

2010 No. 2693

PLANT HEALTH, ENGLAND

**The Plant Health (Import Inspection Fees) (England)
Regulations 2010**

<i>Made</i> - - - -	<i>4th November 2010</i>
<i>Laid before Parliament</i>	<i>9th November 2010</i>
<i>Coming into force</i> - -	<i>1st December 2010</i>

The Secretary of State, with the consent of the Treasury, makes these Regulations in exercise of the powers conferred by section 56(1) and (2) of the Finance Act 1973(a).

Title, application and commencement

1. These Regulations—
- (a) may be cited as the Plant Health (Import Inspection Fees) (England) Regulations 2010;
 - (b) apply in relation to England; and
 - (c) come into force on 1st December 2010.

Interpretation

- 2.—(1) In these Regulations—
- “daytime working hours” means any time between the hours of 8.30 am to 5.00 pm 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(b) in England; and
- “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(c).
- (2) Terms used in these Regulations which are also used in the Directive have the same meaning as they have in the Directive.

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,

(a) 1973 c.51.
(b) 1971 c.80. In relation to bank holidays, see section 1 of and Schedule 1 to that Act.
(c) OJ No L 169, 10.7.2000, p1, as last amended by Commission Directive 2010/1/EU, OJ No L 7, 12.1.2010, p17.

that are introduced into England 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 (England) Order 2005(a).

Fees

4.—(1) An importer must pay to the Secretary of State 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) (England) Regulations 2006(b);
- (b) the Plant Health (Import Inspection Fees) (England) (Amendment) Regulations 2007(c);
- (c) the Plant Health (Import Inspection Fees) (England) (Amendment) (No 2) Regulations 2007(d);
- (d) the Plant Health (Import Inspection Fees) (England) (Amendment) Regulations 2008(e);
- (e) the Plant Health (Import Inspection Fees) (England) (Amendment) Regulations 2009(f).

23rd October 2010

Henley
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

We consent

4th November 2010

Michael Fabricant
Angela Watkinson
Two of the Lords Commissioners of Her Majesty's Treasury

(a) S.I. 2005/2530, to which there are amendments not relevant to these Regulations.
(b) S.I. 2006/1879.
(c) S.I. 2007/788.
(d) S.I. 2007/3013.
(e) S.I. 2008/3233.
(f) S.I. 2009/2053.

SCHEDULE 1

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

Import Inspection Fees

<i>Column 1</i> <i>Plant, plant product or other object</i>	<i>Column 2</i> <i>Quantity</i>	<i>Column 3</i> <i>Fee for each consignment (daytime working hours) (£)</i>	<i>Column 4</i> <i>Fee for each consignment (non-daytime working hours) (£)</i>
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 forest 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 Up to a maximum of 114.24	2.13 Up to a maximum of 171.36
Cut Christmas trees	—up to 1,000 in number	14.28	21.42

<i>Column 1 Plant, plant product or other object</i>	<i>Column 2 Quantity</i>	<i>Column 3 Fee for each consignment (daytime working hours) (£)</i>	<i>Column 4 Fee for each consignment (non- daytime working hours) (£)</i>
	—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

SCHEDULE 2 Regulation 4(1)(a)(ii) and (2)(b)

Import Inspection Fees (Reduced Rates)

<i>Column 1</i> Genus	<i>Column 2</i> Quantity	<i>Column 3</i> Country of Origin	<i>Column 4</i> Fee for each consignment (daytime working hours) (£) Until 1 January 2011	<i>Column 5</i> Fee for each consignment (non-daytime working hours) (£) From 1 January 2011
Cut Flowers				
<i>Dianthus</i>	—up to 20,000 in number	Colombia	0.42	0.63
		Ecuador	2.14	3.21
		Israel	7.12	10.68
		Kenya	3.57	5.35
		Turkey	3.57	5.35
	—for each additional 1,000 units or part thereof	Colombia	0.003	0.004
			Up to a maximum of 5.71	Up to a maximum of 8.56
		Ecuador	0.01	0.02
			Up to a maximum of 17.14	Up to a maximum of 25.71
		Israel	0.06	0.08
			Up to a maximum of 58.17	Up to a maximum of 171.42
		Kenya	0.02	0.007
			Up to a maximum of 28.57	Up to a maximum of 8.56
		Turkey	0.03	0.04
			Up to a maximum of 28.57	Up to a maximum of 42.85
<i>Rosa</i>	—up to 20,000 in	Colombia	0.71	1.06
			0.42	0.63

