

These draft Regulations supersede the draft of the same title which was laid before the Scottish Parliament on 5 February 2021 and published on 8 February 2021 (ISBN 978-0-11-104928-0). It is being issued free of charge to all known recipients of those draft Regulations.

Draft Regulations laid before the Scottish Parliament under paragraphs 1(6) and 8F(5) of schedule 7 of the European Union (Withdrawal) Act 2018 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2021 No.

**EXITING THE EUROPEAN UNION
FORESTRY
PLANT HEALTH**

**The Plant Health (EU Exit) (Scotland)
(Amendment) Regulations 2021**

*Made - - - - 2021
Coming into force in accordance with regulation 1*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by paragraphs 1(1) and (3) and 11M(1) of schedule 2, paragraph 7 of schedule 4 and paragraph 21 of schedule 7 of the European Union (Withdrawal) Act 2018(1) and all other powers enabling them to do so.

In accordance with paragraphs 1(6) and 8F(5) of schedule 7 of that Act(2), a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Plant Health (EU Exit) (Scotland) (Amendment) Regulations 2021 and come into force—

- (a) as regards the provisions mentioned in paragraph (2), on 1 July 2021,
- (b) otherwise on 1 April 2021.

(2) The provisions are—

(1) [2018 c.16](#) (“the 2018 Act”). Paragraph 11M of schedule 2 was inserted into the 2018 Act by section 22 of the European Union (Withdrawal) Act 2020 ([c.1](#)).

(2) In relation to the exercise of powers under paragraph 7 of the 2018 Act, paragraph 1(6) of schedule 7 is to be read with paragraph 12(3) of that schedule.

- (a) regulation 2(3) so far as it inserts the following into the 2014 Regulations—
 - (i) regulation 4(5) of the 2014 Regulations,
 - (ii) regulation 4(6)(d) of the 2014 Regulations,
 - (b) regulation 2(6),
 - (c) regulation 2(7) so far as it inserts table 3 of substituted schedule 2A of the 2014 Regulations.
- (3) These Regulations extend to Scotland only.
- (4) In these Regulations, “the 2014 Regulations” means the Plant Health (Import Inspection Fees) (Scotland) Regulations 2014(3).

The Plant Health (Import Inspection Fees) (Scotland) Regulations 2014

- 2.—(1) The 2014 Regulations are amended as follows.
- (2) For regulation 3(2)(b) (application of the import inspection fee) substitute—
- “(b) is—
- (i) landed in Scotland from a third country, the European Union, Liechtenstein or Switzerland, or
 - (ii) subject to any agreement made under the provisions of any legislation that establishes the cases where, and the conditions under which, identity checks and physical checks of transhipped consignments and of animals arriving by air or sea and staying on the same means of transport for onward travel may be performed at a border control post other than the one of first arrival under Article 51(1) (specific rules for official controls at border inspection posts) of the Official Controls Regulation.”.
- (3) For regulation 4 (fees) substitute—
- “4.—(1) Subject to paragraphs (2), (3), (4)(a) and (5)(a), the fee specified for a physical check—
- (a) during normal working hours, is the fee specified in the fourth column of schedule 1 and corresponding to the relevant plants, plant products or other objects as described in the second column of that schedule, or
 - (b) outside normal working hours, is the fee specified in the fifth column of schedule 1 and corresponding to the relevant plants, plant products or other objects as described in the second column of that schedule.
- (2) Paragraph (1) does not apply to a consignment, or such part of a consignment, consisting of plants, plant products or other objects as described in the second column of that schedule originating in the European Union, Liechtenstein or Switzerland.
- (3) In the case of a consignment, or such part of a consignment, consisting of any plants, plant products or other objects listed in the second column of schedule 1A and originating from the European Union, Liechtenstein or Switzerland, the fee specified for a physical check—
- (a) during normal working hours, is the fee specified in the fourth column of schedule 1A and corresponding to the relevant plants, plant products or other objects as described in the second column of that schedule, or

