

Draft Regulations laid before the Scottish Parliament under paragraph 1(6) 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) (No. 2) Regulations 2021

Made - - - - 2021

Coming into force - - 16th December 2021

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

In accordance with paragraph 1(6) 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 and extent.

1.—(1) These Regulations may be cited as the Plant Health (EU Exit) (Scotland) (Amendment) (No. 2) Regulations 2021 and come into force on 16 December 2021.

(2) These Regulations extend to Scotland only.

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

2.—(1) The Plant Health Import Inspection Fees (Scotland) Regulations 2014⁽³⁾ are amended as follows.

(2) In schedule 2 (reduced import inspection fees for physical and identity checks), in entry 23 (Bark) of the table for “25,00” substitute “25,000”.

(1) 2018 c. 16.

(2) In relation to the exercise of powers under paragraph 7 of schedule 4 of the 2018 Act, paragraph 1(6) of schedule 7 is to be read with paragraph 12(3) of that schedule.

(3) S.S.I. 2014/338 relevantly amended by S.S.I. 2021/159.

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) For regulation 3(5AA) (fees) substitute—

“(5AA) The fee for a phytosanitary certificate or phytosanitary certificate for re-export specified in schedule 5A is not payable in relation to a consignment to be transported to Northern Ireland—

(a) by a person acting otherwise than in the course of a business, where the consignment is not to be placed on the market, or

(b) for delivery to—

(i) a professional operator whose principal place of business is in Northern Ireland, or

(ii) any person resident in Northern Ireland, where the consignment is not to be placed on the market or used for the purposes of any business.

(5BB) Paragraph (5AA) ceases to have effect at the end of 31 December 2022”.

(3) For schedule 1 (fees for inspections in connection with a plant passport authority) substitute—

“SCHEDULE 1

Regulation 3(2)

Fees for inspections in connection with a plant passport authority

<i>Type of inspection</i>	<i>Fee</i>
Physical inspection and associated activities (including travelling and office time) in connection with granting, variation or suspension of a plant passport authority or for monitoring compliance with that authority—	
(a) up to and including the first hour	£49.50
(b) thereafter, for each additional 15 minutes or part thereof	£12.38”.

(4) For schedule 5A (fees in connection with an application for a phytosanitary certificate or phytosanitary certificate for re-export) substitute—

“SCHEDULE 5A

Regulation 3(5A)

Fees in connection with an application for a phytosanitary certificate for export or phytosanitary certificate for re-export: Scotland

<i>Service</i>	<i>Fee</i>
The consideration of an application, including the issue, where appropriate, of a phytosanitary certificate for export or a phytosanitary certificate for re-export	£21.00
The examination or testing of wood, wood products, isolated bark or used forestry machinery and associated activities (including travelling and office time)—	
(a) up to and including the first hour	£37.80
(b) thereafter, for each additional 15 minutes or part thereof	£10.50”.

(4) [S.I. 2015/350](#) relevantly amended by [S.S.I. 2019/421](#) and [S.S.I. 2021/159](#).

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 6(1) (disclosure of information)—

- (a) for “Union territory” substitute “United Kingdom or to a CD authority”,
- (b) omit “EU”.

St Andrew’s House,
Edinburgh
Date

Name
Authorised to sign by the Scottish Ministers

(5) [S.S.I. 2019/421](#) relevantly amended by [S.S.I. 2020/176](#).

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) (No. 2) Regulations 2021* ISBN 978-0-11-105188-7

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) of schedule 2, paragraph 7 of schedule 4 and paragraph 21(b) of schedule 7 of the European Union Withdrawal Act 2018 (c. 16).

Regulation 2 amends the Plant Health (Import Inspection Fees) (Scotland) Regulations 2014 to amend a typographical error in schedule 2.

Regulation 3 amends the Plant Health (Fees) (Forestry) (England and Scotland) Regulations 2015 and introduces provision relating to phytosanitary certification fees, creating an exemption to provide that such fees are not payable in relation to exports from Scotland to Northern Ireland in certain circumstances. This exemption ceases to have effect at the end of 31 December 2022. Regulation 3 also provides for increases in the fees for services in relation to plant passport authorities and applications for phytosanitary certificates to reflect an inflationary rise in the cost of providing those services since the introduction of those fees.

Regulation 4 amends the Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019 and makes provision in order to address failures of retained EU law to operate effectively arising from the withdrawal of the United Kingdom from the European Union.

A business and regulatory impact assessment has not been prepared in relation to these Regulations as no, or no significant impact upon business, charities or voluntary bodies is foreseen.