STATUTORY INSTRUMENTS

2018 No. 289

PLANT HEALTH, ENGLAND
SEEDS, ENGLAND

The Plant Health etc. (Fees) (England) Regulations 2018

Made - - - -	*1st March 2018*
Laid before Parliament	*5th March 2018*
Coming into force - -	*6th April 2018*

The Secretary of State makes these Regulations, with the consent of the Treasury, in exercise of the powers conferred by section 56(1) and (2) of the Finance Act 1973 [F1].

F1 1973 c.51; subsection (1) was amended by S.I. 2011/1043.

PART 1

General

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Plant Health etc. (Fees) (England) Regulations 2018.

(2) They come into force on 6th April 2018.

(3) They extend to England and Wales, but apply in relation to England only.

Interpretation

[[F2]**2.**—(1) In these Regulations, "the [F3]... Plant Health Regulation" means Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants.

(2) Words and expressions which are not defined in these Regulations and appear in the [F4]... Plant Health Regulation or in Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products have the same meaning in these Regulations as they have in the [F4]... instrument in question.**]**

F2 Reg. 2 substituted (14.12.2019) by The Official Controls (Animals, Feed and Food, Plant Health Fees etc.) Regulations 2019 (S.I. 2019/1488), regs. 1(1), **38(2)**
F3 Word in reg. 2(1) omitted (31.12.2020) by virtue of The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 2(2)(b), **4(2)(a)**
F4 Word in reg. 2(2) omitted (31.12.2020) by virtue of The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 2(2)(b), **4(2)(b)**

PART 2

Fees relating to plant health

Import inspection fees

3.—(1) This regulation applies in relation to a third country consignment **[**F5insofar as it includes**]** plants, plant products or other objects of a description specified in column 1 of the table in Schedule 1 that are **[**F6described in **[**F7Part A of Annex 11, or Annex 12, to Commission Implementing Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants**]][**F8or any machinery or vehicles which have been operated for agricultural or forestry purposes**]**.

[F9(2) The fee payable by the importer of a third country consignment in respect of a documentary check of each phytosanitary certificate or phytosanitary certificate for re-export accompanying the consignment, is £5.25;

(2A) The fees payable by the importer of a third country consignment in respect of liability to a physical check and identity check that may be carried out on the consignment (whether or not any such check is carried out) are—

(a) (subject to paragraphs (2B) to (2E)) in the case of a consignment originating in an EU Member State, Liechtenstein or Switzerland, where the consignment includes plants, plant products or other objects of one or more descriptions specified in column 1 of the table in Schedule 1A, and originates in a country specified in the corresponding entry in column 2 of that table—

(i) the fee or fees specified in column 3 of that table in respect of a physical check of plants or plant products of each such description contained in the consignment; and

(ii) the fee or fees specified in column 4 of that table in respect of an identity check of plants or plant products of each such description contained in the consignment;

(b) in the case of a consignment originating in any other country—

(i) in the case of a Schedule 2 cut flower consignment which includes one lot of cut flowers—

(aa) the fee specified in column 3 of the table in Schedule 2 in respect of a physical check of those cut flowers; and

(bb) the fee specified in column 4 of that table in respect of an identity check of those cut flowers;

(ii) in the case of a Schedule 2 cut flower consignment which includes two or more lots of cut flowers—

(aa) a fee equal to the highest of the fees specified in column 3 of the table in Schedule 2 in respect of a physical check of any of those lots; and

(bb) the fee specified in column 4 of that table in respect of an identity check which corresponds to the fee payable under sub-paragraph (aa);

(iii) in the case of a Schedule 2 fruit or vegetable consignment which includes one lot of fruit or vegetables—

(aa) the fee specified in column 3 of the table in Schedule 2 in respect of a physical check of those fruit or vegetables; and

(bb) the fee specified in column 4 of that table in respect of an identity check of those fruit or vegetables;

(iv) in the case of a Schedule 2 fruit or vegetable consignment which includes two or more lots of fruit or vegetables—

