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STATUTORY INSTRUMENTS

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**2006 No. 2697**

**PLANT HEALTH**

**The Plant Health (Fees) (Forestry) Regulations 2006**

<i>Made</i> - - - -	<i>10th October 2006</i>
<i>Laid before Parliament</i>	<i>13th October 2006</i>
<i>Coming into force</i> - -	<i>6th November 2006</i>

The Forestry Commissioners have been designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Community.

They make the following Regulations under the powers conferred by that section.

**Title and commencement**

1. These Regulations may be cited as the Plant Health (Fees) (Forestry) Regulations 2006 and come into force on 6th November 2006.

**Interpretation**

2.—(1) In these Regulations—

“authority” means an authority to issue plant passports under article 28 of the Order;

“consignment” has the meaning given by Article 2(1)(p) of the Directive;

“the Directive” means Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community(c) as amended by amendments up to and including those effected by Commission Directive 2006/35/EC(d);

“documentary check” has the meaning given by Article 13a(1)(b)(i) of the Directive;

“licence” means a licence to carry out any activity to which article 38 of the Order applies;

“the Order” means the Plant Health (Forestry) Order 2005(e);

“plant passport” means a label and, where appropriate, an accompanying document that meets the relevant requirements set out in Schedule 9 to the Order, issued by or with the authority of the Forestry Commissioners, and includes a replacement plant passport;

“remedial notice” means a notice served under articles 31(1) or (4) or 33(3) of the Order; and

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(a) Regulation 2(1) of, and the Schedule to, the European Communities (Designation) Order 1996, S.I. 1996/266. See section 2(1) of, and Schedule 1 to, the Forestry Act 1967 (c. 10) for details of the constitution of the Forestry Commissioners.

(b) 1972 c. 68.

(c) OJ No. L 169, 10.7.2000, p1.

(d) OJ No. L 88, 25.3.2006, p12.

(e) S.I. 2005/2517.

“remedial work” means any steps taken by a person for the purposes of complying with a remedial notice or by an inspector under article 32(1) of the Order.

(2) Words and expressions which are not defined in these Regulations and which appear in the Order have the same meaning in these Regulations as they have in the Order.

## **Fees**

**3.**—(1) All fees are payable to the Forestry Commissioners.

(2) The fee for an inspection related to an authority is specified in Schedule 1.

(3) The fee payable in connection with an application or for an inspection related to a licence is specified in Schedule 2.

(4) An importer shall pay in respect of the following checks carried out on a consignment to which paragraph (6) applies—

- (a) the fee specified in Schedule 3 for a plant health check;
- (b) the fee specified in Schedule 4 for a documentary check; and
- (c) the fee specified in Schedule 4 for an identity check.

(4A) Where the consignment referred to in paragraph (4) consists of any material of a description in the first column of Schedule 3A and originates from a country listed in the third column of that Schedule, paragraph (4) (a) does not apply and instead the fee payable is that specified in Schedule 3A, such fee being due upon import whether or not a plant health check is carried out.

(4B) Where, at the request of an importer, a plant health check is carried out at an approved place of inspection on a consignment referred to in the paragraph (4A), the fee specified in item 3 of Schedule 3 is payable.

(5) The person on whom a remedial notice is served or who is given notice under article 32(1) of the Order shall pay the fee specified in Schedule 5 for remedial work in connection with a consignment to which paragraph (6) applies.

(6) This paragraph applies to a consignment of (or a consignment which an inspector reasonably suspects to be)—

- (a) isolated bark of a type listed in Schedule 5, Part A, paragraph 3 or Part B, paragraph 3 to the Order; or
- (b) wood of a type listed in Schedule 5, Part A, paragraph 4 or Part B, paragraph 1 to the Order, other than wood packaging material which is actually in use in the transport of objects of all kinds,

to which the provisions of Part 2 of the Order apply.

## **Revocations**

**4.** The following Regulations are revoked—

- (a) the Plant Health (Fees) (Forestry) (Great Britain) Regulations 1996(a);
- (b) the Plant Health (Fees) (Forestry) (Great Britain) (Amendment) Regulations 1997(b); and
- (c) the Plant Health (Fees) (Forestry) (Great Britain) (Amendment) Regulations 1999(c).

Sealed with the official seal of the Forestry Commissioners on 10th October 2006

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(a) S.I. 1996/2291, amended by S.I. 1997/655 and S.I. 1999/783.

(b) S.I. 1997/655.

(c) S.I. 1999/783.

