STATUTORY INSTRUMENTS

1990 No. 1668

PLANT HEALTH

The Import and Export (Plant Health Fees) (Forestry) (Great Britain) Order 1990

Made - - - -	*31st July 1990*
Laid before Parliament	*20th August 1990*
Coming into force -	*12th September 1990*

The Forestry Commissioners, in exercise of the powers conferred on them by sections 1(2)(a), 2, 3(1) and 4A of the Plant Health Act 1967(a) and of all other powers enabling them in that behalf, and with the consent of the Treasury, hereby make the following Order:

Title and commencement

1. This Order may be cited as the Import and Export (Plant Health Fees) (Forestry) (Great Britain) Order 1990 and shall come into force on 12th September 1990.

Interpretation

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

"alternative fee" means a fee prescribed in column 4 of Part I of Schedules 1 or 2;

"basic fee" means a fee prescribed in column 3 of Part I of Schedules 1 or 2;

"certificate" means a phytosanitary certificate or a reforwarding phytosanitary certificate;

"the Commissioners" means the Forestry Commissioners;

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

"financial year" means a period of twelve months ending with 31st March;

"import licence" means a licence issued by the Commissioners under article 21 of the Plant Health (Forestry) (Great Britain) Order 1989(b);

"inspector" means any person authorised by the Commissioners to be an inspector for the purposes of the Plant Health (Forestry) (Great Britain) Order 1989;

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

(i) produced by micro-propagation,

(ii) weaned, and

(iii) not more than 5 centimetres in height;

"phytosanitary certificate" means a phytosanitary certificate issued by an inspector

(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) S.I. 1989/823, amended by S.I. 1989/1951.

or other officer authorised by the Commissioners under article 11 of the Plant Health (Forestry) (Great Britain) Order 1989 and "reforwarding phytosanitary certificate" means a reforwarding 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) in respect of forest tree plants, a consignment–

(i) of not more than 100 forest tree plants, or

(ii) of not more than 1,000 of the following articles–

(aa) rooted seedlings,

(bb) rooted or unrooted cuttings, not more than 15 centimetres in height,

(cc) micro-plants, or

(iii) whose gross value is less than £100, or

(iv) of one package of a size and weight such that it is capable of being sent by post;

(b) in respect of wood or wood products a consignment of 0.5 cubic metres or less;

"shipment unit" means one consignment of wood or wood products of more than 0.5 cubic metres but not exceeding 200 cubic metres intended by the exporter to be shipped as a unit under one bill of lading or other conveyance note;

"soil" includes any growing medium and "soil sample" shall be construed accordingly.

(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

3. Subject to the provisions of articles 4, 5 and 6 there shall be paid to the Commissioners or any body authorised by them in respect of any service described in column 2 of Part I of Schedule 1, or in respect of any service provided in England and Wales described in column 2 of Part I of Schedule 2, or in respect of any services provided in Scotland described in column 2 of Part I of Schedule 3, the basic fee or fee prescribed in column 3 of such Parts of such Schedules opposite the reference to the service.

Alternative fees for export certification services

4.—(1) Subject to the following provisions of this article and to articles 5 and 6, where–

(a) opposite the reference to any service described in column 2 of Part I of Schedules 1 or 2 there is 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 Commissioners or any body authorised by them, in place of the basic fee, the alternative fee so prescribed.

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

(a) the first, fifteenth and twenty-ninth consecutively performed service nor to any other service which follows this sequence (that is to say every fourteenth service), other than a service described in column 2 of Part I of Schedule 1 opposite item 3, or

(b) the first service, being a service described opposite the said item 3.

(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 Part I of Schedule 2 opposite items 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 Part I of Schedule 2 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 worked, occupied or administered as a single unit within the same district or within one district and any district adjoining it.

(5) For the purposes of paragraphs (1) and (2) 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

5.—(1) Where an inspector is on any premises for the purpose of performing any service for which a fee is payable otherwise than under this Order as well as any service for which a fee is prescribed in Part I of Schedules 1 or 2, there shall be paid to the Commissioners or any body authorised by them, in place of the basic fee, the alternative fee prescribed opposite the reference to the appropriate service.

(2) Without prejudice to article 7, where an inspector is on any premises for the purpose of performing any service for which a fee is prescribed in Part II of Schedules 1 or 2 as well as a service for which a fee is prescribed in Part I of either of those Schedules, there shall be paid to the Commissioners or any body authorised by them, in place of the basic fee, the alternative fee prescribed opposite the reference to the appropriate service.