- (b) outside normal working hours, is the fee specified in the fifth column of schedule 1A and corresponding to the relevant plants, plant products or other objects as described in the second column of that schedule.
 - (4) In the case of a consignment, or such part of a consignment, consisting of any plants, plant products or other objects listed in the second column of schedule 2 and originating from a country listed in the fourth column of that schedule—
 - (a) the fee specified for a physical check—
 - (i) during normal working hours, is the fee specified in the fifth column of schedule 2 and corresponding to the relevant plants, plant products or other objects as described in the second column of that schedule, or
 - (ii) outside normal working hours, is the fee specified in the sixth column of schedule 2 and corresponding to the relevant plants, plant products or other objects as described in the second column of that schedule,
 - (b) the fee specified for an identity check carried out is the fee specified in the seventh column of schedule 2 and corresponding to the relevant plants, plant products or other objects as described in the second column of that schedule.
 - (5) In the case of a consignment, or such part of a consignment, consisting of any plants, plant products or other objects listed in the second column of schedule 2ZA and originating in the European Union, Liechtenstein or Switzerland—
 - (a) the fee specified for a physical check—
 - (i) during normal working hours, is the fee specified in the fourth column of schedule 2ZA and corresponding to the relevant plants, plant products or other objects as described in the second column of that schedule, or
 - (ii) outside normal working hours, is the fee specified in the fifth column of schedule 2ZA and corresponding to the relevant plants, plant products or other objects as described in the second column of that schedule,
 - (b) the fee specified for an identity check carried out is the fee specified in the sixth column of schedule 2ZA and corresponding to the relevant plants, plant products or other objects as described in the second column of that schedule.
 - (6) The fee specified for—
 - (a) a documentary check or an identity check for a consignment or such part of a consignment, consisting of any plants, plant products or other objects for which the fee for a physical check is specified in paragraph (1) and schedule 1 is the fee specified in the third column of table 1 in schedule 2A,
 - (b) a documentary check or an identity check for a consignment or such part of a consignment, consisting of any plants, plant products or other objects for which the fee for a physical check is specified in paragraph (3) and schedule 1A is the fee specified in the third column of table 1 in schedule 2A,
 - (c) a documentary check for a consignment or such part of a consignment, consisting of any plants, plant products or other objects for which the fee for a physical check is specified in paragraph (4)(a) and schedule 2 is the fee specified in the third column of table 2 in schedule 2A,
 - (d) a documentary check for a consignment or such part of a consignment, consisting of any plants, plant products or other objects for which the fee for a physical check is specified in paragraph (5)(a) and schedule 2ZA is the fee specified in the third column of table 3 in schedule 2A.”
- (4) After schedule 1, insert—

“SCHEDULE 1A

Regulations 3 and 4(1)

**IMPORT INSPECTION FEES FOR PHYSICAL CHECKS ON CONSIGNMENTS
ORIGINATING IN THE EUROPEAN UNION, LIECHTENSTEIN OR SWITZERLAND**

Item	Plant, plant product or other object	Quantity	*Fees	
			Normal working hours	Outside normal working hours
1	<i>Abies</i>	up to 1,000 in number	£30	£54
		for each additional 1,000 units (or part thereof)	£0.50 up to a maximum of £168	£1.00 up to a maximum of £318
2	<i>Acer palmatum</i>	up to 1,000 in number	£30	£54
		for each additional 100 units (or part thereof)	£0.50 up to a maximum of £168	£1.00 up to a maximum of £318
3	<i>Castanea sativa</i> Mill.	up to 1,000 in number	£30	£54
		for each additional 1,000 units (or part thereof)	£0.50 up to a maximum of £168	£1.00 up to a maximum of £318
4	<i>Chamaecyparis</i> sp. Spach bonsai plants**	up to 1,000 in number	£30	£54
		for each additional 100 units (or part thereof)	£0.50 up to a maximum of £168	£1.00 up to a maximum of £318
5	<i>Coffea</i>	up to 1,000 in number	£30	£54
		for each additional 100 units (or part thereof)	£0.50 up to a maximum of £168	£1.00 up to a maximum of £318
6	<i>Ulmus</i> sp.	up to 1,000 in number	£30	£54
		for each additional 100 units (or part thereof)	£0.50 up to a maximum of £168	£1.00 up to a maximum of £318
7	<i>Juniperus</i> sp. L. bonsai plants**	up to 1,000 in number	£30	£54
		for each additional 100 units (or part thereof)	£0.50 up to a maximum of £168	£1.00 up to a maximum of £318
8	<i>Larix</i>	up to 1,000 in number	£30	£54
		for each additional 100 units (or part thereof)	£0.50 up to a maximum of £168	£1.00 up to a maximum of £318
9	<i>Lavandula</i> L.	up to 1,000 in number	£30	£54

