

*This Statutory Instrument, in part, corrects errors in the Plant Health (Fees) (Forestry) (England and Scotland) Regulations 2015 (S.I. 2015/350) and the Plant Health etc. (Fees) (England) Regulations 2018 (S.I. 2018/289). It is being issued free of charge to all known recipients of those Statutory Instruments.*

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## STATUTORY INSTRUMENTS

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**2024 No. 557**

# PLANT HEALTH

## The Plant Health (Fees) (England) and Official Controls (Frequency of Checks) (Amendment) Regulations 2024

*Made* - - - - 24th April 2024

*Coming into force* - - 30th April 2024

The Secretary of State makes the following Regulations in exercise of the powers conferred by Articles 54(3) and 144(6) of, and paragraph 3(2) of Annex 6 to, [Regulation \(EU\) 2017/625](#) of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products (“the Official Controls Regulation”)(<sup>1</sup>) and sections 14(1) and 22 of, and paragraph 7 of Schedule 4 and paragraphs 21 and 38 of Schedule 7 to, the European Union (Withdrawal) Act 2018(<sup>2</sup>) (“the 2018 Act”).

In accordance with Article 3(2B)(b) of the Official Controls Regulation(<sup>3</sup>), the Scottish Ministers and the Welsh Ministers, in relation to the application of Part 3 of these Regulations to Scotland and Wales, have consented to the Secretary of State making these Regulations.

In accordance with Article 144(7) of the Official Controls Regulation, the Secretary of State has consulted such bodies or persons as appear to the Secretary of State to be representative of the interests likely to be substantially affected by Part 3 of these Regulations and such other bodies or persons as the Secretary of State considers appropriate.

In accordance with paragraph 10 of Schedule 4 to the 2018 Act, the Treasury consent to the making of these Regulations.

In accordance with paragraph 12(1) of Schedule 7 to the 2018 Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

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(1) EUR 2017/625; relevant amending instrument is [2020/1481](#).

(2) [2018 c. 16](#). The Secretary of State is an “appropriate authority”. Paragraph 7 of Schedule 4 was amended by paragraph 8(12) of Schedule 2 to the Retained EU Law (Revocation and Reform) Act [2023 \(c. 28\)](#). The meaning of “appropriate authority” in paragraph 8 of Schedule 4 was amended by paragraph 47(5) of Schedule 5 to, the European Union (Withdrawal) Agreement) Act [2020 \(c. 1\)](#). Paragraph 21 of Schedule 7 was amended by paragraph 53 of Schedule 5 to the European Union (Withdrawal) Agreement) Act 2020 and paragraph 8(14)(b) of Schedule 2 to the Retained EU Law (Revocation and Reform) Act 2023. Paragraph 38 of Schedule 7 is cited because it allows the combination of instruments subject to different Parliamentary procedures.

(3) Article 3(2B) was inserted by [S.I 2020/1481](#).

## PART 1

### General

#### Citation, commencement and extent

1.—(1) These Regulations may be cited as the Plant Health (Fees) (England) and Official Controls (Frequency of Checks) (Amendment) Regulations 2024.

(2) They come into force on 30th April 2024.

(3) They extend to England and Wales, and Scotland, except for Part 2, which extends to England and Wales only.

## PART 2

### Amendments relating to fees

#### Amendment of the Plant Health (Fees) (Forestry) (England and Scotland) Regulations 2015

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

(2) In the table in Schedule 1 (fees in connection with a plant passport authority), in the first row of the first column (type of inspection), for “Physical inspection” substitute “Inspection”.

#### Amendment of the Plant Health etc. (Fees) (England) Regulations 2018

3.—(1) The Plant Health etc. (Fees) (England) Regulations 2018(5) are amended as follows.

