STATUTORY INSTRUMENTS

2015 No. 350

PLANT HEALTH, ENGLAND
PLANT HEALTH, SCOTLAND

The Plant Health (Fees) (Forestry) (England and Scotland) Regulations 2015

Made - - - -	*23rd February 2015*
Laid before Parliament	*25th February 2015*
Coming into force - -	*6th April 2015*

The Forestry Commissioners are designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the common agricultural policy of the European Union and make these Regulations in exercise of the powers conferred by that section.

PROSPECTIVE

Title, commencement and application

1. These Regulations—

(a) may be cited as the Plant Health (Fees) (Forestry) (England and Scotland) Regulations 2015;

(b) come into force on 6th April 2015; and

(c) apply in relation to England and Scotland only.

Commencement Information

I1 Reg. 1 in force at 6.4.2015, see **reg. 1(b)**

(**1**) S.I. 1996/266, amended by S.I. 2011/1043; there are other amending instruments but none is relevant. Under section 1(2) of the Plant Health Act 1967 (c. 8), as amended by article 4(1) of, and paragraph 43 of Schedule 2 to, the Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), the Forestry Commissioners are the competent authority for England and Scotland as regards the protection of forest trees and timber from attack by pests.

(**2**) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).

Interpretation

2.—(1) In these Regulations—

"approved place of inspection" has the meaning given in article 3 of the Order;

"controlled consignment" means a consignment within the meaning of Article 2(1)(p) of the Directive, or a consignment which an inspector reasonably suspects to be such a consignment, of any of the following relevant material to which Part 2 of the Order applies—

(a) isolated bark of a type listed in Schedule 5, Part A, paragraph 3 or Part B, paragraph 3 to the Order; or

(b) wood of a type listed in Schedule 5, Part A, paragraph 4 or Part B, paragraph 1 to the Order, other than wood packaging material which is actually in use in the transport of objects of all kinds;

"the Directive" 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(**3**);

"documentary check" has the meaning given by Article 13a(1)(b)(i) of the Directive;

"identity check" has the meaning given by Article 13a(1)(b)(ii) of the Directive;

"licence" means a licence to carry out any activity to which article 38 or 39 of the Order applies;

"the Order" means the Plant Health (Forestry) Order 2005(**4**);

"plant health check" has the meaning given by Article 13a(1)(b)(iii) of the Directive;

"plant passport authority" means an authority to issue plant passports granted by the Forestry Commissioners under article 28 of the Order;

"remedial notice" means a notice served under article 31(1) or (4) or 33(3) of the Order; and

"remedial work" means any steps taken by a person for the purposes of complying with a remedial notice, or by an inspector under article 32(1) of the Order.

(2) Words and expressions which are not defined in these Regulations and which appear in the Order have the same meaning in these Regulations as they have in the Order.

Commencement Information

I2 Reg. 2 in force at 6.4.2015, see **reg. 1(b)**

Fees

3.—(1) Fees payable under this regulation are payable to the Forestry Commissioners.

(2) The fee payable for an inspection and associated activities in connection with the granting, variation, or suspension of a plant passport authority or for monitoring compliance with that authority is specified in Schedule 1.

(3) The fee payable in connection with an application for a licence (including an application for an extension or variation of a licence), for an inspection and associated activities in connection with an application for a licence or for monitoring compliance with the terms and conditions of a licence is specified in Schedule 2.

(4) The importer of a controlled consignment must pay—

(**3**) OJ No L 169, 10.7.2000, p1, as last amended by Regulation (EU) No 652/2014 of the European Parliament and of the Council (OJ No L 189, 27.6.2014, p1).

(**4**) S.I. 2005/2517; relevant amending instruments are S.I. 2009/594, 2012/2707, 2013/755, 2691, 2014/2420.

(a) in the case of a plant health check in respect of the consignment, the fee specified for the relevant type of consignment in item 1 or 2 of the table in Schedule 3;

(b) in the case of a documentary check in respect of the consignment, the fee specified in item 1 of the table in Schedule 4;

(c) in the case of an identity check in respect of the consignment, the fee specified in item 2 of the table in Schedule 4.