Item	Plant, plant product or other object	Quantity	*Fees	
			Normal working hours	Outside normal working hours
		for each additional 100 units (or part thereof)	£0.50 up to a maximum of £168	£1.00 up to a maximum of £318
10	<i>Nerium oleander</i> L.	up to 1,000 in number	£30	£54
		for each additional 100 units (or part thereof)	£0.50 up to a maximum of £168	£1.00 up to a maximum of £318
11	<i>Quercus</i> L.	up to 1,000 in number	£30	£54
		for each additional 100 units (or part thereof)	£0.50 up to a maximum of £168	£1.00 up to a maximum of £318
12	<i>Olea europaea</i> L.	up to 1,000 in number	£30	£54
		for each additional 100 units (or part thereof)	£0.50 up to a maximum of £168	£1.00 up to a maximum of £318
13	<i>Palmae</i>	up to 1,000 in number	£30	£54
		for each additional 100 units (or part thereof)	£0.50 up to a maximum of £168	£1.00 up to a maximum of £318
14	<i>Picea</i>	up to 1,000 in number	£30	£54
		for each additional 100 units (or part thereof)	£0.50 up to a maximum of £168	£1.00 up to a maximum of £318
15	<i>Pinus</i>	up to 1,000 in number	£30	£54
		for each additional 100 units (or part thereof)	£0.50 up to a maximum of £168	£1.00 up to a maximum of £318
16	<i>Pinus parviflora</i> Sieb. & Zucc. (<i>Pinus pentaphylla</i> Mayr) bonsai plants ⁽¹⁾	up to 1,000 in number	£30	£54
		for each additional 100 units (or part thereof)	£0.50 up to a maximum of £168	£1.00 up to a maximum of £318
17	<i>Pinus parviflora</i> Sieb & Zucc. bonsai plants**, grafted on a rootstock of another <i>Pinus</i> species	up to 1,000 in number	£30	£54
		for each additional 100 units (or part thereof)	£0.50 up to a maximum of £168	£1.00 up to a maximum of £318
18	<i>Pinus thunbergi</i> Parl. bonsai plants**, grafted on a rootstock	up to 1,000 in number	£30	£54
		for each additional 100 units (or part thereof)	£0.50 up to a maximum of £168	£1.00 up to a maximum of £318

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, *The Plant Health (EU Exit) (Scotland) (Amendment) Regulations 2021* ISBN 978-0-11-104979-2

Item	Plant, plant product or other object	Quantity	*Fees	
			Normal working hours	Outside normal working hours
	of another <i>Pinus</i> species			
19	<i>Platanus</i>	up to 1,000 in number	£30	£54
		for each additional 100 units (or part thereof)	£0.50 up to a maximum of £168	£1.00 up to a maximum of £318
20	<i>Polygala myrtifolia</i>	up to 1,000 in number	£30	£54
		for each additional 100 units (or part thereof)	£0.50 up to a maximum of £168	£1.00 up to a maximum of £318
21	<i>Prunus</i> L.	up to 1,000 in number	£30	£54
		for each additional 100 units (or part thereof)	£0.50 up to a maximum of £168	£1.00 up to a maximum of £318
22	<i>Rosmarinus officinalis</i> L.	up to 1,000 in number	£30	£54
		for each additional 100 units (or part thereof)	£0.50 up to a maximum of £168	£1.00 up to a maximum of £318
Bulbs, corms, rhizomes, tubers, (other than tubers of potatoes), not intended for final users				
23	All genera	Per consignment – up to 200kg in weight	£30	£54
		For each additional 10kg (or part thereof)	£0.20 up to a maximum of £168	£0.40 up to a maximum of £318
Seeds, tissue cultures, not intended for final users				
24	All genera	Per consignment up to 100kg in weight	£30	£54
		For each additional 10kg (or part thereof)	£0.50 up to a maximum of £168	£0.90 up to a maximum of £318
Tubers of potatoes				
25	<i>Solanum tuberosum</i> L. intended for planting (seed potatoes)	up to 25,000kg in weight	£64	£96
		For each additional 25,000kg	£52	£78
26	<i>Solanum tuberosum</i> L. (ware potatoes), from Spain	up to 25,000kg in weight	£64	£96
		For each additional 25,000kg	£52	£78
Other plants intended for planting not specified elsewhere in this table, not intended for final users				
27	All genera	Per consignment	£30	£54