(aa) a fee equal to the highest of the fees specified in column 3 of the table in Schedule 2 in respect of a physical check of any of those lots; and

(bb) the fee specified in column 4 of that table in respect of an identity check which corresponds to the fee payable under sub-paragraph (aa);

(v) in the case of a consignment which includes—

(aa) plants or plant products of any other description specified in the table in column 1 of Schedule 2, or

(bb) machinery or vehicles which have been operated for agricultural or forestry purposes,

insofar as (in either case) they originate in a country specified in column 2 of that table, the fee or fees specified in columns 3 and 4 of that table in respect of a physical check and identity check, respectively, of the plants or plant products of each such description contained in the consignment (other than any also specified in Schedule 1), and (so far as relevant) of machinery or vehicles;

(vi) where the consignment includes plants, plant products or other objects of one or more descriptions specified in column 1 of the table in Schedule 1—

(aa) the fee or fees specified in column 2 of that table in respect of a physical check of plants, plant products or other objects of each such description contained in the consignment;

(bb) the fee or fees specified in column 3 of that table in respect of an identity check of plants, plant products or other objects of each such description contained in the consignment.**]**

[F10(2B) The fees payable under paragraph (2A)(a) in respect of liability to a physical check and identity check of cut flowers or fruit or vegetables are, irrespective of the number of lots contained in the consignment—

(a) in the case of a consignment including only cut flowers or only fruit or vegetables, those payable in respect of a single lot of the kind in question;

(b) in the case of a consignment including both cut flowers and fruit or vegetables, those payable in respect of a single lot of each kind.

(2C) The fees payable under paragraph (2A)(a) in respect of liability to a physical check and identity check of plants or plant products, so far as the plants or plant products are of a single relevant category and originate in the same country but fall within two or more descriptions specified in column 1 of the table in Schedule 1A, are the highest of the fees specified in respect of plants or plant products of any such description.

(2D) For the purpose of paragraph (2C), "relevant category", in relation to plants or plant products, means any of the following categories of plants or plant products—

(a) bark;

(b) bulbs;

(c) corms;

(d) plants intended for planting;

(e) rhizomes;

(f) seeds;

(g) tissue cultures;

(h) tubers (other than tubers of potatoes).

(2E) No fee is payable under paragraph (2A)(a) in respect of any consignment imported before **[**F11the end of the transitional staging period**]**, where it would be payable in respect of any plants or plant products specified in Schedule 2A that are contained in that consignment.**]**

(3) In this regulation—

[F12(a) "controlled plant pest" means a GB quarantine pest, a provisional GB quarantine pest, a PFA quarantine pest or a GB regulated non-quarantine pest;**]**

[F13**[**F14(aa) "Europe" includes Belarus, the Canary Islands, Georgia, Kazakhstan (except the area east of the Ural river), Russia (except the regions of Tyumen, Chelyabinsk, Irkutsk, Kemerovo, Kurgan, Novossibirsk, Omsk, Sverdlovsk, Tomsk, Chita, Kamchatka, Magadan, Amur and Skhalin, the territories of Krasnoyarsk, Altay, Khabarovsk and Primarie, and the republics of Sakha, Tuva and Buryatia), Ukraine and Turkey (except the area east of the Bosphorus Strait known as Anatolia);**]**

(ab) "lot" means one or more units of a single commodity, identifiable by its homogeneity of composition and origin, which form part of a consignment;

F15(aba) . . . . . .

(ac) "Schedule 2 cut flower consignment" means a consignment which includes cut flowers of a description specified in column 1 of the table in Schedule 2 originating in a country specified in column 2 of that table and does not include any other cut flowers to which this regulation applies;

(ad) "Schedule 2 fruit or vegetable consignment" means a consignment which includes fruit or vegetables of a description specified in column 1 of the table in Schedule 2 originating in a country specified in column 2 of that table and does not include any other fruit or vegetables to which this regulation applies;**]**

(b) "third country consignment" means a consignment that is introduced into England from a third country;

[F16(ba) "the transitional staging period" has the meaning given in Annex 6 to Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products.**]**

F17(c) . . . . . .

