STATUTORY INSTRUMENTS

1988 No. 1427

PLANT HEALTH

The Import and Export (Plant Health Fees) (England and Wales) Order 1988

Made - - - -	*4th August 1988*
Laid before Parliament	*11th August 1988*
Coming into force	*1st September 1988*

The Minister of Agriculture, Fisheries and Food in relation to England and the Secretary of State in relation to Wales, in exercise of the powers conferred by sections 1(2)(b), 2, 3(1) and 4A of the Plant Health Act 1967(a) and now vested in them(b) and of all other powers enabling them in that behalf, with the consent of the Treasury, hereby make the following Order:–

Title, extent and commencement

1. This Order may be cited as the Import and Export (Plant Health Fees) (England and Wales) Order 1988, shall apply to England and Wales and shall come into force on 1st September 1988.

Revocation

2. The Import and Export (Plant Health Fees) (England and Wales) Order 1987(c) is hereby revoked.

Interpretation

3.—(1) In this Order, unless the context otherwise requires –

"alternative fee" means a fee prescribed in column 4 of Schedule 1;

"the appropriate Minister" means, in relation to England, the Minister and, in relation to Wales, the Secretary of State for Wales;

"basic fee" means a fee prescribed in column 3 of Schedule 1;

"certificate" means a phytosanitary certificate or a re-forwarding phytosanitary certificate;

"district" means, in Wales, a community and, in England, a parish or where there is no parish a district ward;

"financial year" means the twelve months ending with 31st March;

(a) 1967 c.8; sections 2(1) and 3(1) were amended by the European Communities Act 1972 (c.68), section 4(1) and Schedule 4, paragraph 8, and section 4A was inserted by the Agriculture Act 1986 (c.49), section 3. (b) In the case of the Secretary of State by virtue of S.I. 1978/272. (c) S.I. 1987/340.

"import licence" means a licence issued by the appropriate Minister under article 42 of the Plant Health (Great Britain) Order 1987(a) authorising the landing in Great Britain of anything the landing of which is otherwise prohibited by that Order;

"micro-plant" means a micro-propagated plant in vitro or a plant which is –

(i) produced by micro-propagation,

(ii) weaned, and

(iii) not more than 5 centimetres in height;

"the Minister" means the Minister of Agriculture, Fisheries and Food;

"national list" means a list of plant varieties prepared and published in a Member State which corresponds to that prepared and published under regulation 4 of the Seeds (National List of Varieties) Regulations 1982(b);

"phytosanitary certificate" means a phytosanitary certificate issued by an inspector or other officer of the appropriate Minister under article 12 of the Plant Health (Great Britain) Order 1987 and "re-forwarding phytosanitary certificate" means a re-forwarding phytosanitary certificate issued by such an inspector or officer under that article;

"premises" includes any land, building, vessel, vehicle, aircraft, hovercraft or freight container;

"reduced fee" means a fee equal to one-half of a basic fee or an alternative fee;

"small consignment" means a consignment –

(i) of the following articles not more than 100 that is to say plants, fruits, bulbs, corms, rhizomes, tubers, bud sticks or cut flowers, or

(ii) of the following articles not more than 1,000 that is to say rooted seedlings, or rooted or unrooted cuttings, not more than 15 centimetres in height or micro-plants, or

(iii) whose gross value, to the satisfaction of the appropriate Minister, is less than £100;

"soil" includes any growing medium;

"stock" means the whole or part of a single crop of a single cultivar from a single field.

(2) Where a fee prescribed by this Order is prescribed in relation to an inspection, examination or test as well as the issue of a certificate, the refusal to issue a certificate by reason of the results of the inspection, examination or test being unsatisfactory shall not affect the amount of the fee otherwise payable.

(3) Any reference in this Order to a numbered article or Schedule shall be construed as a reference to the article or Schedule bearing that number in this Order.

Fees for export certification services

4. Subject to the following provisions of this Order, there shall be paid to the Minister in respect of any service described in column 2 of Schedule 1 the basic fee prescribed opposite the reference to that service.

Alternative fees for export certification services

5.—(1) Subject to the following provisions of this Order where –

(a) opposite the reference to any service described in column 2 of Schedule 1 there is also prescribed an alternative fee, and

(b) the applicant applies for the performance of more than one such service, or more than one performance of any such service, under a single application, and

(c) two or more such services are performed consecutively

there shall be paid to the Minister, in place of the basic fee, the alternative fee so prescribed.