Item	Plant, plant product or other object	Quantity	*Fees	
			Normal working hours	Outside normal working hours

* Fees are rounded up to the nearest pound, with the exception of the additional quantity values which are rounded up to the nearest penny.

** “Bonsai plants” means naturally or artificially dwarfed plants for planting.”.

(5) For schedule 2 (reduced import inspection fees for physical checks) substitute—

“SCHEDULE 2

Regulations 3 and 4(4)

REDUCED IMPORT INSPECTION FEES FOR PHYSICAL AND IDENTITY CHECKS

Item	Product	Quantity	Country of Origin	*Fees		
				Normal working hours	Outside normal working hours	Identity check
Bulbs, corms, rhizomes, tubers, (other than tubers of potatoes), intended for final users or to produce plants for final use**						
1	All genera	Per consignment – up to 200kg in weight	Any European Union Member State, Liechtenstein or Switzerland	£13.80	£21.60	£0.60
		for each additional 10kg (or part thereof)		£0.02	£0.04	
		Maximum price		£26.40	£46.80	
Seeds, tissue cultures, intended for final users or to produce plants for final use**						
2	All genera	Per consignment – up to 100kg in weight	Any European Union Member State, Liechtenstein or Switzerland	£12.90	£19.80	£0.30
		For each additional 10kg (or part thereof)		£0.02	£0.04	
		Maximum price		£19.20	£32.40	
Cut Flowers						
3	<i>Aster</i>	Up to 20,000 in number	Zimbabwe	£25.50	£45.00	£4.50
		for each additional 1,000 units		£0.15	£0.23	
		maximum price		£120.00	£234.00	
4	<i>Dianthus</i>	up to 20,000 in number	Colombia	£12.60	£19.10	£0.18
			Ecuador, Turkey	£14.70	£23.40	£0.90

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Item	Product	Quantity	Country of Origin	*Fees		
			Kenya	£12.90	£19.80	£0.30
		for each additional 1,000 units	Columbia	£0.01	£0.01	
			Ecuador, Turkey	£0.03	£0.05	
			Kenya	£0.01	£0.02	
		maximum price	Colombia	£16.40	£26.70	
			Ecuador, Turkey	£33.60	£61.20	
			Kenya	£19.20	£32.40	
5	Rosa	up to 20,000 in number	Colombia	£12.60	£19.10	£0.18
			Ecuador	£12.20	£18.40	£0.06
			Ethiopia	£12.90	£19.80	£0.30
			Kenya, Zambia	£13.80	£21.60	£0.60
			Tanzania	£21.00	£36.00	£3.00
		for each additional 1,000 units	Colombia	£0.01	£0.01	
			Ecuador	£0.01	£0.01	
			Ethiopia	£0.01	£0.02	
			Kenya, Zambia	£0.02	£0.03	
			Tanzania	£0.10	£0.15	
		maximum price	Colombia	£16.40	£26.70	
			Ecuador	£13.40	£20.90	
			Ethiopia	£19.20	£32.40	
			Kenya, Zambia	£26.40	£46.80	
			Tanzania	£84.00	£162.00	
Branches with foliage, parts of Conifers (other than Christmas trees)						
6	All genera	Per consignment – up to 200kg in weight	Any EU Member State, Liechtenstein or Switzerland	£1.50	2.70	£0.30
		For each additional 100kg (or part thereof)		£0.16	£0.18	
7	Phoenix	up to 20,000 in number	Costa Rica	£21.00	£36.00	£3.00
		for each additional 1,000 units		£0.10	£0.15	
		maximum price		£84.00	£162.00	
Fruit						

