley (per thousand embryos examined)	Within one month of demand by or on behalf of the appropriate Minister	25.50	(21.65)
E. Fees for additional tests			
Fee for a Tetrazolium seed viability test in C1 Winter Wheat and C1 Winter Barley	Within one month of demand by or on behalf of the appropriate Minister	30.50	(25.00)

(4) The figures in italics are the fees which were charged under the Seeds (Fees) Regulations 1987 before the coming into operation of these Regulations.

SCHEDULE 2

MATTERS ARISING UNDER THE FODDER PLANT SEEDS REGULATIONS 1985⁽⁵⁾

(1) Matter	(2) When Payable	(3) Fee £	£ ⁽⁶⁾
A. Initial fees			
Initial fee per hectare or part thereof for crops intended to produce:	On application for registration		
(i) pre-basic or basic seed		12.00	(4.75 to 14.10)
(ii) certified seed of grasses, legumes (except field beans and field peas) and crucifers		5.60	(2.20 to 9.50)
(iii) certified seed of the first and second generation of field beans and field peas		5.50	(3.10 or 6.20)
B. Crop inspection fees			
Fee for official examination or re-examination of crops intended to produce pre-basic or basic seed, per hectare or part thereof examined	On application	7.80	(3.90 or 7.80)
C. Seed lot fee			
Fee for the issue of an official certificate in respect of a seed lot entered as:—	On application		
(i) breeder's seed of			
(a) (a) grasses, legumes (except field		20.50	(16.75)

⁽⁵⁾ S.I. 1985/975, amended by S.I. 1987/1092, 1989/1312.

⁽⁶⁾ The figures in italics are the fees which were charged under the Seeds (Fees) Regulations 1987 before the coming into operation of these Regulations.

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(1) Matter	(2) When Payable	(3) Fee £	£(6)
beans and field peas) and crucifers			
(b) (b) field beans and field peas		39.00	(16.75)
(ii) pre-basic or basic seed of			
(a) (a)grasses, legumes (except field beans and field peas) and crucifers		40.50	(32.30)
(b) (b) field beans and field peas		39.00	(47.10)
(iii) certified seed of grasses, legumes (except field beans and field peas) and crucifers		38.50	(31.50)
(iv) certified seed of the first and second generation of field beans and field peas		36.00	(43.70)
(v) commercial seed of the kinds for the time being specified in regulation 3(3) of the Fodder Plant Seeds Regulations 1985		38.50	(29.50)

D. Seed testing fees

Fee for an official examination of seed for:—	Within one month of demand by or on behalf of the appropriate Minister
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(6) The figures in italics are the fees which were charged under the Seeds (Fees) Regulations 1987 before the coming into operation of these Regulations.

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(1) Matter	(2) When Payable	(3) Fee £	£(6)
(i) <i>Ascochyta fabae</i> in:—			
(a) (a) pre- basic and basic seed of field beans		142.00	(124.10)
(b) (b) certified seed of the first generation of field beans		76.00	(62.05)
(ii) <i>Pseudomonias</i> <i>syringae</i> p.v. <i>pisi</i> (pea bacterial blight) in field peas		56.00	(50.00)

SCHEDULE 3

MATTERS ARISING UNDER THE OIL AND FIBRE PLANT SEEDS REGULATIONS 1985(7)

(1) Matter	(2) When Payable	(3) Fee £	£(8)
A. Initial fees			
Initial fee per hectare or part thereof for crops intended to produce:	On application for registration		
(i) pre-basic or basic seed		22.00	(12.10 or 24.20)
(ii) all other categories of seed		10.00	(5.30 or 10.60)
B. Crop inspection fees			

(6) The figures in italics are the fees which were charged under the Seeds (Fees) Regulations 1987 before the coming into operation of these Regulations.

(7) S.I. 1985/977, amended by S.I. 1987/1097, 1989/1313.

(8) The figures in italics are the fees which were charged under the Seeds (Fees) Regulations 1987 before the coming into operation of these Regulations.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(1) Matter	(2) When Payable	(3) Fee £	£(8)
Fee for official examination of or re-examination of crops intended to produce pre-basic or basic seed, per hectare or part thereof examined	On application	7.80	(3.90 or 7.80)
C. Seed lot fee			
Fee for the issue of an official certificate in respect of a seed lot entered as:—	On application		
(i) breeder's, pre-basic or basic seed		39.00	(16.75 to 42.70)
(ii) all other categories of seed		38.00	(40.45)
D. Seed testing fees			
Fee for an official examination of seed for:—	Within one month of demand by or on behalf of the appropriate Minister		
(i) sunflower for <i>Botrytis</i> spp		30.50	(24.85)
(ii) flax and linseed for:—			
(a) (A) ternaria spp			
(b) (b) <i>Phoma exigua</i> var. <i>linicola</i>			
(c) (c) Colletotrichum lini			
(d) (d) Fusarium spp			
(e) (e) <i>Botrytis</i> spp		24.85	(24.85)

(8) The figures in italics are the fees which were charged under the Seeds (Fees) Regulations 1987 before the coming into operation of these Regulations.