<i>Column 1</i> <i>Genus</i>	<i>Column 2</i> <i>Quantity</i>	<i>Column 3</i> <i>Country of Origin</i>	<i>Column 4</i> <i>Fee for each consignment (daytime working hours) (£)</i> <i>Until 1 January 2011</i>	<i>Column 5</i> <i>Fee for each consignment (non-daytime working hours) (£)</i> <i>Until 1 January 2011</i>	<i>Column 5</i> <i>Fee for each consignment (non-daytime working hours) (£)</i> <i>From 1 January 2011</i>
	number	Ecuador	0.42	0.42	0.63
		Ethiopia	1.42	0.71	2.13
		Kenya	1.42	0.71	1.06
		Tanzania	2.14	1.42	2.13
		Uganda	14.28	3.57	5.35
		Zambia	7.14	3.57	5.35
		Colombia	0.005	0.003	0.004
	—for each additional 1,000 units or part thereof		Up to a maximum of 5.71	Up to a maximum of 3.42	Up to a maximum of 5.13
		Ecuador	0.003	0.003	0.004
			Up to a maximum of 3.42	Up to a maximum of 3.42	Up to a maximum of 5.13
		Ethiopia	0.01	0.005	0.007
			Up to a maximum of 11.42	Up to a maximum of 5.71	Up to a maximum of 8.56
		Kenya	0.01	0.005	0.007
			Up to a maximum of 11.42	Up to a maximum of 5.71	Up to a maximum of 8.56
		Tanzania	0.01	0.01	0.02
			Up to a maximum of 17.14	Up to a maximum of 11.42	Up to a maximum of 17.13
		Uganda	0.11	0.02	0.03

<i>Column 1</i> Genus	<i>Column 2</i> Quantity	<i>Column 3</i> Country of Origin	<i>Column 4</i> Fee for each consignment (daytime working hours) (£) Until 1 January 2011 From 1 January 2011 Up to a maximum of	<i>Column 5</i> Fee for each consignment (non-daytime working hours) (£) Until 1 January 2011 From 1 January 2011 Up to a maximum of
		Zambia	Up to a maximum of 114.28 0.05 Up to a maximum of 57.14	Up to a maximum of 171.42 0.07 Up to a maximum of 85.71
Fruit				
<i>Citrus</i>	—up to 25,000 kg in weight	Egypt Honduras Israel Mexico Morocco Peru Turkey Uruguay USA	3.57 7.14 2.14 3.57 0.71 4.99 0.42 2.14 2.14 0.14	5.35 10.71 3.21 5.35 1.06 7.48 0.63 3.21 3.21 0.21
	—for each additional 1,000 kg or part thereof	Egypt Honduras Israel Mexico Morocco Peru Turkey Uruguay USA	0.08 0.28 0.08 0.14 0.02 0.19 0.01 0.08 0.08	0.12 0.63 0.12 0.21 0.03 0.28 0.02 0.12 0.12

<i>Column 1</i> Genus	<i>Column 2</i> Quantity	<i>Column 3</i> Country of Origin	<i>Column 4</i> Fee for each consignment (daytime working hours) (£) Until 1 January 2011	<i>Column 5</i> Fee for each consignment (non-daytime working hours) (£) Until 1 January 2011	<i>Column 5</i> Fee for each consignment (non-daytime working hours) (£) From 1 January 2011		
<i>Malus</i>	—up to 25,000 kg in weight	Argentina	1.42	1.42	2.13		
		Brazil	2.14	2.14	3.21		
		Chile	0.99	0.99	1.48		
		China	3.57	3.57	5.35		
		New Zealand	1.42	1.42	2.13		
		South Africa	1.42	1.42	2.13		
		USA	3.57	3.57	5.35		
		Argentina	0.05	0.05	0.07		
		Brazil	0.08	0.08	0.12		
		Chile	0.03	0.03	0.04		
<i>Mangifera</i>	—for each additional 1,000 kg or part thereof	China	0.14	0.14	0.21		
		New Zealand	0.06	0.06	0.08		
		South Africa	0.06	0.06	0.08		
		USA	0.14	0.14	0.21		
		Brazil	1.42	7.14	10.71		
		Brazil	0.05	0.28	0.42		
		<i>Passiflora</i>	—up to 25,000 kg in weight	Columbia	1.42	1.42	2.13
				Kenya	1.42	1.42	2.13
				South Africa	7.14	7.14	10.71
				Zimbabwe	4.99	4.99	7.48
Columbia	0.05			0.05	0.07		
Kenya	0.05			0.05	0.07		
South Africa	0.28	0.28	0.42				

