SCOTTISH STATUTORY INSTRUMENTS

2005 No. 279

SEEDS

The Seed Potatoes (Fees) (Scotland) Regulations 2005

Made - - - -	*25th May 2005*
Laid before the Scottish Parliament - - - -	*26th May 2005*
Coming into force - -	*18th June 2005*

The Scottish Ministers, in exercise of the powers conferred by section 16(1), (1A)(e) and (5)(a) of the Plant Varieties and Seeds Act 1964(**1**), and all other powers enabling them in that behalf, and after consultation in accordance with section 16(1) of that Act with representatives of such interests as appear to them to be concerned, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Seed Potatoes (Fees) (Scotland) Regulations 2005 and shall come into force on 18th June 2005.

(2) These Regulations shall extend to Scotland only.

Interpretation

2. In these Regulations "Approved Stock" means seed potatoes that are to be subjected to crop inspection or official examination for the purposes of regulation 3(5) of the Seed Potatoes (Scotland) Regulations 2000(**2**).

Payment of Fees

3. Fees shall be paid to the Scottish Ministers in respect of the matters arising under the Seed Potatoes (Scotland) Regulations 2000 and specified in relation to an entry in column 1 of the Schedule to these Regulations, calculated on the basis corresponding to that entry specified in column 2 of that Schedule.

(**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: section 16 is applied to seed potatoes by section 29(1); section 29 was amended by the European Communities Act 1972, section 4(1) and paragraph 5(4) of Schedule 4. See section 38 for the definition of "the Ministers". 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.S.I. 2000/201 as amended by S.S.I. 2005/280.

Withdrawal of application

4.—(1) If an application for crop inspection referred to in paragraph 2 of the Schedule is withdrawn before the arrival of an inspector for the purpose of inspecting the crop for the first time the fee paid will be refunded to an applicant, subject to the charging of an administration fee of £1.50 per half-hectare.

(2) If the labels and seals referred to in paragraph 4 of the Schedule are returned unused within 2 months of issue, the fee paid will be refunded to an applicant, subject to the charging of an administration fee of £1.00 per tonne.

Exemptions

5. The Scottish Ministers may exempt any person, class of person, or persons generally, from compliance in whole or in part, with the provisions of these Regulations in relation to the payment of fees and any exemption so made may be made subject to conditions.

Revocation

6. The Seed Potatoes (Fees) (Scotland) Regulations 2004(**3**) are hereby revoked.

Pentland House, Edinburgh
25th May 2005

ROSS FINNIE
A member of the Scottish Executive

(**3**) S.S.I 2004/250.