

2011 No. 414

SEEDS

**The Seed Potatoes (Fees) (Scotland) Amendment
Regulations 2011**

Made - - - - - *22nd November 2011*

Laid before the Scottish Parliament *24th November 2011*

Coming into force - - - *1st January 2012*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 16(1), (1A)(e) and (5)(a) and 36 of the Plant Varieties and Seeds Act 1964(a) and all other powers enabling them to do so.

In accordance with section 16(1) of that Act, they have consulted with representatives of such interests as appear to them to be concerned.

Citation and commencement

1. These Regulations may be cited as the Seed Potatoes (Fees) (Scotland) Amendment Regulations 2011 and come into force on 1st January 2012.

Amendment to the Seed Potatoes (Fees) (Scotland) Regulations 2009

2.—(1) The Seed Potatoes (Fees) (Scotland) Regulations 2009(b) are amended in accordance with paragraphs (2) to (4).

(2) For regulation 2 (interpretation) substitute—

“Interpretation

2.—(1) In these Regulations—

“the 2000 Regulations” means the Seed Potatoes (Scotland) Regulations 2000(c);

“Approved Stock” means seed potatoes that are subject to an official examination for the purposes of regulation 3(5) of the 2000 Regulations.

(2) Other words and expressions used in these Regulations have the same meaning as they do in the 2000 Regulations.”.

(a) 1964 c.14. Section 16(1) and (1A) was amended by the European Communities Act 1972 (c.68) (“the 1972 Act”), section 4(1) and Schedule 4, paragraph 5(1) and (2). Section 16 is applied to seed potatoes by section 29(1) of the Plant Varieties and Seeds Act 1964 (“the 1964 Act”); section 29 was relevantly amended by the 1972 Act, section 4(1) and Schedule 4, paragraph 5(4). See section 38(1) of the 1964 Act for the definition of “the Minister”. The functions of the Secretary of State, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.S.I. 2009/306.

(c) S.S.I. 2000/201, amended by S.S.I. 2005/280, S.S.I. 2007/418, S.S.I. 2009/226, S.S.I. 2010/71 and S.I. 2011/1043.

(3) In regulation 3 (payment of fees), for “the Seed Potatoes (Scotland) Regulations 2000” substitute “the 2000 Regulations”.

(4) For the Schedule substitute—

“SCHEDULE

Regulations 3, 4 and 5

<i>Column 1 Matter</i>	<i>Column 2 Fee</i>
1. Crop inspection in respect of crops for which an application has been made for inspection as being of the class Pre-basic TC or test and trial seed potatoes.	£25.00 per half hour or part thereof
2. Crop inspection in respect of crops for which an application has been made for inspection as being of the class Pre-basic (class generations 1 to 4), basic seed potatoes (all Super Elite and Elite class generations) or Approved Stock.	£29.00 per half-hectare or part thereof
3. Scientific testing of a sample taken from a crop in respect of which an application has been made for inspection.	£165.00 per sample
4. Provision of any number of official labels and seals reasonably required in respect of crops classified as Pre-basic (class generations 1 to 4), basic seed potatoes (all Super Elite and Elite class generations and Class A) or Approved Stock, which fee shall include an official examination of tubers.	£3.00 per tonne or part thereof of crop duly classified
5. Official examination of tubers in respect of crops for which an application has been made for inspection as being of the class Pre-basic TC or test and trial seed potatoes, which fee shall include the provision of any number of official labels and seals reasonably required.	£25.00 per half hour or part thereof.
6. Fees for nuclear stock— (a) initiation of new nuclear stock; (b) provision of in vitro maintained nuclear stock; and (c) in vitro maintenance of nuclear stock.	£185.50 (6 microplants) £53.00 (6 microplants) £76.00 annual fee (per variety)”

RICHARD LOCHHEAD
A member of the Scottish Executive

St Andrew’s House,
Edinburgh
22nd November 2011

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Seed Potatoes (Fees) (Scotland) Regulations 2009 (S.S.I. 2009/306) (“the 2009 Regulations”) by increasing the fees payable in respect of certain matters arising under the Seed Potatoes (Scotland) Regulations 2000, and by making changes to the applicable fees in respect of Approved Stock (regulation 2(4)).

The fees for nuclear stock (paragraph 6 of the Schedule to the 2009 Regulations as substituted by these Regulations) are increased as follows—

- (a) initiation of new nuclear stock - £185.50 (from £176.00);
- (b) provision of in vitro maintained nuclear stock - £53.00 (from £50.00); and
- (c) in vitro maintenance of nuclear stock - £76.00 (from £72.00).

The fees for crop inspections and official examinations in respect of Approved Stock now fall within paragraphs 2 and 4 (previously paragraphs 1 and 5) of the Schedule to the 2009 Regulations as substituted by these Regulations.

A Business and Regulatory Impact Assessment has been prepared in respect of these Regulations and has been placed in the Scottish Parliament Information Centre. Copies can be obtained from the Scottish Government Rural and Environment Directorate, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD.

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