1995 No. 372

PESTICIDES

FEES AND CHARGES

Plant Protection Products (Fees) Regulations (Northern Ireland) 1995

Made . . . . . *22nd September 1995*

Coming into operation . . . *6th November 1995*

The Department of Agriculture, in exercise of the powers conferred on it by section 56(1), (2) and (5) of the Finance Act 1973(**a**) and Article 3(1), (2) and (4) of the Repayment of Fees and Charges (Northern Ireland) Order 1991(**b**) and of every other power enabling it in that behalf and 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 Protection Products (Fees) Regulations (Northern Ireland) 1995 and shall come into operation on 6th November 1995.

Interpretation

2.—(1) In these Regulations—

"Annex I" means Annex I to the Directive;

"Annex I application" means either of the following—

(*a*) an application under regulation 4(1) of the principal Regulations for the inclusion of an active substance in Annex I; or

(*b*) an application under regulation 4(2) of the principal Regulations for a variation of the conditions subject to which an active substance is included in Annex I;

"biocontrol agent or pheromone application"—

(*a*) in relation to an Annex I application, means an application relating to an active substance which is a biocontrol agent or a pheromone; and

(*b*) in relation to an applicaton for provisional approval, means an application relating to a plant protection product which includes active substances all of which are biocontrol agents or pheromones or an application the preliminary examination of which has revealed that no evaluation is required of the active

(**a**) 1973 c. 51
(**b**) S.I. 1991/764 (N.I. 8)

substances included in it which are not biocontrol agents or pheromones;

"data" means scientific evidence submitted in support of an application for approval under regulation 5 of the principal Regulations or in compliance with a requirement or condition specified in a provisional approval;

"the Department" means the Department of Agriculture for Northern Ireland;

"evaluation", in relation to an Annex I application, an application for approval under regulation 5, 7, 8, 9 or 11 of the principal Regulations or an application for extension of use under regulation 10 of those Regulations, means an examination of an application and the information (including data) accompanying it leading to the granting or refusal of that application or, in the event of withdrawal of an application after the evaluation starts, leading to a discontinuance of the processing of that application;

"preliminary examination", in relation to an Annex I application, an application under regulation 5, 7, 8, 9 or 11 of the principal Regulations or an application for extension of use under regulation 10 of those Regulations, means an examination of the documents included in an application to determine whether the evaluation of that application can proceed;

"principal Regulations" means the Plant Protection Products Regulations (Northern Ireland) 1995(**a**);

"provisional approval" means an approval under regulation 7 of the principal Regulations;

"resubmitted application" means an application relating to an active substance or plant protection product made following the making of an unsuccessful application relating to the same substance or product;

"saving in costs", in relation to a resubmitted application, means the saving in costs arising because, in evaluating the application, work done on the previous unsuccessful application does not have to be repeated and, where such saving is expressed as a percentage, the reference is to the saving as a percentage of the full costs of evaluating the application which would have been incurred had it been an original application; and

"active substance", "approval", "approved", "the Directive", "EEA State", "plant protection product" and "substance" shall have the same respective meanings as in the principal Regulations.

(2) The Interpretation Act (Northern Ireland) 1954(**b**), shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(**a**) S.R. 1995 No. 371
(**b**) 1954 c. 33 (N.I.)

Prescription of fees

3.—(1) Subject to paragraph (2), the fees specified in column 2 of the Schedule are hereby prescribed in connection with the services or approvals specified opposite thereto in column 1 of the Schedule, being services provided or approvals granted by the Department in pursuance of the Community obligations of the United Kingdom (as regards Northern Ireland) under the Directive.

(2) The Department may, if it sees fit, provide a service or grant an approval specified in column 1 of the Schedule for the payment of a smaller fee than that prescribed in connection therewith by paragraph (1).

(3) The Schedule shall have effect subject to the Notes thereto.

Payment of fees

4.—(1) The relevant fee shall be paid at the same time as the application is made to the Department for any service or approval but the Department may process an application which is not accompanied by the relevant fee.

(2) Where under paragraph (1) the Department processes an application which is not accompanied by the relevant fee, that fee shall be payable forthwith upon service upon the applicant by the Department of a written demand for payment and shall be recoverable as a civil debt.

(3) Regulation 25 of the principal Regulations shall have effect in relation to the service of a written demand under paragraph (2) as if in that regulation any reference to any document required or authorised to be served under those Regulations included a reference to such a written demand.

(4) In this regulation "the relevant fee" in relation to any application for a service or approval means the fee prescribed or determined under regulation 3 in connection with that service or approval.

Payment into the Consolidated Fund

5. Fees paid to the Department under these Regulations shall be paid into the Consolidated Fund.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 21st September 1995.

(L.S.) *L. G. McKibben*
Assistant Secretary

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 22nd September 1995.

(L.S.) *D. W. Thomson*
Assistant Secretary

Prescribed Fees

Column 1 *Description of Service or Approval*	Column 2 *Fee*
1. Evaluation of an Annex I application or evaluation of an application for provisional approval—	
(*a*) where the application is a biocontrol agent or pheromone application	£13,400 (Note (*c*))
(*b*) where the application is not a biocontrol agent or pheromone application	£60,000 (Note (*c*))
2. Preliminary examination and evaluation of a resubmitted Annex I application or preliminary examination and evaluation of a resubmitted application for provisional approval—	
(1) where it appears to the Department that there is no saving in costs or that such saving is less than 50%—	
(*a*) where the application is a biocontrol agent or pheromone application	£17,800 (Note (*c*))
(*b*) where the application is not a biocontrol agent or pheromone application	£64,400 (Note (*c*))
(2) where it appears to the Department that the saving in costs is not less than 50% but is less than 75% but the work which has to be done in relation to the application is significant—	
(*a*) where the application is a biocontrol agent or pheromone application	£8,900 (Note (*c*))
(*b*) where the application is not a biocontrol agent or pheromone application	£32,200 (Note (*c*))
(3) where it appears to the Department that the saving in costs is not less than 75% but the work which has to be done in relation to the application is significant—	
(*a*) where the application is a biocontrol agent or pheromone application	£4,450 (Note (*c*))
(*b*) where the application is not a biocontrol agent or pheromone application	£16,100 (Note (*c*))
(4) where it appears to the Department that the saving in costs is so great that the work which has to be done in relation to the application is not significant	£2,300 (Note (*c*))
3. Preliminary examination and evaluation of an application under regulation 5 of the principal Regulations for approval of a plant protection product which is not already approved in another EEA State—	
(1) where the application is accompanied by data	£2,300 (Note (*a*))
(2) where the application is not accompanied by data—	