Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Plant Health (Import Inspection Fees) (Wales) Regulations 2010. 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*

WELSH STATUTORY INSTRUMENTS

2010 No. 2917 (W.242)

PLANT HEALTH, WALES

The Plant Health (Import Inspection Fees) (Wales) Regulations 2010

Made - - - -	*7 December 2010*
Laid before the National Assembly for Wales - -	*9 December 2010*
Coming into force - -	*1 January 2011*

The Welsh Ministers with the consent of the Treasury make these Regulations in exercise of the powers conferred by section 56(1) and (2) of the Finance Act 1973 [F1] and now vested in them by virtue of section 59(5) of the Government of Wales Act 2006 [F2].

F1 1973 c. 51. Article 13(d) of the Directive was inserted by Council Directive 2002/89/EC (OJ No L 355, 30.12.2002, p.45).

F2 2006 c. 32. Article 13(d) of the Directive was inserted by Council Directive 2002/89/EC (OJ No L 355, 30.12.2002, p.45).

Title, application and commencement

1.—(1) The title of these Regulations is the Plant Health (Import Inspection Fees) (Wales) Regulations 2010;

(2) they come into force on 1 January 2011; and

(3) they apply in relation to Wales.

Interpretation

2.—(1) In these Regulations—

"daytime working hours" ("*oriau gwaith yn ystod y dydd*") means any time between the hours of 8.30 a.m. to 5.00 p.m. on any day except a Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 [F3] in Wales; and

"the Directive" ("*y Gyfarwyddeb*") means Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community [F4].

(2) Terms used in these Regulations which are also used in the Directive have same meaning as they have in the Directive.

F3 1971 c. 80. In relation to bank holidays, *see* section 1 of and Schedule 1 to that Act.
F4 OJ No L 169, 10.7.2000, p.1, as last amended by Commission Directive 2010/1/EU, OJ No L 7, 12.1.2010, p.17.

Consignments to which these Regulations apply

3. These Regulations apply in relation to consignments of—

(a) plants, plant products and other objects of a description specified in column 1 of Schedule 1 that are listed in Annex V, Part B of the Directive, and

(b) seeds of Solanaceae whether or not listed in Annex V, Part B of the Directive,

that are introduced into Wales from a country or territory other than one within the European Union or are the subject of an agreement made under article 12(6) of the Plant Health (Wales) Order 2006 [F5].

F5 S.I. 2006/1643 (W.158), to which there are amendments not relevant to these Regulations.

Fees

4.—(1) An importer must pay to the Welsh Ministers upon import of a consignment to which these Regulations apply—

(a) the fee specified—

(i) in column 3 of Schedule 1 in respect of a consignment of a plant, plant product or other object listed in column 1 of that Schedule, other than a consignment of a plant or plant product to which sub-paragraph (a)(ii) applies; or

(ii) in column 4 of Schedule 2 in respect of a consignment of a plant or plant product listed in column 1 of that Schedule and originating from a country listed in column 3 of that Schedule; and

(b) the fees specified in column 3 of Schedule 3 for a documentary check and an identity check.

(2) But where, at the request of an importer or any other person responsible for the consignment, a plant health check is carried out on a consignment outside daytime working hours, the fee payable under paragraph (1)(a) in respect of that consignment is–

(a) the fee specified in column 4 of Schedule 1 if the consignment is a consignment to which paragraph (1)(a)(i) applies; or

(b) the fee specified in column 5 of Schedule 2 if the consignment is a consignment to which paragraph (1)(a)(ii) applies.

Revocations

5. The following Regulations are revoked—

(a) the Plant Health (Import Inspection Fees) (Wales) (No. 2) Regulations 2006 [F6];

(b) the Plant Health (Import Inspection Fees) (Wales) (Amendment) Regulations 2007 [F7];

(c) the Plant Health (Import Inspection Fees) (Wales) (Amendment) (No. 2) Regulations 2007 [F8];

(d) the Plant Health (Import Inspection Fees) (Wales) (Amendment) Regulations 2009 [F9];

(e) the Plant Health (Import Inspection Fees) (Wales) (Amendment) (No. 2) Regulations 2009 [F10].