(5) Where, at the request of an importer of a controlled consignment, a plant health check is carried out on the consignment at an approved place of inspection, the importer must pay the fee of £30 for each visit made by an inspector in the course of conducting the plant health check at the approved place of inspection, in addition to the fee payable under paragraph (4)(a).

(6) The person on whom a remedial notice is served or who is given notice under article 32(1) of the Order must pay the fee specified in Schedule 5 for the carrying out or the monitoring by an inspector of remedial work and associated activities in connection with a controlled consignment.

Commencement Information

I3 Reg. 3 in force at 6.4.2015, see **reg. 1(b)**

Revocations

4. The following Regulations are revoked—

(a) the Plant Health (Fees) (Forestry) Regulations 2006(**5**);

(b) the Plant Health (Fees) (Forestry) (Amendment) Regulations 2008(**6**);

(c) the Plant Health (Fees) (Forestry) (Amendment) Regulations 2009(**7**);

(d) the Plant Health (Fees) (Forestry) (Amendment) Regulations 2010(**8**); and

(e) the Plant Health (Fees) (Forestry) (Amendment) (England and Scotland) Regulations 2014(**9**).

Commencement Information

I4 Reg. 4 in force at 6.4.2015, see **reg. 1(b)**

Sealed with the official seal of the Forestry Commissioners

Wilma Harper
23rd February 2015 Secretary to the Forestry Commissioners

(**5**) S.I. 2006/2697, as amended by S.I. 2008/702, 2009/2956, 2010/2001, 2013/755, 2014/589.
(**6**) S.I. 2008/702.
(**7**) S.I. 2009/2956.
(**8**) S.I. 2010/2001.
(**9**) S.I. 2014/589.

PROSPECTIVE

SCHEDULE 1

Regulation 3(2)

Fees for inspections in connection with a plant passport authority

Commencement Information
I5 Sch. 1 in force at 6.4.2015, see **reg. 1(b)**

Type of inspection		*Fee*
Inspection and associated activities (including travelling and office time) in connection with the granting, variation or suspension of a plant passport authority or for monitoring compliance with that authority—		
(f)	up to and including the first hour;	£37
(g)	thereafter, for each additional 15 minutes or part thereof	£9.25

SCHEDULE 2

Regulation 3(3)

Fees in connection with licences

Commencement Information
I6 Sch. 2 in force at 6.4.2015, see **reg. 1(b)**

Item	*Type of application or inspection*	*Fee*
1.	Application for a licence	£305
2.	Application for an extension or variation of a licence with changes requiring scientific or technical assessment	£100
3.	Application for an extension of a licence with no changes or for an extension or variation of a licence with changes not requiring scientific or technical assessment	£12
4.	Inspection and associated activities (including travelling and office time) in connection with item 1, 2 or 3 or for monitoring compliance with licence terms and conditions— (h) up to and including the first hour; (i) thereafter, for each additional 15 minutes or part thereof	 £37 £9.25

SCHEDULE 3

Regulation 3(4)(a)

Fees for plant health checks

Commencement Information

I7 Sch. 3 in force at 6.4.2015, see **reg. 1(b)**

Item	*Description of relevant material in consignment subject to a plant health check*	*Unit*	*Fee*
1.	Isolated bark, wood shavings, wood chips or sawdust	Per consignment —up to 25000kg —for each additional 1000kg or part thereof	£31.20 £0.49 Up to a maximum fee of £98 per consignment
2.	Wood (other than wood in the form of isolated bark, wood shavings, wood chips or sawdust)	Per consignment —up to 100m³ —for each additional m³ or part thereof	£31.20 £0.25

SCHEDULE 4

Regulation 3(4)(b) and (c)

Fees for documentary checks and identity checks

Commencement Information

I8 Sch. 4 in force at 6.4.2015, see **reg. 1(b)**

Item	*Type of check*	*Unit*	*Fee*
1.	Documentary check	Per consignment	£7.20
2.	Identity check	Per consignment —for each load of up to 30m³ forming part of the consignment contained in one truck, railway wagon or comparable container —for each bulk load of less than 100m³	£7.20 £7.20