(a) S.I. 1987/1758. (b) S.I. 1982/844, amended by S.I. 1985/1529.

(2) Paragraph (1) above shall not apply to –

(a) the first, fifteenth and twenty-ninth service nor to any other service which follows this sequence (that is to say every 14th service), other than a service described in column 2 of Schedule 1 opposite item number 9, or

(b) the first service, being a service described opposite the said item 9.

(3) Where the applicant applies, under a single application –

(a) for the performance of more than one of the services described in column 2 of Schedule 1 opposite item numbers 1, 2 and 3, or more than one performance of any of those services, or

(b) for more than one performance of the service described in column 2 of Schedule 1 opposite item number 5

the services shall, for the purposes of paragraphs (1) and (2) above, be treated as performed consecutively whether or not they are so performed.

(4) No application shall be treated as an application made for the purposes of this article unless the services are to be performed on premises farmed, worked, occupied or administered as a single unit within the same district or any district adjoining it.

(5) For the purposes of this article services shall be treated as performed consecutively if –

(a) they are performed in immediate succession, or

(b) notwithstanding that they are not so performed, the articles in respect of which the services are performed were so presented by the applicant as to have enabled the services to be performed in immediate succession.

Further provisions for the payment of alternative fees

6.—(1) Where an inspector is on any premises for the purpose of performing any service for which a fee is payable to the Minister otherwise than under this Order as well as any service for which a fee is prescribed in Schedule 1, there shall be paid to the Minister, in place of the basic fee, the alternative fee prescribed opposite the reference to the appropriate service.

(2) Without prejudice to article 8, where an inspector is on any premises for the purpose of performing any service for which a fee is prescribed in Schedule 2 as well as a service for which a fee is prescribed in Schedule 1, there shall be paid to the Minister, in place of the basic fee, the alternative fee prescribed opposite the reference to the appropriate service.

Reduced fees for export certification services

7.—(1) Subject to paragraph (2) below, there shall be paid to the Minister, in place of any basic fee or alternative fee, a reduced fee where the appropriate Minister is satisfied that –

(a) the applicant is not a taxable person for the purposes of the Value Added Tax Act 1983(a) or if he is a taxable person, he makes no taxable supplies of plants, plant products, soil or agricultural machinery for the purposes of that Act, or

(b) the gross value of the articles exported, or sold for export, by the applicant from Great Britain and accompanied by a certificate in the previous financial year was less than £5,000.

(2) Paragraph (1) above shall not apply in respect of services performed in any financial year the reduced fees for which would cause the total amount of the reduced fees, otherwise payable by the applicant under that paragraph, to exceed £250 in that financial year.

(a) 1983 c.55.

Fees for import licensing services

8. There shall be paid to the Minister in respect of any service described in column 2 of Schedule 2 the fee prescribed in column 3 of Schedule 2 opposite the reference to that service.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 29th July 1988.

(L.S.)

John MacGregor
Minister of Agriculture, Fisheries and Food

Peter Walker
Secretary of State for Wales

4th August 1988

We consent,

David Lightbown
Michael Neubert
Two of the Lords Commissioners of
Her Majesty's Treasury

27th July 1988

SCHEDULE 1

Articles 3 to 6

FEES IN RESPECT OF EXPORT CERTIFICATION SERVICES

(1) *Item*	(2) *Service*	(3) *Basic Fee*	(4) *Alternative Fee*	*Old fee* (5) *Basic*	*Old fee* (6) *Alternative*
		£	£	£(a)	£(a)
1	The taking of one soil sample from a field, or part of a field, which is not more than 4 hectares	32	12	*(28)*	*(10)*
2	The taking of two soil samples on the same visit from fields on the same holding, the combined area of which is not more than 3 hectares	32	12	*(28)*	*(10)*
3	The taking of up to three samples of compost for container grown plants	32	12	*(28)*	*(10)*
4	Laboratory testing of one soil sample	15		*(13)*	
5	Growing Season Inspection Where the basic fee is payable, one Growing Season Inspection of– (a) up to 0.1 hectares of outdoor plants (including bulbs and plants in containers), or (b) up to 1,000 indoor plants, or (c) up to 1.0 hectares of seed crops;	32	12	*(28)*	*(10)*

Note

(a) The figures in italics are the fees which were charged under the Import and Export (Plant Health Fees) (England and Wales) Order 1987 (S.I. 1987/340) before the coming into force of this Order.