Item	Product	Quantity	Country of Origin	*Fees		
8	<i>Carica papaya</i>	up to 25,000kg in weight	Any third country	£12.90	£19.80	£0.30
		for each additional 1,000kg		£0.04	£0.08	
9	<i>Cydonia</i>	up to 25,000kg in weight	Any third country in Europe	£12.90	£19.80	£0.30
		for each additional 1,000kg		£0.04	£0.08	
10	<i>Fragaria</i>	up to 25,000kg in weight	Any third country	£12.90	£19.80	£0.30
		for each additional 1,000kg		£0.04	£0.08	
11	<i>Malus</i>	up to 25,000kg in weight	Argentina	£18.30	£30.60	£2.10
			Brazil	£21.00	£36.00	£3.00
			Chile, Any third country in Europe, South Africa	£12.90	£19.80	£0.30
			New Zealand	£13.80	£21.60	£0.60
		for each additional 1,000kg	Argentina	£0.28	£0.53	
			Brazil	£0.40	£0.75	
			Chile, South Africa	£0.04	£0.08	
			New Zealand	£0.08	£0.15	
12	<i>Persea americana</i>	up to 25,000kg in weight	Any third country	£12.90	£19.80	£0.30
		for each additional 1,000kg		£0.04	£0.08	
13	<i>Prunus</i>	up to 25,000kg in weight	Argentina	25.50	£45.00	£4.50
			Chile	£13.80	£21.60	£0.60
			Any third country in Europe	£12.90	£19.80	£0.30
			Morocco	£21.00	£36.00	£3.00
			Turkey	£18.30	£30.60	£2.10
		for each additional 1,000kg	Argentina	£0.60	£1.13	
			Chile	£0.08	£0.15	
			Any third country in Europe	£0.04	£0.08	
			Morocco	£0.40	£0.75	
			Turkey	£0.28	£0.53	

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<i>Item</i>	<i>Product</i>	<i>Quantity</i>	<i>Country of Origin</i>	<i>*Fees</i>		
14	<i>Prunus</i> – other than <i>P. persica</i>	up to 25,000kg in weight	South Africa	£13.80	£21.60	£0.60
		for each additional 1,000kg		£0.08	£0.15	
15	<i>Pyrus</i>	up to 25,000kg in weight	Argentina, Chile	£14.70	£23.40	£0.90
			China	£21.00	£36.00	£3.00
			Any third country in Europe	£12.90	£19.80	£0.30
			South Africa	£13.80	£21.60	£0.60
		for each additional 1,000kg	Argentina, Chile	£0.12	£0.23	
			China	£0.40	£0.75	
			Any third country in Europe	£0.04	£0.08	
			South Africa	£0.08	£0.15	
16	<i>Ribes</i>	up to 25,000kg in weight	Any third country in Europe	£12.90	£19.80	£0.30
		for each additional 1,000kg		£0.04	£0.08	
17	<i>Rubus</i>	up to 25,000kg in weight	Any third country	£12.90	£19.80	£0.30
		for each additional 1,000kg		£0.04	£0.08	
18	<i>Vaccinium</i>	up to 25,000kg in weight	Argentina	£16.50	£27.00	£1.50
			Any third country in Europe	£12.90	£19.80	£0.30
			Chile, Peru	£13.80	£21.60	£0.60
		for each additional 1,000kg	Argentina	£0.20	£0.38	
			Any third country in Europe	£0.04	£0.08	
			Chile, Peru	£0.08	£0.15	
19	<i>Vitis</i>	up to 25,000kg in weight	Any third country	£12.90	£19.80	£0.30
		for each additional 1,000kg		£0.04	£0.08	
Vegetables						
20	<i>Solanum lycopersicon</i>	up to 25,000kg in weight	Canary Islands, Morocco	£12.90	£19.80	£0.03
		for each additional 1,000kg	Canary Islands, Morocco	£0.04	£0.08	