F5 Words in reg. 3(1) substituted (1.10.2019) by The Plant Health etc. (Miscellaneous Fees) (England) (Amendment) Regulations 2019 (S.I. 2019/1257), regs. 2, **3(2)(a)(i)**

F6 Words in reg. 3(1) substituted (14.12.2019) by The Official Controls (Animals, Feed and Food, Plant Health Fees etc.) Regulations 2019 (S.I. 2019/1488), regs. 1(1), **38(3)(a)**

F7 Words in reg. 3(1) substituted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 2(2)(b), **4(3)(a)**
F8 Words in reg. 3(1) inserted (1.10.2019) by The Plant Health etc. (Miscellaneous Fees) (England) (Amendment) Regulations 2019 (S.I. 2019/1257), regs. 2, **3(2)(a)(ii)**
F9 Reg. 3(2)(2A) substituted (1.6.2021) by The Plant Health etc. (Fees) (England) (Amendment) Regulations 2021 (S.I. 2021/625), regs. 1, **2(2)(a)**
F10 Reg. 3(2B)-(2E) inserted (1.6.2021) by The Plant Health etc. (Fees) (England) (Amendment) Regulations 2021 (S.I. 2021/625), regs. 1, **2(2)(b)**
F11 Words in reg. 3(2E) substituted (30.12.2021) by The Official Controls (Extension of Transitional Periods) (England and Wales) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/1443), regs. 1(1)(b), **4(2)(a)**
F12 Words in reg. 3(3)(a) substituted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 2(2)(b), **4(3)(b)(i)**
F13 Reg. 3(3)(aa)-(ad) inserted (1.10.2019) by The Plant Health etc. (Miscellaneous Fees) (England) (Amendment) Regulations 2019 (S.I. 2019/1257), **regs. 2**, 3(2)(c)
F14 Reg. 3(3)(a)(aa) substituted (14.12.2019) by The Official Controls (Animals, Feed and Food, Plant Health Fees etc.) Regulations 2019 (S.I. 2019/1488), regs. 1(1), **38(3)(b)(i)**
F15 Reg. 3(3)(aba) omitted (31.12.2020) by virtue of The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 2(2)(b), **4(3)(b)(ii)**
F16 Reg. 3(3)(ba) inserted (30.12.2021) by The Official Controls (Extension of Transitional Periods) (England and Wales) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/1443), regs. 1(1)(b), **4(2)(b)**
F17 Reg. 3(3)(c) omitted (14.12.2019) by virtue of The Official Controls (Animals, Feed and Food, Plant Health Fees etc.) Regulations 2019 (S.I. 2019/1488), regs. 1(1), **38(3)(b)(iii)**

Plant passport authorisation fees

4.—(1) This regulation applies in relation to a plant passport authorisation.

(2) The **[**F18fee specified in paragraph (3) is**]** payable in respect of an inspection and any associated activities which are carried out **[**F19by, or on behalf of, the Secretary of State**]**—

(a) in connection with an application for a plant passport authorisation;

(b) for the purpose of monitoring compliance with any requirements imposed on the holder of a plant passport authorisation.

[F20(3) A fee of £61.58 is payable for each 15 minutes (or part thereof) spent in carrying out the inspection and any associated activities at the relevant premises, subject to a minimum fee of £123.16.**]**

(4) An additional fee of **[**F21£20.66**]** is payable where a person submits an application for a plant passport authorisation in paper form (and not online).

(5) Any fees payable under this regulation are payable by the person applying for a plant passport authorisation or the holder of a plant passport authorisation (as the case may be).

(6) In this regulation-

(a) "plant passport authorisation" means an authorisation to issue **[**F22UK**]** plant passports F23...;

(b) "relevant premises", in relation to an application for a plant passport authorisation or a plant passport authorisation, means the premises which are subject to the application or the authorisation.

F18 Words in reg. 4(2) substituted (1.10.2019) by The Plant Health etc. (Miscellaneous Fees) (England) (Amendment) Regulations 2019 (S.I. 2019/1257), regs. 2, **3(3)(a)**