F6 S.I. 2006/2832 (W.253).
F7 S.I. 2007/1763 (W.153).
F8 S.I. 2007/3306 (W.293).
F9 S.I. 2009/398 (W.43).
F10 S.I. 2009/3140 (W.273).

Elin Jones
Minister for Rural Affairs, one of the Welsh Ministers

SCHEDULE 1

Regulation 4(1)(a)(i) and 4(2)(a)

Import Inspection Fees

Column 1 ***Plant, plant product or other object***	***Column 2*** ***Quantity***	***Column 3*** ***Fee for each consignment (daytime working hours) (£)***	***Column 4*** ***Fee for each consignment (non-daytime working hours) (£)***
Cuttings, seedlings (except forestry reproductive material), young plants of strawberries or of vegetables	—up to 10,000 in number	14.28	21.42
	—for each additional 1,000 units, or part thereof	0.57 Up to a maximum of 114.24	0.85 Up to a maximum of 171.36
Shrubs, trees (other than cut Christmas trees), other woody nursery plants including forestry reproductive material (other than seed)	—up to 1,000 in number	14.28	21.42
	—for each additional 100 units, or part thereof	0.35 Up to a maximum of 114.24	0.52 Up to a maximum of 171.36
Bulbs, corms, rhizomes, tubers, intended for planting (other than tubers of potatoes)	—up to 200 kg in weight	14.28	21.42
	—for each additional 10 kg, or part thereof	0.13 Up to a maximum of 114.24	0.19 Up to a maximum of 171.36
Seeds, tissue cultures	—up to 100 kg in weight	6.12	9.18
	—for each additional 10 kg, or part thereof	0.14 Up to a maximum of 114.24	0.21 Up to a maximum of 171.36
Other plants intended for planting, not specified elsewhere in this Schedule	—up to 5,000 in number	14.28	21.42
	—for each additional 100 units, or part thereof	0.14 Up to a maximum of 114.24	0.21 Up to a maximum of 171.36
Cut flowers	—up to 20,000 in number	14.28	21.42
	—for each additional 1,000 units, or part thereof	0.11 Up to a maximum of 114.24	0.16 Up to a maximum of 171.36
Branches with foliage, parts of conifers (other than cut Christmas trees)	—up to 100 kg in weight	14.28	21.42
	—for each additional 100 kg, or part thereof	1.42	2.13

		Up to a maximum of 114.24	Up to a maximum of 171.36
Cut Christmas trees	—up to 1,000 in number	14.28	21.42
	—for each additional 100 units, or part thereof	1.42 Up to a maximum of 114.24	2.13 Up to a maximum of 171.36
Leaves of plants, such as herbs, spices and leafy vegetables	—up to 100 kg in weight	14.28	21.42
	—for each additional 10 kg, or part thereof	1.42 Up to a maximum of 114.24	2.13 Up to a maximum of 171.36
Fruits, vegetables (other than leafy vegetables)	—up to 25,000 kg in weight	14.28	21.42
	—for each additional 1,000 kg, or part thereof	0.57	0.85
Tubers of potatoes	—up to 25,000 kg in weight	42.84 (for each lot)	64.26 (for each lot)
	—for each additional 25,000 kg, or part thereof	42.84 (for each lot)	64.26 (for each lot)
Soil and growing medium, bark	—up to 25,000 kg in weight	14.28	21.42
	—for each additional 1,000 kg, or part thereof	0.57 Up to a maximum of 114.24	0.85 Up to a maximum of 171.36
Grain	—up to 25,000 kg in weight	14.28	21.42
	—for each additional 1,000 kg, or part thereof	0.57 Up to a maximum of 571.20	0.85 Up to a maximum of 856.80
Other plants or plant products not specified elsewhere in this Schedule, except forest trees	—For each consignment	14.28	21.42