Item	Product	Quantity	Country of Origin	*Fees		
21	<i>Solanum melongena</i>	up to 25,000kg in weight	Turkey	£14.70	£23.40	£0.90
		for each additional 1,000kg		£0.12	£0.23	
Tubers of potatoes						
22	<i>Solanum tuberosum</i> L. (ware potatoes)	up to 25,000kg in weight	Poland, Portugal, Romania	£32	£48	£3.00
		for each additional 25,000kg in weight (or part thereof)		£26	£39	
Bark						
23	Bark	Per consignment – up to 25,00 in weight	Any European Union Member State, Liechtenstein or Switzerland	£12.90	£19.80	£0.30
		for each additional 1,000kg (or part thereof)		£0.04	£0.13	
Other plants intended for planting not specified elsewhere in this table or the table in Schedule 1A, intended for final users or to produce plants for final use**						
24	All genera	Per consignment	Any European Union Member State, Liechtenstein or Switzerland	£14.40	£21.60	£0.60
Other objects						
25	Machinery or vehicles which have been operated for agricultural or forestry purposes	Per Consignment	Any third country, any European Union Member State, Liechtenstein or Switzerland	£12.90	£19.80	£0.30

* Fees are rounded up to the nearest pound, with the exception of the additional quantity values which are rounded up to the nearest penny.

** “Final use” means any use by a person acting for purposes which are outside that person’s trade, business or profession who acquires plants or plant products for personal use.”.

(6) After schedule 2 insert—

“SCHEDULE 2ZA

Regulations 3 and 4(5)

REDUCED IMPORT INSPECTION FEES FOR OTHER CONSIGNMENTS
ORIGINATING IN THE EUROPEAN UNION, LIECHTENSTEIN OR SWITZERLAND

Item	Plant, plant product or other object	Quantity	*Fees –		Fees –
			Physical checks		Identity Check
			Normal working hours	Outside normal working hours	
1	Cut Flowers (all genera)	Per consignment – up to 20,000 in number	£13.00	£19.00	£0.18
		for each additional 1,000 units (or part thereof)	£0.02 up to a maximum of £20.00	£0.01 up to a maximum of £27.00	
2	Cut Christmas trees (all genera)	Per consignment – up to 1,000 in number	£13.00	£19.00	£0.18
		for each additional 1,000 units (or part thereof)	£0.18 up to a maximum of £20.00	£0.36 up to a maximum of £27.00	
3	Leaves of plants, such as herbs, spices and leafy vegetables	Per consignment – up to 100kg in weight	£13.00	£19.00	£0.18
		For each additional 10kg (or part thereof)	£0.02 up to a maximum of £20	£0.11 up to a maximum of £318	
4	Fruits (all genera) and vegetables (all genera)	Per consignment – up to 25,000kg in weight	£13.00	£19.00	£0.18
		For each additional 1,000kg (or part thereof)	£0.04	£0.06	
5	<i>Solanum tuberosum</i> L. (ware potatoes), other than from Poland, Portugal, Romania and Spain	Per lot – up to 25,000 kg in weight	£26.00	£39.00	£0.18
		For each additional 25,000kg in weight (or part thereof)	£26.00	£39.00	
6	Grain	Per lot – up to 25,000 kg in weight	£13.00	£19.00	£0.18
		For each additional 1,000kg in weight (or part thereof)	£0.03 up to a maximum of £20.00	£0.04 up to a maximum of £27	

Item	Plant, plant product or other object	Quantity	*Fees –		Fees –
			Physical checks		Identity Check
			Normal working hours	Outside normal working hours	
Other plants or plant products not specified elsewhere in this table, the table in Schedule 1A, or the table in Schedule 2, other than forest trees, soil and growing medium					
7	All genera	Per consignment	£13.00	£19.00	£0.18

* Fees are rounded up to the nearest pound, with the exception of the additional quantity values which are rounded up to the nearest penny.”.

(7) For schedule 2A (import inspection fees for documentary checks and identity checks) substitute—

“SCHEDULE 2A

Regulations 3 and 4(6)

IMPORT INSPECTION FEES FOR DOCUMENTARY CHECKS AND IDENTITY CHECKS

Table 1

Check	Quantity	Fee
Documentary check	Per consignment	£6.00
Identity check	Per consignment	£6.00

Table 2

Check	Quantity	Fee
Documentary check	Per consignment	£6.00

Table 3

Check	Quantity	Fee
Documentary check	Per consignment	£6.00”

The Plant Health (Fees) (Forestry) (England and Scotland) Regulations 2015

3.—(1) The Plant Health (Fees) (Forestry) (England and Scotland) Regulations 2015(4) are amended as follows.

