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*

SCOTTISH STATUTORY INSTRUMENTS

2005 No. 216

PLANT HEALTH

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

Made - - - -	*14th April 2005*
Laid before the Scottish Parliament - - - -	*14th April 2005*
Coming into force - -	*6th May 2005*

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(**1**) and section 56(1) and (2) of the Finance Act 1973(**2**), hereby make the following Regulations:

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

I1 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;

(**1**) 1972 c. 68. Section 2(2) was amended by the Scotland Act 1998 (c. 46), Schedule 8, paragraph 15(3). The functions conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, in so far as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(**2**) 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.

"the Directive" means Council Directive 2000/29/EC(**3**) 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(**4**);

"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(**5**);

"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(**6**), which has been recorded and is consequently capable of being reproduced.

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

(**3**) O.J. No. L 169, 10.7.00, p.1.
(**4**) O.J. No. L 56, 2.3.2005, p.12.
(**5**) 1971 c. 80.
(**6**) 2000 c. 7.

(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

SCHEDULE 1

Regulations 3, 4(2) and 5

IMPORT INSPECTION FEES FOR PLANT HEALTH CHECKS

Commencement Information

I7 Sch. 1 in force at 6.5.2005, see **reg. 1(1)**

Column 1 *Plant, plant product or other object*	*Column 2* *Quantity*	*Column 3* *Fee (normal working hours)*	*Column 4* *Fee (outside normal working hours)*
Cuttings, seedlings (except forestry reproductive material), young plants of strawberries or of vegetables	Per consignment		
	— – up to 10,000 in number	£13.24	£19.86
	— – for each additional 1,000 units	£0.52	£0.78
	— – maximum price	£105.92	£158.88
Shrubs, trees (other than cut Christmas trees), other woody nursery plants including forest reproductive material (other than seed)	Per consignment		
	— up to 1,000 in number	£13.24	£19.86
	— for each additional 100 units	£0.33	£0.49
	— maximum price	£105.92	£158.88
Bulbs, corms, rhizomes, tubers, intended for planting (other than tubers of potatoes)	Per consignment		
	— up to 200 kg of weight	£13.24	£19.86
	— for each additional 10 kg	£0.12	£0.18
	— maximum price	£105.92	£158.88
Seeds, tissue cultures	Per consignment		
	— up to 100 kg of weight	£5.67	£8.50
	— for each additional 10 kg	£0.13	£0.19
	— maximum price	£105.92	£158.88
Other plants intended for planting, not specified elsewhere in this Schedule	Per consignment		
	— up to 5,000 in number	£19.86	
	— for each additional 100 units	£0.19	
	— maximum price	£158.88	
	£13.24		
	£0.13		

Column 1 *Plant, plant product or other object*	*Column 2* *Quantity*	*Column 3* *Fee (normal working hours)*	*Column 4* *Fee (outside normal working hours)*
	£105.92		
Cut flowers	Per consignment		
	— up to 20,000 in number	£13.24	£19.86
	— for each additional 1,000 units	£0.10	£0.15
	— maximum price	£105.92	£158.88
Branches with foliage, parts of conifers (other than cut Christmas trees)	Per consignment		
	— up to 100 kg of weight	£13.24	£19.86
	— for each additional 100 kg	£1.32	£1.98
	— maximum price	£105.92	£158.88
Cut Christmas trees	Per consignment		
	— up to 1,000 in number	£13.24	£19.86
	— for each additional 100 units	£1.32	£1.98
	— maximum price	£105.92	£158.88
Leaves of plants, such as herbs, spices and leafy vegetables	Per consignment		
	— up to 100 kg of weight	£13.24	£19.86
	— for each additional 10 kg	£1.32	£1.98
	— maximum price	£105.92	£158.88
Fruits, vegetables (other than leafy vegetables)	Per consignment		
	— up to 25,000 kg of weight	£13.24	£19.86
	— for each additional 1,000 kg	£0.52	£0.78
Tubers of potatoes	Per lot		
	— up to 25,000 kg of weight	£39.72	£59.58
	— for each additional 25,000 kg	£39.72	£59.58
Soil and growing medium, bark	Per consignment		
	— up to 25,000 kg of weight	£13.24	£19.86
	— for each additional 1,000 kg	£0.52	£0.78
	— maximum price	£105.92	£158.88