

**2011 No. 311**

**PLANT HEALTH**

**The Plant Health (Import Inspection Fees) (Scotland)  
Amendment Regulations 2011**

<i>Made</i>	- - - -	<i>23rd August 2011</i>
<i>Laid before the Scottish Parliament</i>		<i>25th August 2011</i>
<i>Coming into force</i>	- -	<i>3rd October 2011</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 56(1) and (2) of the Finance Act 1973(a) and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the Plant Health (Import Inspection Fees) (Scotland) Amendment Regulations 2011 and come into force on 3rd October 2011.

**Amendment of the Plant Health (Import Inspection Fees) (Scotland) Regulations 2005**

2. In Schedule 2 (Import Inspection Fees (Reduced Rates)) to the Plant Health (Import Inspection Fees) (Scotland) Regulations 2005(b) omit the entries relating to *Mangifera*.

*RICHARD LOCHHEAD*  
A member of the Scottish Executive

St Andrew's House,  
Edinburgh  
23rd August 2011

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(a) 1973 c.51. The reference to a Government department in section 56 (1) is to be read as a reference to the Scottish Administration by virtue of article 2(2) of the Scotland Act (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820) and the functions of the Minister transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46). The requirement to obtain the consent of the Treasury was removed by section 55 of the Scotland Act 1998. Section 56(1) was amended by S.I. 2011/1043.

(b) S.S.I. 2005/216 as amended by S.S.I. 2007/138, 2007/499, 2009/8, 2009/305 and 2010/405. Schedule 2 to the Plant Health (Import Inspection Fees) (Scotland) Regulations 2005 was substituted by S.S.I. 2010/405.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Plant Health (Import Inspection Fees) (Scotland) Regulations 2005 (“the principal Regulations”). The principal Regulations implement Article 13d of Council Directive 2000/29/EC (O.J. L 169, 10.7.2000, p.1) (“the Council Directive”) which requires Member States to charge fees to cover costs occasioned by the documentary checks, identity checks and plant health checks of certain imports of plants, plant products and other objects from third countries.

The Council Directive contains a procedure (Articles 13a(2), 13d(2) and 18(2)) for setting reduced rates of inspection for imports of certain plants and plant products and for charging fees at a proportionately reduced rate.

Schedule 1 to the principal Regulations sets out the standard fees for plant health checks. Schedule 2 to the principal Regulations sets out the fees for reduced rate inspections.

These Regulations remove *Mangifera* originating in Brazil from Schedule 2 in light of the Notification of Reduced Plant Health Checks for Certain Products of 29<sup>th</sup> June 2011, published by the Commission under Article 2(2) of Commission Regulation (EC) 1756/2004 (O.J. L 313, 12.10.2004, p.6). That Regulation makes provision for the publication of a list of products for which plant health checks may be carried out at a reduced frequency, and specifies the level of the reduced frequency.

The effect of these Regulations is that the fee for importing *Mangifera* originating in Brazil will increase from £6.62 per consignment up to 25,000 kg in weight (£9.93 if the inspection takes place outside normal working hours) to £13.24 per consignment up to 25,000 kg in weight (£19.86 if the inspection takes place outside normal working hours). For each additional 1,000 kg or part thereof the fee will increase from £0.26 (£0.39 if the inspection takes place outside normal working hours) to £0.52 (£0.78 if the inspection takes place outside normal working hours). This is an increase of 50%.

No Business and Regulatory Impact Assessment has been prepared for this instrument as it has no impact on the cost of business.

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