(2) In regulation 3 (import inspection fees)—

(a) for paragraph (2) substitute—

“(2) The fee payable by the importer of a third country consignment in respect of a documentary check of each phytosanitary certificate or phytosanitary certificate for re-export accompanying the consignment is—

(a) in the case of a consignment originating in Liechtenstein containing any plants or plant products falling within the table in Schedule 2B and also within the Schedule to the Official Controls (Plant Health) (Frequency of Checks) Regulations 2022(6), £5.25;

(b) in the case of a consignment to which sub-paragraph (a) does not apply, originating in an EU Member State, Liechtenstein or Switzerland and containing only plants or plant products falling within the table in Schedule 2B, £0.15;

(c) in any other case, £5.25.”;

(b) for paragraph (2E) substitute—

“(2E) No fee is payable under paragraph (2A) in respect of—

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(4) S.I. 2015/350; amended by S.I. 2021/660 and S.S.I. 2023/377. There are other amending instruments but none is relevant.

(5) S.I. 2018/289; amended by S.I. 2022/836. There are other amending instruments but none is relevant.

(6) S.I. 2022/739; amended by S.I. 2023/959.

- (a) any consignment originating in an EU Member State, Liechtenstein or Switzerland introduced into England through a relevant port before 31st October 2024; or
  - (b) any plants listed in the table in Schedule 2A to the Plant Health (Amendment etc.) (EU Exit) Regulations 2020 contained in any consignment originating in an EU Member State, Liechtenstein or Switzerland, introduced into England before 31st October 2024.
- (2EA) Paragraph (2E) does not apply to any goods—
- (a) contained in a consignment originating in Liechtenstein; and
  - (b) falling within the Schedule to the Official Controls (Plant Health) (Frequency of Checks) Regulations 2022.”;
- (c) in paragraph (2G), in the words before sub-paragraph (a), for “, the table and Schedule 2A” substitute “and the table”;
- (d) in paragraph (3)—
- (i) after sub-paragraph (d), insert—
    - “(da) “relevant port” means any of the following seaports—
    - (i) Barrow;
    - (ii) Ellesmere Port;
    - (iii) Garston;
    - (iv) Heysham;
    - (v) Lancaster;
    - (vi) Liverpool;
    - (vii) Mersey Wharf;
    - (viii) Royal Portbury (Bristol);
    - (ix) Seaforth Grain Terminal;
    - (x) Silloth;
    - (xi) Workington;”;
  - (ii) omit sub-paragraph (g).
- (3) For Schedule 1 (import inspection fees), substitute—

“SCHEDULE 1

Regulation 3(2A) and (2C)

Import inspection fees

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Category and description of plant, plant product or other object</i>	<i>Country of origin</i>	<i>Fee: Physical check (£)</i>	<i>Fee: Identity check (£)</i>
<b>Bulbs, corms, rhizomes, tubers (other than tubers of potatoes), onions, shallots, garlic, leeks and other alliaceous vegetables, dormant, not in substrate</b>			

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Category and description of plant, plant product or other object</i>	<i>Country of origin</i>	<i>Fee: Physical check (£)</i>	<i>Fee: Identity check (£)</i>
All genera intended for planting, other than commercial flower production, and not intended for final users <sup>(1)</sup>	Any third country	205.04	5.25
All genera intended for planting, and intended for commercial flower production, or for final users	Any third country	20.50	0.52
<b>Cuttings, seedlings intended for planting, not specified or included anywhere else in this table</b>			
All genera	Any third country	32.15	1.57
<b>Plants for planting</b>			
Woody plants <sup>(2)</sup> (other than specified or included elsewhere in this table), intended for planting and intended for final users <sup>(1)</sup> . All genera	Any third country	32.15	1.57
Non-woody plants <sup>(3)</sup> (other than specified or included elsewhere in this table), intended for planting. All genera	Any third country	32.15	1.57
Indoor plants <sup>(4)</sup> . All genera	Any third country	32.15	1.57
Other plants (other than specified or included elsewhere in this table), intended for planting. All genera	Any third country	32.15	1.57
<b>Cut flowers</b>			
Dendranthema (DC.) Des Moul. (Chrysanthemum L.)	Any EU Member State, Liechtenstein or Switzerland	1.28	0.15
	Colombia or Ecuador	21.37	2.62
	Any third country other than an EU Member State, Colombia, Ecuador, Liechtenstein or Switzerland	2.13	0.26
Eryngium Tournier ex Linnaeus.	Any third country other than an EU Member State, European third country, Liechtenstein or Switzerland	4.27	0.52
Lisianthus L.	Any third country other than an EU Member State, European third	4.27	0.52

