SCOTTISH STATUTORY INSTRUMENTS

2002 No. 526

SEEDS

The Seeds (Fees) (Scotland) Regulations 2002

Made - - - -	*28th November 2002*
Laid before the Scottish Parliament - - - -	*2nd December 2002*
Coming into force - -	*31st December 2002*

The Scottish Ministers in exercise of the powers conferred by sections 16(1), (1A)(e), (5)(a) and 36 of the Plant Varieties and Seeds Act 1964(**1**), and of all other powers enabling them in that behalf, 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 Seeds (Fees) (Scotland) Regulations 2002 and shall come into force on 31st December 2002.

(2) These Regulations extend to Scotland only.

Interpretation

2. In these Regulations–

(a) "licensed crop inspector" means a person for the time being licensed under regulation 10 of the Seeds (Registration, Licensing and Enforcement) Regulations 1985(**2**) to be a crop inspector;

"licensed seed sampler" means a person for the time being licensed under regulation 10 of the Seeds (Registration, Licensing and Enforcement) Regulations 1985 to be a seed sampler;

"licensed seed testing station" means an establishment for the time being licensed under regulation 9 of the Seeds (Registration, Licensing and Enforcement) Regulations 1985 for the testing of seeds for the purposes of seeds regulations;

"seeds regulations" means Regulations extending to Scotland made under section 16 of the Plant Varieties and Seeds Act 1964 and for the time being in force, and other expressions in

(**1**) 1964 c. 14; section 16 was amended by the European Communities Act 1972 (c. 68), section 4(1) and Schedule 4, paragraph 5(1), (2) and (3); section 38(1), which was amended by S.I.1978/272, contains a definition of "the Minister" relevant to the exercise of the statutory powers under which these Regulations are made. 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.I. 1985/980; relevant amending instruments are S.I. 1987/1098, 1990/611 and 1993/2530.

the Regulations relating to any crops or seeds have the same meanings as they do in seeds Regulations appropriate to such crops or seeds;

(b) a reference to a numbered Schedule is a reference to the Schedule to these Regulations which bears that number; and

(c) the times of payment and the fees specified in columns (2) and (4) respectively of Schedule 6, and the fees specified in column (3) of Schedules 1 to 5, are so specified in relation to the matters specified in column (1) of those Schedules opposite to which they appear.

Fees

3.—(1) Subject to paragraph (5), there shall be paid, in respect of the matters specified in column (1) of Schedules 1 to 5, the fees specified in column (3) of those Schedules, such fees being payable within one month of demand.

(2) There shall be paid, in respect of the matters specified in column (1) of Schedule 6, the fees specified in column (4) of that Schedule, such fees being payable at the times specified in column (2) of that Schedule.

(3) Subject to paragraph (4) below, such fees shall be payable to the Scottish Ministers.

(4) Where–

(a) the official examination of a crop is undertaken by a licensed crop inspector;

(b) the official examination of a sample of seeds is undertaken by a licensed seed testing station; or

(c) the sampling of a seed lot for the purposes of an official examination is undertaken by a licensed seed sampler,

the fee for such official examination or sampling shall be payable to the licensed crop inspector or the licensed seed testing station undertaking the official examination or to the licensed seed sampler undertaking the sampling.

(5) Where an application in respect of a matter specified in column (1) of parts A and B of Schedules 1 to 5 is withdrawn before arrangements have been made for the purpose of an official crop examination, the fee specified in column (3) of those parts shall not be due and if already paid shall be repaid, but less the sum of £2.50 per hectare where the application was in respect of a matter specified in column (1) of part A of those Schedules.

4. Regulation 3 above shall apply to matters listed in column (1) of Schedules 1 to 6 arising in relation to breeder's confirmations as it does to matters so listed arising in relation to official certificates.

5. The Scottish Ministers may exempt any person or class of persons or persons generally from compliance with any of the provisions of these Regulations relating to the payment of fees and any such exemption may be granted subject to conditions.

Revocation

6. The Seeds (Fees) (Scotland) Regulations 2000(**3**) are hereby revoked.

(**3**) S.S.I. 2000/1.

St Andrew's House,Edinburgh
28th November 2002

ALlAN WILSON
Authorised to sign by the Scottish Ministers

SCHEDULE 1

Regulation 3

MATTERS ARISING UNDER THE CEREAL SEEDS REGULATIONS 1993(**4**)

(1) *Matter*	*(2)* *Old fee* *£*	*(3)* *New fee* *£*
A. Initial fees		
Initial fee per hectare or part thereof for crops intended to produce:–		
(i) pre basic seed or basic seed	24.60	26.45
(ii) certified seed, certified seed of the first generation of wheat, durum wheat, spelt wheat, barley, triticale and oats or certified seed of rye and maize	6.20	6.70
(iii) certified seed of the second generation of wheat, durum wheat, spelt wheat, barley and oats	5.50	5.90
B. Crop inspection fees		
(i) Fee for the official examination of crops intended to produce pre basic seed, basic seed, certified seed or certified seed of the first generation and certified seed of the second generation per hectare or part thereof examined.	12.30	13.20
(ii) Fee for the official re examination of crops intended to produce pre basic seed, basic seed, certified seed, or certified seed of the first generation and certified seed of the second generation per hectare or part thereof examined, except:–	12.30	13.20

(**4**) S.I. 1993/2005, amended by S.I. 1990/1860, 1995/1482, 1997/616 and 2000/248 and S.S.I. 2002/520.

(1) *Matter*	*(2)* *Old fee* *£*	*(3)* *New fee* *£*
(a) (a) Fee for the official re examination of crops for wild oats per hectare or part thereof examined	6.15	6.60
(b) (b) Fee for the official re examination of crops for isolation per hectare or part thereof	2.20	2.40
(c) (c) Fee per crop to authenticate seed lot sown, (where this has not been carried out at crop inspection)	5.50	5.90
C. Seed lot fee		
Fee for the issue of an official certificate (other than in the circumstances described under D below) in respect of a seed lot entered as:–		
(i) breeder's seed, pre basic seed or basic seed, certified seed, certified seed of the first generation of wheat, durum wheat, spelt wheat, barley, triticale, oats or certified seed of rye and maize	40.65	43.70
(ii) certified seed of the second generation of wheat, durum wheat, spelt wheat, barley and oats	20.30	21.80
D. Seed lot re entry fee		
Fee for the issue of an official certificate in respect of a seed lot which was entered for one category and has been withdrawn and is being re entered as:–		
(i) pre basic seed or basic seed, certified seed, certified seed of the first	28.45	30.60