<i>Column 1</i> Genus	<i>Column 2</i> Quantity	<i>Column 3</i> Country of Origin	<i>Column 4</i> Fee for each consignment (daytime working hours) (£) Until 1 January 2011	<i>Column 5</i> Fee for each consignment (non-daytime working hours) (£) From 1 January 2011	
<i>Prunus</i>	—up to 25,000 kg in weight	Zimbabwe	0.19	0.19	0.28
		Argentina	4.99	4.99	7.48
		Chile	1.42	1.42	2.13
		South Africa	1.42	1.42	2.13
		Turkey	1.42	1.42	2.13
		USA	7.14	3.57	10.71
		Argentina	0.19	0.19	0.28
		Chile	0.05	5.08	0.07
		South Africa	0.05	0.05	0.07
		Turkey	0.05	0.05	0.07
<i>Psidium</i>	—up to 25,000 kg in weight	USA	0.28	0.14	0.21
		Brazil	10.71	14.28	21.42
<i>Pyrus</i>	—up to 25,000 kg in weight	Brazil	0.42	0.57	0.63
		Argentina	2.14	2.14	3.21
		Chile	4.99	4.99	7.48
		China	4.99	4.99	7.48
		South Africa	2.14	1.42	3.21
		Argentina	0.08	0.08	0.12
Vegetables <i>Solanum melongena</i>	—up to 25,000 kg in weight	Chile	0.19	0.19	0.28
		China	0.19	0.19	0.28
		South Africa	0.08	0.05	0.12
		Turkey	1.42	1.42	2.13

<i>Column 1</i> <i>Genus</i>	<i>Column 2</i> <i>Quantity</i>	<i>Column 3</i> <i>Country of Origin</i>	<i>Column 4</i> <i>Fee for each consignment (daytime working hours) (£)</i> <i>Until 1 January 2011</i>	<i>Column 5</i> <i>Fee for each consignment (non-daytime working hours) (£)</i> <i>Until 1 January 2011</i>
	—for each additional 1,000 kg or part thereof	Turkey	0.05	0.07

Where the total amount of any fee comprises an amount less than £0.01, that amount is to be excluded.

SCHEDULE 3

Regulation 4(1)(b)

Import Inspection Fees for Documentary Checks and Identity Checks

<i>Column 1 Check</i>	<i>Column 2 Quantity</i>	<i>Column 3 Fee (£)</i>
Documentary	For each consignment	5.71
Identity	For each consignment	
	—up to a size of a truck load, a railway wagon load or the load of a container of comparable size	5.71
	—bigger than the above size	11.42

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and remake the Plant Health (Import Inspection Fees) (England) Regulations 2006 (S.I. 2006/1879).

These Regulations implement Article 13d of Council Directive 2000/29/EC (OJ No L 169, 10.7.2000, p1) (“the Directive”) which requires Member States to charge fees to cover the costs of documentary, identity and plant health checks of certain imports of plants, plant products and other objects from third countries set out in Annex V, Part B of the Directive. Regulation 3 describes the consignments to which these Regulations apply.

An importer is required to pay to the Secretary of State, upon import of a consignment to which these Regulations apply, the fee for the plant health check in Schedule 1 or the reduced rate fee for the plant health check in Schedule 2 (regulation 4(1)(a)). Schedule 2 includes reduced rate fees due to come into effect on 1st January 2011. Higher fees are payable where checks are carried out outside daytime working hours. In addition, an importer is required to pay the fees specified in Schedule 3 for documentary and identity checks (regulation 4(1)(b)).

The changes to the fees made by these Regulations and a Transposition Note showing the implementation of the relevant provisions of the Directive are available in the Explanatory Memorandum which is available alongside the instrument on the OPSI website.

It is foreseen that these Regulations will have an impact on the private or voluntary sectors, but a full impact assessment has not been produced as the effect of the Regulations is to change the level of fees to bring them into line with standard fees specified in or agreed in accordance with the Directive.

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STATUTORY INSTRUMENTS

2010 No. 2693

PLANT HEALTH, ENGLAND

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

£5.75