STATUTORY RULES OF NORTHERN IRELAND

2005 No. 373

PLANT HEALTH

The Plant Health (Import Inspection Fees) Regulations (Northern Ireland) 2005

Made - - - -	*8th August 2005*
Coming into operation	*1st September 2005*

The Department of Agriculture and Rural Development(**1**), being a Department designated(**2**) for the purposes of section 2(2) of the European Communities Act(**3**) in relation to the Common Agricultural Policy of the European Community, in exercise of the powers conferred on it by the said section 2(2), section 56(1), (2) and (5) of the Finance Act 1973(**4**), and of all other powers enabling it in that behalf, with the consent of the Department of Finance and Personnel, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Plant Health (Import Inspection Fees) Regulations (Northern Ireland) 2005 and shall come into operation on 1st September 2005.

Interpretation

2.—(1) In these Regulations—

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

"daytime working hours" 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 in Northern Ireland under the Banking and Financial Dealings Act 1971(**5**);

"the Department" means the Department of Agriculture and Rural Development;

"the Directive" means Council Directive 2000/29/EC of 8th May 2000(**6**) on protective measures against the introduction into the Community of organisms harmful to plants or plant

(**1**) Formerly the Department of Agriculture for Northern Ireland; see S.I.1999/283 (N.I.1), Art. 3(4)
(**2**) S.I. 2000/2812
(**3**) 1972 c. 68
(**4**) 1973 c. 51.
(**5**) 1971 c. 80
(**6**) OJ No. L 169, 10.7.00 p.1.

products and against their spread within the Community as last amended by Commission Directive 2005/15/EC of 28th February 2005(**7**);

"documentary check" has the same meaning as in Article 13a(1)(b)(i) of the Directive;

"identity check" has the same meaning as in Article 13a(1)(b)(ii) of the Directive;

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

"plant health check" has the same meaning as in Article 13a(1)(b)(iii) of the Directive;

"plant intended for planting" has the same meaning as in Article 2(1)(d) of the Directive;

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

"third country" means a country or territory other than one within the European Community.

(2) A reference in these Regulations to anything done in writing or produced in written form includes a reference to an electronic communication, as defined in the Electronic Communications Act 2000(**8**), which has been recorded and is consequently capable of being reproduced.

(3) The Interpretation Act (Northern Ireland) 1954(**9**) shall apply to these Regulations as it applies to an Act of the Assembly.

Consignments to which 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 Northern Ireland 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 shall pay to the Department 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 shall 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, shall 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.

(**7**) OJ No. L 56, 2.3.2005, p.12
(**8**) 2000 c. 7
(**9**) 1954 c. 33 (N.I.)

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

Mixed consignments

5. Where a consignment to which these Regulations apply does not consist exclusively of plants, plant products or other objects coming within one description in the first column of Schedule 1, those parts thereof consisting of plants, plant products or other objects coming within other descriptions in the first column of that Schedule shall be treated as separate consignments and subject to separate fees under regulation 4.

Notification of consignments

6. An importer of a consignment to which these Regulations apply must submit to the Department such information relating to the consignment, in writing and in such form as the Department may reasonably require, and such information must be submitted at least 48 hours before the consignment is landed in Northern Ireland.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 8th August 2005.

L.S.

David Small
A senior officer of the
Department of Agriculture and Rural
Development

The Department of Finance and Personnel hereby consents to the foregoing Regulations.
Sealed with the Official Seal of the Department of Finance and Personnel on 8th August 2005.

L.S.

Jack Layberry
A senior officer of the
Department of Finance and Personnel

SCHEDULE 1

Regulations 3 and 4(2)

IMPORT INSPECTION FEES FOR PLANT HEALTH CHECKS

Column 1 *Plant, plant product or other object*	*Column 2* *Quantity*	*Column 3* *Fee (daytime working hours)*	*Column 4* *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
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