Reduced fees for export certification services

6.—(1) Subject to paragraph (2) below, there shall be paid to the Commissioners or any body authorised by them in respect of any service in place of any basic fee or alternative fee set out in Part I of Schedule 2, a reduced fee where the Commissioners or that body are 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 forest tree plants, soil or forestry 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.

Fees for import licensing services

7. There shall be paid to the Commissioners, or any body authorised by them, in respect of any service described in column 2 of Part II of Schedule 1, or in respect of any service provided in England and Wales described in column 2 of Part II of Schedule 2 or in respect of any service provided in Scotland described in column 2 of Part II of

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(a) 1983 c.55.

Schedule 3, the fee prescribed in column 3 of such Parts of such Schedules opposite the reference to the service.

In Witness whereof the Official Seal of the Forestry Commissioners is hereunto affixed on 31st July 1990.

L.S.

P. J. Clarke
Secretary to the Forestry Commissioners

We consent,

David Lightbown
Thomas Sackville
25th July 1990 Two of the Lords Commissioners of Her Majesty's Treasury

SCHEDULE 1

Articles 3 to 5

PART I

GREAT BRITAIN

FEES IN RESPECT OF EXPORT CERTIFICATION SERVICES FOR WOOD, WOOD PRODUCTS AND SEEDS

(1) *Item*	(2) *Service*	(3) *Basic Fee* £	(4) *Alternative Fee* £
1	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) one shipment unit, to be exported under one certificate	37	14
2	The issue of one certificate for a consignment which has already been examined or tested or where a visit by an inspector to the applicant's premises is not necessary	14	—
3	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	37	3.50
4	The inspection and the issue of one certificate for the export of a consignment of seeds	14	—

SCHEDULE 1

Article 7

PART II

GREAT BRITAIN

FEES IN RESPECT OF IMPORT LICENSING SERVICES FOR WOOD AND WOOD PRODUCTS

(1) *Item*	(2) *Service*	(3) *Fee* £
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 for–	
	(a) scientific or commercial purposes	180
	(b) any other purpose	26
2	Consideration of the renewal of a licence for scientific or commercial purposes where no additional service is required, including the issue of the licence where appropriate	26
3	The inspection of articles imported under the terms of an import licence being an inspection required by the terms of that licence	37

SCHEDULE 2

Articles 3 to 6

PART I

ENGLAND AND WALES

FEES IN RESPECT OF EXPORT CERTIFICATION SERVICES RELATING TO FOREST TREE PLANTS, SOIL AND USED FORESTRY MACHINERY

(1) *Item*	(2) *Service*	(3) *Basic Fee* £	(4) *Alternative Fee* £
1	The taking of one soil sample from a forest tree nursery or a woodland, or part thereof, which is not more than 4 hectares	37	14
2	The taking of two soil samples on the same visit from separate parts of a forest tree nursery or from woodlands on the same holding, the combined area of which is not more than 3 hectares	37	14
3	The taking of up to three samples of any growing medium for container-grown forest tree plants	37	14
4	Laboratory testing of one soil sample	17.40	—
5	Growing season inspection Where the basic fee is payable, one growing season inspection of– (a) up to 0.1 of a hectare of outdoor forest tree plants (including forest tree plants in containers) or (b) up to 1,000 indoor forest tree plants and where the alternative fee is payable, one growing season inspection of– (a) up to 1.0 hectare of outdoor forest tree plants, or (b) up to 10,000 indoor forest tree plants	37	14

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 of forest tree plants or soil, to be exported under one certificate	37	14
7	The inspection for any traces of soil or plant debris and the issue of one or more certificates for the export of used forestry machinery– (a) where the basic fee is payable, the inspection of up to 5 forestry machines, and (b) where the alternative fee is payable, the inspection of up to 10 forestry machines	37	14
8	The issue of one certificate, including any prior examination or test, without a visit by an inspector to the applicant's premises	14	—
9	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	37	14
10	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	2.30	—

SCHEDULE 2

Article 7

PART II

ENGLAND AND WALES

FEES IN RESPECT OF IMPORT LICENSING SERVICES FOR FOREST TREE PLANTS

(1) *Item*	(2) *Service*	(3) *Fee* £
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	215
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	37
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	6
4	Where an import licence is used 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	25 plus 6 for each additional 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	31