10th October 2006

*Wilma Harper*  
Secretary to the Forestry Commissioners

SCHEDULE 1

Regulation 3(2)

Fees for inspections related to an authority

<i>Inspections</i>	<i>Fee</i>	<i>(Previous fee)</i>
Inspection and associated activities (including travel and office time) in connection with the granting, variation or suspension of an authority or for monitoring compliance with that authority—		
(d) up to and including the first hour	£37	(£27)
(e) thereafter, for each additional 15 minutes or part thereof	£9.25	(£10 for each 30 minutes or part thereof)

## SCHEDULE 2

Regulation 3(3)

### Fees in connection with applications and for inspections related to a licence

<i>Item</i>	<i>Type of application or inspection</i>	<i>Fee</i>	<i>(Previous fee)</i>
1	Application for a licence	£305	<i>(£305)</i>
2	Application for extension or variation of a licence with changes requiring scientific or technical assessment	£100	<i>(£100)</i>
3	Application for extension of a licence with no changes or for extension or variation of a licence with changes requiring no scientific or technical assessment	£12	<i>(£12)</i>
4	Inspection and associated activities (including travelling and office time) in connection with item 1, 2 or 3 or for monitoring compliance with licence terms and conditions— (f) up to and including the first hour (g) thereafter, for each additional 15 minutes or part thereof	£37 £9.25	<i>(£27)</i> <i>(£10 for each 30 minutes or part thereof)</i>

## SCHEDULE 3

Regulation 3(4)

### Fees for plant health checks

<i>Item</i>	<i>Check</i>	<i>Unit</i>	<i>Fee</i>
1	Isolated bark	Per consignment —up to 25000kg  —for each additional 1000kg or part thereof	£12.25  £0.49  Up to a maximum fee of £98 per consignment
2	Wood	Per consignment —up to 100m <sup>3</sup>  —for each additional m <sup>3</sup> or part thereof	£12.25  £0.20
3	Conducting checks on item 1 or 2 at an approved place of inspection	Per visit	£30, in addition to any fee under item 1 or 2

SCHEDULE 3A

Regulation 3(4A)

REDUCED RATE PLANT HEALTH CHECK FEES

<i>Genus</i>	<i>Quantity</i>	<i>Country of origin</i>	<i>Fee</i>
Acer saccharum	Per consignment		
	- up to 100m <sup>3</sup>	Canada	£6.13
		USA	£9.19
	- for each additional m <sup>3</sup> or part thereof	Canada	£0.10
		USA	£0.15

## SCHEDULE 4

Regulation 3(4)

### Fees for documentary checks and identity checks

<i>Item</i>	<i>Check</i>	<i>Unit</i>	<i>Fee</i>
1	Documentary check	Per consignment	£5.29
2	Identity check	Per consignment —for each load of up to 30m <sup>3</sup> forming part of the consignment contained in one truck, railway wagon, or comparable container  —for each bulk load of less than 100m <sup>3</sup>  —for each bulk load of 100m <sup>3</sup> or more	£5.29  £5.29  £10.58



## SCHEDULE 5

Regulation 3(5)

### Fees for the carrying out or monitoring of remedial work

<i>Remedial work</i>	<i>Fee</i>	<i>(Previous fee)</i>
The carrying out or monitoring by an inspector of any remedial work, and associated activities (including travelling and office time)—		
(a) up to and including the first hour	£37	(£27)
(b) thereafter, for each additional 15 minutes or part thereof	£9.25	(£10 for each 30 minutes or part thereof)

#### EXPLANATORY NOTE

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

These Regulations revoke and replace the Plant Health (Fees) (Forestry) (Great Britain) Regulations 1996 (S.I. 1996/2291) (“the 1996 Regulations”), and implement Article 13d of Council Directive 2000/29/EC of 8th May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ No. L 169, 10.7.00, p.1) (“the Directive”). Article 13d of the Directive was introduced by Council Directive 2002/89/EC of 28th November 2002 amending Directive 2000/29/EC (OJ No. L 355, 30.12.2002, p.45). The Directive 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 or other objects from third countries.

These Regulations require the fee specified in Schedule 1 to be paid to the Forestry Commissioners for inspections carried out in relation to the grant, variation or suspension of, or the monitoring of compliance with, an authority to issue plant passports (regulation 3(2)). These fees have been increased from the 1996 Regulations.

These Regulations require the fee specified in Schedule 2 to be paid in connection with applications and for inspections carried out in relation to the grant, extension or variation of, or the monitoring of compliance with, a licence to do things that would otherwise be prohibited by the Plant Health (Forestry) Order 2005 (S.I. 2005/2517). The fees for applications remain the same as in the 1996 Regulations; the fees for related inspections have been increased.

An importer is required to pay, in respect of consignments to which regulation 3(6) applies, the fees specified in Schedule 3 for plant health checks and the fees specified in Schedule 4 for documentary checks and identity checks that are carried out on those consignments (regulation 3(4)).

The 1996 Regulations included fees for plant health checks (at a rate of 14 pence per cubic metre, with a minimum fee of £11.50 per inspection), but did not make a separate charge for documentary checks and identity checks. Some categories of wood and wood products that were not subject to a requirement to pay fees under the 1996 Regulations are now chargeable. Some categories of wood from certain countries that were chargeable under the 1996 Regulations are no longer chargeable.

These Regulations also require a person to pay the fee specified in Schedule 5 in respect of any remedial work carried out or monitored by an inspector in accordance with the provisions in the Plant Health (Forestry) Order 2005 relating to a consignment to which regulation 3(6) applies (regulation 3(5)). These fees have been increased from the 1996 Regulations.

A full regulatory impact assessment has been prepared and placed in the Library of each House of Parliament. Copies can be obtained from the Forestry Commission, 231 Corstorphine Road, Edinburgh, EH12 7AT.