SCOTTISH STATUTORY INSTRUMENTS

2004 No. 250

SEEDS

The Seed Potatoes (Fees) (Scotland) Regulations 2004

Made - - - -	*27th May 2004*
Laid before the Scottish Parliament - - - -	*1st June 2004*
Coming into force - -	*22nd June 2004*

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 of all other powers enabling them in that behalf, and after consultation with representatives of such interests as appear to them to be concerned, in accordance with section 16(1) of that Act, hereby make the following Regulations:

Citation, commencement, and extent

1.—(1) These Regulations may be cited as the Seed Potatoes (Fees) (Scotland) Regulations 2004 and shall come into force on 22nd June 2004.

(2) These Regulations extend to Scotland only.

Payment of Fees

2. Fees shall be paid to the Scottish Ministers in respect of the matters arising under the Seed Potatoes (Scotland) Regulations 2000(**2**) 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:

Withdrawal of application

3.—(1) If an application for classification of seed potatoes under paragraph 2 of the Schedule is withdrawn before the arrival of an inspector for the purpose of inspecting the crop for the first time the fee paid will be refunded to an applicant, subject to charging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

(**1**) 1964 c. 14; section 16 was amended by the European Communities Act 1972 (c. 68), section 4(1) and Schedule 4, paragraph 5(2) 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 Schedule 4, paragraph 5(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.

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

Exemptions

4. The Scottish Ministers may exempt any person, or 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

5. The Seed Potatoes (Fees) (Scotland) Regulations 1993(**3**) ("the 1993 Regulations") are hereby revoked.

Pentland House, Edinburgh
27th May 2004

ROSS FINNIE
A member of the Scottish Executive

(**3**) S.I.1993/1311.