SCOTTISH STATUTORY INSTRUMENTS

2000 No. 1

SEEDS

The Seeds (Fees) (Scotland) Regulations 2000

Made - - - -	*11th January 2000*
Laid before the Scottish Parliament - - - -	*14th January 2000*
Coming into force - -	*5th February 2000*

The Scottish Ministers in exercise of the powers conferred on them by section 16(1), (1A)(e), (5)(a) and section 36 of the Plant Varieties and Seeds Act 1964(**1**), after consultation in accordance with the said section 16(1) with representatives of such interests as appear to them to be concerned, hereby make the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Seeds (Fees) (Scotland) Regulations 2000 and shall come into force on 5th February 2000.

(2) These Regulations extend to Scotland only.

Interpretation

2. In these Regulations, unless the context otherwise requires–

(a) "licensed crop inspector" means the 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;

(**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 and 1993/2530.

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

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

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

Fees

3.—(1) There shall be paid in respect of the matters specified in column (1) of Schedules 1 to 6 the fees specified in column (3) of those Schedules, such fees being payable at the times specified in column (2) of those Schedules.

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

(3) The fees specified in column (3) of Schedule 6 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.

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 Regulations listed in Schedule 7 are hereby revoked.

St Andrew's House,Edinburgh
11th January 2000

ROSS FINNIE
A member of the Scottish Executive

SCHEDULE 1

Regulation 3

MATTERS ARISING UNDER THE CEREAL SEEDS REGULATIONS 1993(**3**)

(1) *Matter*	*(2)* *Fee payable within one month of demand by or on behalf of the Scottish Ministers*	*(3)* *Fee £*
A. Initial fees		
Initial fee per hectare or part thereof for crops intended to produce:—		
(i) pre basic or basic seed		24.60
(ii) 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
(iii) certified seed of the second generation of wheat, durum wheat, spelt wheat, barley and oats		5.50
B. Crop inspection fees		
Fee for official examination of crops intended to produce pre basic, basic or certified seed of the first generation and certified seed of the second generation per hectare or part thereof examined.		12.30
Fee for the official re examination of crops intended to produce pre basic, basic or certified seed of the first generation and certified seed of the second generation per hectare or part thereof examined, except:–		12.30
(i) Fee for the official re examination of crops for wild oats per hectare or part thereof examined		6.15
(ii) Fee for the official re examination of crops for		2.20

(**3**) S.I. 1993/2005, amended by S.I. 1995/1482 and 1997/616.

(1) *Matter*	*(2)* *Fee payable within one month of demand by or on behalf of the Scottish Ministers*	*(3)* *Fee £*
isolation per hectare or part thereof		
(iii) Fee per crop to authenticate seed lot sown, (where this has not been carried out at crop inspection		5.50
C. Seed lot fee		
Fee for the issue of an official certificate (other than in the circumstances described under F below) in respect of a seed lot entered as:–		40.65
(i) breeder's, pre basic or basic seed, certified seed of the first generation of wheat, durum wheat, spelt wheat, barley, triticale, oats or certified seed of rye and maize		
(ii) certified seed of the second generation of wheat, durum wheat, spelt wheat, barley and oats		20.30
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:–		28.45
(i) pre basic or basic seed, certified seed of the first generation of wheat, durum wheat, spelt wheat, barley, triticale and oats or certified seed of rye and maize		
(ii) certified seed of the second generation of wheat, durum wheat, spelt wheat, barley and oats		14.20

(1) *Matter*	*(2)* *Fee payable within one month of demand by or on behalf of the Scottish Ministers*	*(3)* *Fee £*
E. Sampling Fees		
Fee for sampling or re sampling of a seed lot for the purposes of an official examination, and for sampling or re sampling imported seed intended for further multiplication		30.90
F. Seed testing fees		
Fee for an official examination of seed for loose smut infection of wheat, durum wheat, spelt wheat and barley (per thousand embryos examined)		35.70
G. Fees for additional tests		
Fee for a Tetrazolium seed viability test in C1 Winter Wheat and C1 Winter Barley		41.90
H. Official label fees		
Additional fee for the issue and printing of official labels:– (i) tear resistant labels for breeders seed, pre basic and seed for export; per seed lot		33.00
(ii) self adhesive labels for breeders seed, pre basic and seed for export; per seed lot		22.90