SCHEDULE 3

Article 3

PART I

SCOTLAND

FEES IN RESPECT OF EXPORT CERTIFICATION SERVICES RELATING TO FOREST TREE PLANTS, SOIL AND USED FORESTRY MACHINERY

(1) *Item*	(2) *Service*	(3) *Fee* £
1	The taking of one soil sample from a forest tree nursery or a woodland, or part thereof, comprising not more than 4 hectares, or from a glasshouse or container–	
	(a) for the first sample taken on any day, where no other chargeable visit is being made	69
	(b) for the first sample taken on any day, where another chargeable visit is being made	32
	(c) for the second and each subsequent sample taken on the same day as the first sample	32
2	Growing season inspection of–	
	(a) up to 0.4 of a hectare of outdoor forest tree plants, per day	43
	each additional 0.4 of a hectare or part thereof of outdoor forest tree plants up to 11 hectares, per day	22
	(b) up to 5,000 indoor forest tree plants, per day	43
	each additional 5,000 indoor forest tree plants or part thereof up to 70,000, per day	22
3	Consideration of an application for the issue of one certificate for the export of forest tree plants, where no inspection is required	11
4	Pre-export inspection of and the issue of one certificate for the export of a consignment of forest tree plants where an inspection at the premises of the grower or exporter is necessary and where–	
	(a) the value of the consignment is not more than £50 whether or not the consignment comprises items for botanical research	6
	(b) the value of the consignment is more than £50 but not more than £150 whether or not the consignment comprises items for botanical research	16
	(c) the value of the consignment is more than £150 and the consignment comprises items for botanical research	21
	(d) the value of the consignment is more than £150 but not more than £300 and the consignment does not comprise items for botanical research	26
	(e) the value of the consignment is more than £300 and the consignment does not comprise items for botanical research	43
5	Pre-export inspection of and the issue of one certificate for the export of a small consignment of forest tree plants where no inspection at the premises of the grower or exporter is necessary and where–	
	(a) the value of the consignment is not more than £50 whether or not the consignment comprises items for botanical research	6
	(b) the value of the consignment is more than £50 but not more than £150 whether or not the consignment comprises items for botanical research	16
	(c) the value of the consignment is more than £150 whether or not the consignment comprises items for botanical research	21
6	Pre-export inspection of and the issue of one certificate for the export of used forestry machinery (such inspection being for traces of soil or plant debris)	43

SCHEDULE 3

Article 7

PART II

SCOTLAND

FEES IN RESPECT OF IMPORT LICENSING SERVICES FOR FOREST TREE PLANTS

(1) *Item*	(2) *Service*	(3) *Fee* £
1	Consideration of an application for the issue of an import licence and the performance of any connected service, including the issue of a licence for articles imported for the following purposes, whether or not an inspection is required–	
	(a) scientific	40
	(b) commercial	30
	(c) private	25
2	The inspection of articles for import, per day–	
	(a) up to and including the first 30 minutes	40
	(b) thereafter, for each additional 30 minutes or part thereof	20

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prescribes fees in respect of the services listed in Schedules 1, 2 and 3 to the Order (articles 3 to 7). 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 (Forestry) (Great Britain) Order 1989. Certificates are required to accompany exports of certain wood, wood products, seeds, forest tree plants, soil and used forestry machinery. Licences are issued to enable the importation of articles which would otherwise be prohibited.

Schedule 1 prescribes fees for Great Britain in respect of export certification services for wood, wood products and seeds and in respect of import licensing services for wood and wood products. Schedule 2 (relating to England and Wales) and Schedule 3 (relating to Scotland) prescribe fees in respect of export certification services for the inspection of forest tree plants, soil and used forestry machinery and in respect of import licensing services for forest tree plants. The different structure and scales of fees set out in Schedule 2 for services provided in England and Wales and in Schedule 3 for Scotland reflect the arrangements made for similar agricultural and horticultural services in those countries in the Import and Export (Plant Health Fees) (England and Wales) Order 1988 (S.I. 1988/1427), and the Import and Export (Plant Health Fees) (Scotland) Order 1989 (S.I. 1989/2196).

As regards the export certification services, the Order prescribes basic fees in column 3 of Part I of Schedules 1 and 2 (article 3) and in certain circumstances provides for the payment of lower alternative fees which are shown in column 4 of Part I of Schedules 1 and 2 (articles 4 and 5). The Order also makes provision for a reduction of the fees set out in Schedule 2 for persons who are not taxable for the purposes of the Value Added Tax Act 1983 or who make no taxable supplies of forest tree plants, soil or forestry 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 6).