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Category and description of plant, plant product or other object</i>	<i>Country of origin</i>	<i>Fee: Physical check (£)</i>	<i>Fee: Identity check (£)</i>
	country, Liechtenstein or Switzerland		
Rosa L.	Colombia or Ecuador	1.28	0.15
	Canada, India, Mexico or the USA	21.37	2.62
	Any third country other than an EU Member State, Canada, Colombia, Ecuador, India, Liechtenstein, Mexico, Switzerland or the USA	2.13	0.26
Solidago L.	Any EU Member State, Liechtenstein or Switzerland	1.28	0.15
	Any third country other than an EU Member State, Liechtenstein or Switzerland	4.27	0.52
Other genera not specified or included elsewhere in this table	Any EU Member State, Liechtenstein or Switzerland	1.28	0.15
	Any third country other than an EU Member State, Liechtenstein or Switzerland	2.13	0.26
<b>Branches with foliage, parts of Conifers (other than bark or cut Christmas trees)</b>			
All genera	Any EU Member State, Liechtenstein or Switzerland	1.01	0.15
	Any third country other than an EU Member State, Liechtenstein or Switzerland	1.69	0.26
<b>Fruit, vegetables, leaves</b>			
Momordica L.	Any EU Member State, Liechtenstein or Switzerland	1.59	0.15
	Any third country other than an EU Member	26.55	2.62

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Category and description of plant, plant product or other object</i>	<i>Country of origin</i>	<i>Fee: Physical check (£)</i>	<i>Fee: Identity check (£)</i>
Ocimum L.	State, Liechtenstein or Switzerland		
	Any EU Member State, Liechtenstein or Switzerland	2.15	0.15
	Any third country other than an EU Member State, Liechtenstein or Switzerland	35.84	2.62
Solanaceae Juss. (other than Solanum tuberosum L. Solanum lycopersicum L, Solanum melongena L. and Capsicum sp.)	Any EU Member State, Liechtenstein or Switzerland	1.59	0.15
	Any third country other than an EU Member State, Liechtenstein or Switzerland	26.55	2.62
Solanum lycopersicum L.	Any EU Member State, Liechtenstein or Switzerland	1.59	0.15
	Morocco	2.65	0.26
	Canary Islands	13.27	1.31
	Any third country other than the Canary Islands, an EU Member State, Liechtenstein, Morocco or Switzerland	53.10	5.25
Solanum melongena L.	Any EU Member State, Liechtenstein or Switzerland	1.59	0.15
	Turkey	15.93	1.57
	Any third country other than an EU Member State, Liechtenstein, Switzerland or Turkey	26.55	2.62
Capsicum	Any EU Member State, Liechtenstein or Switzerland	1.59	0.15
	Any third country other than an EU Member State, Liechtenstein or Switzerland	53.10	5.25