	and where the alternative fee is payable, one Growing Season Inspection of– (a) up to 1.5 hectares of bulbs, or (b) up to 1.0 hectares of outdoor plants other than bulbs, or (c) up to 6.0 hectares of seed crops, or (d) up to 10,000 indoor plants				
6	Pre-export inspection of and the issue of certificates, for– (a) up to 7 small consignments, to be exported under up to 7 certificates, or (b) up to 25 tonnes, to be exported under one certificate, of plants, plant products or soil other than bulbs, potatoes and seeds	32	12	(28)	(10)
7	Pre-export inspection of up to 25 tonnes of potatoes, to be exported under one certificate, and the issue of that certificate	32	12	(28)	(15)
8	Pre-export inspection of– (a) a stock of bulbs up to 25 tonnes and the issue of such certificates as may be required for the export of bulbs from that stock issued while the inspector is on the premises for the purposes of this inspection or any other official purpose, or (b) up to 25 tonnes of bulbs of one stock, to be exported under one certificate, and the issue of that certificate	32	12	(28)	(15)
9	The taking of samples of seed for examination or testing– (a) where the basic fee is payable the taking of three samples, and (b) where the alternative fee is payable the taking of one sample	32	3	(28)	(2.50)
10	The issue of one certificate for the export of a consignment of seeds where they, or the bulk from which they are taken, have already been sampled and examined or tested	12		(10)	
11	The issue of one certificate for the export of a consignment of seeds where the appropriate Minister is satisfied that the export is for national listing purposes and where they, or the bulk from which they are taken, have already been sampled and examined or tested	6		(5)	
12	The inspection for any traces of soil or plant debris and the issue of one or more certificates for the export of used agricultural machines– (a) where the basic fee is payable the inspection of up to 5 agricultural machines, and (b) where the alternative fee is payable the inspection of up to 10 agricultural machines	32		12 (28)	(10)
13	The issue of one certificate, including any prior examination or test, without a visit by an inspector to the applicant's premises	12		(10)	
14	The issue of up to 20 certificates for the export of articles not requiring inspection on that occasion but requiring a visit to the applicant's premises	32	12	(28)	(10)
15	The issue of one certificate by an inspector where an inspector has not had to visit the applicant's premises in respect of the articles to be certified or to inspect those articles and where no examination or testing has been necessary	2		(1)	

SCHEDULE 2

Article 8

FEES IN RESPECT OF IMPORT LICENSING SERVICES

(1) *Item*	(2) *Service*	(3) *Fee*	(4) *Old fee*
		£	£(a)
1	Consideration of an application for the issue of an import licence and the performance of any connected service, including the issue of the licence where appropriate	175	(*150*)
2	The inspection of articles imported for the purposes of a trade or business, being an inspection required by the terms of the import licence under which the articles were imported	32	(*28*)
3	Where the application for an import licence is for the import of articles for a scientific purpose and the number of types of article to be imported under the same licence exceeds 5, the inclusion of one type of article in the licence in addition to the first five	5	(*5*)
4	Where an import licence is issued for the importation of articles for a scientific purpose, the variation of the licence so as to enable the importation of additional articles under that licence	20 plus 5 for each article	(*20 plus 5 for each article*)
5	The issue of an import licence for the importation of articles not for the purposes of a trade or business nor for a scientific purpose	25	(*25*)

Note

(a) The figures in italics are the fees which were charged under the Import and Export (Plant Health Fees) (England and Wales) Order 1987 (S.I. 1987/340) before the coming into force of this Order.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order which revokes and replaces the Import and Export (Plant Health Fees) (England and Wales) Order 1987 prescribes fees in respect of the services listed in Schedules 1 and 2 to the Order (articles 4 to 8). These services are performed in connection with applications received for the issue of phytosanitary certificates or licences in accordance with the provisions of the Plant Health (Great Britain) Order 1987. The certificates are required to accompany exports of certain plants, plant products etc and licences are issued to enable the importation of those articles which would otherwise be prohibited.

As regards the export certification services the Order prescribes a basic fee in column 3 of Schedule 1 and in certain circumstances provides for the payment of a lower alternative fee instead of the basic fee. The alternative fees are shown in column 4 of Schedule 1 (articles 4, 5 and 6). The Order also makes provision for the payment of reduced fees (ie at half-rate up to a maximum total value at full fee of £500 in any financial year) by persons who are not taxable for the purposes of the Value Added Tax Act 1983 or who make no taxable supplies of plants, plant products, soil or agricultural machinery for the purposes of that Act or whose certificated exports or sales for exports in the previous financial year were of a value less than £5,000 gross (article 7).