WELSH STATUTORY INSTRUMENTS

2006 No. 171 (W.22)

PLANT HEALTH, WALES

The Plant Health (Import Inspection Fees) (Wales) Regulations 2006

Made - - - -	*31 January 2006*
Coming into force - -	*1 February 2006*

The National Assembly for Wales, in exercise of the powers conferred on it by section 56(1) of the Finance Act 1973(**1**) and by section 29(4) of the Government of Wales Act 1998(**2**), with the consent of the Treasury, hereby makes the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Plant Health (Import Inspection Fees) (Wales) Regulations 2006 and come into force on 1 February 2006.

(2) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations—

"consignment" ("*llwyth*") has the same meaning as in article 2(1)(p) of the Directive;

"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(**3**) in Wales;

"the Directive" ("*y Gyfarwyddeb*") means Council Directive 2000/29/EC of 8 May 2000(**4**) on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community as last amended by Commission Directive 2005/15/EC of 28 February 2005(**5**);

"documentary check" ("*gwiriad dogfennol*") has the same meaning as in article 13a(1)(b)(i) of the Directive;

(**1**) 1973 c. 51.
(**2**) 1998 c. 38.
(**3**) 1971 c. 80.
(**4**) OJ No. L 169, 10.7.00, p. 1.
(**5**) OJ No. L 56, 2.3.2005, p. 12.

"identity check" ("*gwiriad adnabod*") has the same meaning as in article 13a(1)(b)(ii) of the Directive;

"plant" ("*planhigyn*") has the same meaning as in article 2(1)(a) of the Directive;

"plant health check" ("*gwiriad iechyd planhigion*") has the same meaning as in article 13a(1)(b)(iii) of the Directive;

"plant intended for planting" ("*planhigyn a fwriedir ar gyfer ei blannu*") has the same meaning as in article 2(1)(d) of the Directive;

"plant product" ("*cynnyrch planhigyn*") has the same meaning as in Article 2(1)(b) of the Directive; and

"third country" ("*trydedd wlad*") means a country or territory other than one within the European Community.

Consignments to which these Regulations apply

3. These Regulations apply to consignments of plants, plant products and other objects of a description specified in the first column of Schedule 1, landed in Wales from a third country, in respect of which article 13d(1) of the Directive requires member States to charge phytosanitary fees to cover the costs occasioned by documentary checks, identity checks and plant health checks.

Fees

4.—(1) An importer of a consignment to which these Regulations apply must pay to the National Assembly for Wales the fees specified in this regulation.

(2) In respect of a plant health check carried out on any consignment of plants, plant products or other objects, other than a consignment of a plant or plant product to which paragraph (3) applies, the fee payable must be—

(a) the fee specified in the third column of Schedule 1 in respect of a check carried out during daytime working hours; or

(b) the fee specified in the fourth column of that Schedule in respect of a check carried out outside those hours.

(3) In respect of a plant health check carried out, or which, but for article 13a(2) of the Directive (providing for such checks to be carried out at reduced frequency), would have been required to be carried out, on a consignment of any plant or plant product listed in the first column of Schedule 2 and originating from a country listed in the third column of that Schedule, the fee payable, in accordance with Article 13d(2) of the Directive, must be—

(a) the fee specified in the fourth column of Schedule 2 in respect of a check carried out during daytime working hours; and

(b) the fee specified in the fifth column of that Schedule in respect of a check carried out outside those hours.

(4) In respect of a documentary check or an identity check carried out on any consignment the fee payable must be the fee specified for that check in the third column of Schedule 3.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**6**)

D. Elis-Thomas
31 January 2006 The Presiding Officer of the National Assembly

(**6**) 1998 c. 38.

SCHEDULE 1

Regulations 3 and 4(2)

IMPORT INSPECTION FEES FOR PLANT HEALTH CHECKS

Plant, plant product or other object	*Quantity*	*Fee (daytime working hours)*	*Fee (non-daytime working hours)*
Cuttings, seedlings (except forestry reproductive material), young plants of strawberries or of vegetables	Per consignment		
	— up to 10,000 in number	£13.24	£19.86
	— for each additional 1,000 units	£0.52	£0.78
	— maximum price	£105.92	£158.88
Shrubs, trees (other than cut Christmas trees), other woody nursery plants including forest reproductive material (other than seed)	Per consignment		
	— up to 1,000 in number	£13.24	£19.86
	— for each additional 100 units	£0.33	£0.49
	— maximum price	£105.92	£158.88
Bulbs, corms, rhizomes, tubers, intended for planting (other than tubers of potatoes)	Per consignment		
	— up to 200 kg in weight	£13.24	£19.86
	— for each additional 10 kg	£0.12	£0.18
	— maximum price	£105.92	£158.88
Seeds, tissue cultures	Per consignment		
	— up to 100 kg in weight	£5.67	£8.50
	— for each additional 10 kg	£0.13	£0.19
	— maximum price	£105.92	£158.88

Plant, plant product or other object	*Quantity*	*Fee (daytime working hours)*	*Fee (non-daytime working hours)*
Other plants intended for planting, not specified elsewhere in this Schedule	Per consignment		
	— up to 5,000 in number	£13.24	£19.86
	— for each additional 100 units	£0.13	£0.19
	— maximum price	£105.92	£158.88
Cut flowers	Per consignment		
	— up to 20,000 in number	£13.24	£19.86
	— for each additional 1,000 units	£0.10	£0.15
	— maximum price	£105.92	£158.88
Branches with foliage, parts of conifers (other than cut Christmas trees)	Per consignment		
	— up to 100 kg in weight	£13.24	£19.86
	— for each additional 100 kg	£1.32	£1.98
	— maximum price	£105.92	£158.88
Cut Christmas trees	Per consignment		
	— up to 1,000 in number	£13.24	£19.86
	— for each additional 100 units	£1.32	£1.98
	— maximum price	£105.92	£158.88
Leaves of plants, such as herbs, spices and leafy vegetables	Per consignment		
	— up to 100 kg in weight	£13.24	£19.86
	— for each additional 10 kg	£1.32	£1.98
	— maximum price	£105.92	£158.88