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SCHEDULE 4

MATTERS ARISING UNDER THE BEET SEEDS REGULATIONS 1985⁽⁹⁾

(1) Matter	(2) When Payable	(3) Fee £	£ <i>(10)</i>
A. Initial fees			
Initial fee per hectare or part thereof for crops intended to produce:—	On application for registration		
(i) pre-basic or basic seed		25.00	(12.10 or 24.20)
(ii) certified seed		11.00	(5.30 or 10.60)
B. Crop inspection fees			
Fee for official examination or re-examination of crops intended to produce pre-basic or basic seed, per hectare or part thereof examined	On application	7.80	(3.90 or 7.80)
C. Seed lot fee			
Fee for the issue of an official certificate in respect of a seed lot entered as:—	On application		
(i) pre-basic or basic seed		44.20	(42.70)
(ii) certified seed		41.90	(40.45)

⁽⁹⁾ S.I. 1985/978, amended by S.I. 1989/1310.

⁽¹⁰⁾ The figures in italics are the fees which were charged under the Seeds (Fees) Regulations 1987 before the coming into operation of these Regulations.

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SCHEDULE 5

MATTERS ARISING UNDER THE VEGETABLE SEEDS REGULATIONS 1985(11)

(1) Matter	(2) When Payable	(3) Fee £	£(11)
A. Initial fees			
Initial fee for crops intended to produce:—	On application for registration		
(i) pre-basic or basic seed of			
(a) (a) all kinds, except peas, broad beans, cucumber, gherkin and tomato, per hectare or part thereof entered		35.00	(12.10 or 24.20)
(b) (b) peas and broad beans per hectare or part thereof entered		22.00	(7.05 or 14.10)
(c) (c) cucumber, gherkin and tomato, per crop entered		35.00	(52.10)
(ii) certified seed of			
(a) (a) all kinds, except peas, broad beans, cucumber, gherkin and tomato, per hectare or part thereof entered		19.00	(5.30 or 10.60)
(b) (b) peas and broad beans per		9.00	(3.10 or 6.20)

(11) S.I. 1985/979, amended by S.I. 1987/1093, 1989/1315.

(11) S.I. 1985/979, amended by S.I. 1987/1093, 1989/1315.

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(1) Matter	(2) When Payable	(3) Fee £	£(11)
hectare or part thereof entered			
(c) (a) cumber, gherkin and tomato, per crop entered		19.00	(52.10)
B. Crop inspection fees			
Fee for official examination or re-examination of crops intended to produce:—	On application		
(i) A(i)(a) or (b) above, per hectare or part thereof examined		7.80	(3.90 or 7.80)
(ii) A(i)(c) above, per crop examined		7.80	(7.80)
C. Seed lot fee			
Fee for the issue of an official certificate in respect of a seed lot entered	On application	80.00	(40.45 to 54.50)

SCHEDULE 6

MATTERS ARISING UNDER THE SEEDS (REGISTRATION, LICENSING AND ENFORCEMENT) REGULATIONS 1985(12)

(1) Matter	(2) When Payable	(3) Fee £	£(13)
A. Representations by, and hearings of, a seed merchant, processor or packer			

(11) S.I. 1985/979, amended by S.I. 1987/1093, 1989/1315.

(12) S.I. 1985/980, amended by S.I. 1987/1098.

(13) The figures in italics are the fees which were charged under the Seeds (Fees) Regulations 1987 before the coming into operation of these Regulations.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(1) Matter	(2) When Payable	(3) Fee £	<i>£(13)</i>
(i) fee for making written representations to the Minister	On making representations	25.00	(3.00)
(ii) fee for being heard by a person appointed by the Minister	On applying to be heard	50.00	(21.00)
B. Licensed Seed Testing Stations			
(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 the Minister, annually in advance	1,538.25	(1,538.25)
(ii) fee payable by a Licensed Seed Testing Station in respect of an official examination of seed	Within one month of demand by the Minister, annually in arrears	3.75	(3.40)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Seeds (Fees) Regulations 1985, by prescribing revised fees in respect of matters arising under the Cereal Seeds Regulations 1985 (as amended), the Fodder Plant Seeds Regulations 1985 (as amended), the Oil and Fibre Plant Seeds Regulations 1985 (as amended), the Beet Seeds Regulations 1985 (as amended), the Vegetable Seeds Regulations 1985 (as amended) and the Seeds (Registration, Licensing and Enforcement) Regulations 1985 (as amended) (regulation 2(a)).

The matters in respect of which the revised fees are prescribed are listed in Schedules 1 to 6 to these Regulations, and the fees which were chargeable before these Regulations came into force, are printed in italics opposite the revised fees.

(13) The figures in italics are the fees which were charged under the Seeds (Fees) Regulations 1987 before the coming into operation of these Regulations.

The Regulations also amend the Seeds (Fees) Regulations 1985 by omitting from those Regulations the power for the appropriate Minister to make, in certain circumstances, a refund of one half of an initial fee which has been paid to him (regulation 2(b)).

Fees are no longer prescribed in respect of certain matters arising under seeds regulations, in particular for the sampling (or re-sampling) of a seed lot for the purposes of an official examination, for an official examination of seed for analytical purity, germination and other seed content, for a special test to verify varietal identity and for the issue of certain official labels.