EXPLANATORY MEMORANDUM TO

THE PLANT HEALTH (IMPORT INSPECTION FEES) (AMENDMENT) REGULATIONS (NI) 2010

2010 No. 384

1. The Department of Agriculture and Rural Development**,** in exercise of the powers conferred on it by section 2(2) of the European Communities Act 1972**(1)** and sections 56(1), (2) and (5) of the Finance Act 1973**(2)**, with the consent of the Department of Finance and Personnel, makes the following Regulations which are subject to negative resolution

2. Description

2.1 These Regulations amend the Plant Health (Import Inspection Fees) Regulations (Northern Ireland) 2005 (S.R. 2005/373) ("the principal Regulations"). The principal Regulations implement Article 13d of Council Directive 2000/29/EC (OJ No. L169, 10.7.00, P.1) as amended by Council Directive 2002/89/EC (O.J. No. L355, 30.12.02, P.45-60), which requires Member States to charge fees to cover the 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. These minimum fees are revised annually by the EC.

3. Matters of special interest to the Examiner of Statutory Rules

None

4. Legislative Background

4.1 These Regulations substitute a new Schedule 2 to the principal Regulations, to give effect to the latest agreed revised rates for inspections of certain material. (Schedule 2 to the principal Regulations includes provision for reduced rates for certain plants and plant products agreed under the procedure provided for in Articles 13d(2) and 18(2) of the Directive).

5. Consultation

5.1 This amendment does not require consultation.

6. Territorial Extent and Application

1 1972 c. 68.
2 1973 c. 51

6.1 This Statutory Rule applies to Northern Ireland. Similar but separate legislation operates in England, Scotland and Wales.

7. European Convention on Human Rights

7.1 The proposed legislation has been screened for these issues and none were indentified.

8. Equality Impact

8.1 The proposed legislation will apply in equal measure to all Section 75 groups. It is not expected that any of these changes will impact differentially across any of the Section 75 groups.

9. Regulatory Impact

9.1 A Regulatory Impact Assessment has not been prepared for this Statutory Rule as it has no, or negligible impact on business, charities or voluntary bodies.

9.2 There is no impact on the public sector.

10. Financial Implications

10.1 These Regulations bring in reduced rates on selected, low-risk trades, as determined by the EC, for the plant import industry.

11. Policy background

11.1 The Department has, in response to previous consultation with industry, undertaken a commitment to implement the EC reduced rates for low-risk trades of plant material, on an annual basis.

11.2 The changes which are outlined come into operation on 1 January 2011.

12. Contact

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