(2) In regulation 3 (fees)—

- (a) in paragraph (5A) for “The” substitute “Subject to paragraph (5AA), the”,
- (b) after paragraph (5A), insert—

“(5AA) The fee for a phytosanitary certificate or phytosanitary certificate for re-export specified in schedule 5A is not payable in respect of a consignment destined for delivery to a professional operator based in Northern Ireland.”.

(4) S.I. 2015/350, relevant amending instruments are S.S.I. 2019/421 and S.S.I. 2020/466.

The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019

4.—(1) The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019(5) are amended as follows.

(2) In regulation 2(1) (interpretation: general), after the definition of “plant health rule”, insert—
 ““plant passport” means a passport which is a UK plant passport or other permitted plant passport,”.

(3) In regulation 41 (improper use of UK plant passports or certificates)—

(a) in the heading omit “UK”,

(b) in paragraph (1)(b) and (c), omit “UK” in both places where it occurs.

(4) In schedule 3 (offences: relevant provisions in the Plant Health Regulation, Official Controls Regulation and other retained direct EU legislation), in Part 1 (the Plant Health Regulation) in the table—

(a) in the entry relating to Article 79(1), in the first column, for “and 92a” substitute “, 92a and 95a(2)”,

(b) in the entry relating to Article 80(1), in the first column, for “and 92a” substitute “, 92a and 95a(2)”,

(c) in the entry relating to Article 93(5), in the second column, for “replaced UK” substitute “certain”,

(d) after the entry relating to Article 93(5) insert—

“Article 95a(1)	Prohibits the introduction of a relevant NI trade unit into Great Britain from Northern Ireland unless it is accompanied by the plant passport which was required for its movement within Northern Ireland.”.
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St Andrew’s House,
 Edinburgh
 Date

Name
 Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by paragraphs 1(1) and (3) and 11M(1) of schedule 2, paragraph 7 of schedule 4 and paragraph 21 of schedule 7 of the European Union (Withdrawal) Act 2018 (c.16) (“the 2018 Act”).

These Regulations make amendments to legislation in the field of plant health as it applies in Scotland. In particular they make provision in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union and to deal with matters arising out of, or related to, the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement. They also make modifications in consequence of the withdrawal of the United Kingdom from the European Union to certain fees payable to the Scottish Ministers in relation to inspections of imports of plants, plant products or other objects.

Regulation 2 amends the Plant Health (Import Inspection Fees) (Scotland) Regulations 2014 and in particular substitutes a new regulation 4 into those Regulations which makes provision for—

- a) a fee payable for a physical check under schedule 1 by an importer in respect of a consignment of plants, plant products or other objects excepting consignments from the European Union, Liechtenstein or Switzerland,
- b) a new schedule 1A which provides for fees payable by an importer in respect of a physical check of a consignment of certain plants, plant products or other objects imported from the European Union, Liechtenstein or Switzerland which are not subject to reduced checks,
- c) a replacement schedule 2 which provides for reduced fees payable by an importer in respect of a physical or identity check of a consignment of certain plants, plant products or other objects,
- d) a new schedule 2ZA which provides for reduced fees payable by an importer in respect of a physical or identity check of a consignment of certain plants, plant products or other objects from the European Union, Liechtenstein or Switzerland,
- e) a replacement schedule 2A which provides for the fee for documentary and identity checks in respect of consignments of certain plants, plant products or other objects which have not been described in schedules 1, 1A, 2 or 2ZA.

Regulation 3 amends the Plant Health (Fees) (Forestry) (England and Scotland) Regulations 2015 and introduces provision relating to export certification fees, to provide that such fees are not payable in relation to exports from Scotland to Northern Ireland in certain circumstances.

Regulation 4 amends the Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019 and introduces enforcement provisions relating to plant passports, specifically relating to the plant passports used on goods entering Scotland from Northern Ireland.

A business and regulatory impact assessment has not been produced for this instrument as no, or no significant, impact upon business, charities or voluntary bodies is foreseen.