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Category and description of plant, plant product or other object</i>	<i>Country of origin</i>	<i>Fee: Physical check (£)</i>	<i>Fee: Identity check (£)</i>
Zea mays	Any EU Member State, Liechtenstein or Switzerland	1.59	0.15
	Any third country other than an EU Member State, Liechtenstein or Switzerland	53.10	5.25
Ipomoea batatas	Any EU Member State, Liechtenstein or Switzerland	1.59	0.15
	Any third country other than Cameroon, an EU Member State, Liechtenstein or Switzerland	2.65	0.26
	Cameroon	53.10	5.25
Persea americana	Any EU Member State, Liechtenstein or Switzerland	1.59	0.15
	Any third country other than an EU Member State, Liechtenstein or Switzerland	2.65	0.26
Vitis	Any EU Member State, Liechtenstein or Switzerland	1.59	0.15
	Any third country other than an EU Member State, Liechtenstein or Switzerland	2.65	0.26
Malus	Any EU Member State, Liechtenstein or Switzerland	1.59	0.15
	European third countries <sup>(5)</sup>	7.96	0.78
	Argentina	18.58	1.83
	Chile	2.65	0.26
	New Zealand	5.31	0.52
	South Africa	7.96	0.78
	Any third country other than Argentina, Chile, an EU Member	53.10	5.25

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Category and description of plant, plant product or other object</i>	<i>Country of origin</i>	<i>Fee: Physical check (£)</i>	<i>Fee: Identity check (£)</i>
Pyrus	State, Liechtenstein, New Zealand, South Africa, Switzerland or European Third countries <sup>(5)</sup>		
	Any EU Member State, Liechtenstein or Switzerland	1.59	0.15
	Argentina	13.27	1.31
	Chile	7.96	0.78
	South Africa	5.31	0.52
Fragaria	Any third country other than Argentina, Chile, an EU Member State, Liechtenstein, South Africa or Switzerland	53.10	5.25
	Any EU Member State, Liechtenstein or Switzerland	1.59	0.15
Rubus	Any third country other than an EU Member State, Liechtenstein or Switzerland	2.65	0.26
	Any EU Member State, Liechtenstein or Switzerland	1.59	0.15
Vaccinium	Any third country other than an EU Member State, Liechtenstein or Switzerland	2.65	0.26
	Any EU Member State, Liechtenstein or Switzerland	1.59	0.15
	European third countries <sup>(5)</sup>	26.55	2.62
	Argentina	13.27	1.31
	Chile	5.31	0.52
	Peru	5.31	0.52
	Any third country other than Argentina, Chile, an EU Member State, Liechtenstein, Peru,	53.10	5.25



<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Category and description of plant, plant product or other object</i>	<i>Country of origin</i>	<i>Fee: Physical check (£)</i>	<i>Fee: Identity check (£)</i>
	Switzerland or European third countries <sup>(5)</sup>		
Zingiber officinale	Any EU Member State, Liechtenstein or Switzerland	1.59	0.15
	Any third country other than Cameroon, an EU Member State, Liechtenstein or Switzerland	2.65	0.26
Asparagus officinalis	Cameroon	53.10	5.25
	Any EU Member State, Liechtenstein or Switzerland	1.59	0.15
	Any third country other than an EU Member State, Liechtenstein or Switzerland	53.10	5.25
Other genera or species of fruit or vegetables not specified or included elsewhere in this table	Any EU Member State, Liechtenstein or Switzerland	1.59	0.15
	Any third country other than an EU Member State, Liechtenstein or Switzerland	2.65	0.26
Other leaves not specified or included elsewhere in this table	Any EU Member State, Liechtenstein or Switzerland	2.15	0.15
	Any third country other than an EU Member State, Liechtenstein or Switzerland	3.58	0.26
<b>Seeds (for sowing), tissue cultures</b>			
All genera, for trials or testing	Any third country	12.81	0.52
Brassicaceae (other than for trials or testing)	Argentina, Australia, Bolivia, Brazil, Chile, New Zealand or Uruguay	128.13	5.25
Capsicum spp. L. (other than for trials or testing)	Any third country	128.13	5.25

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Category and description of plant, plant product or other object</i>	<i>Country of origin</i>	<i>Fee: Physical check (£)</i>	<i>Fee: Identity check (£)</i>
Poaceae (other than for trials or testing)	Argentina, Australia, Bolivia, Brazil, Chile, New Zealand or Uruguay	128.13	5.25
Solanum lycopersicum L. (other than for trials or testing)	Any third country	128.13	5.25
Solanum tuberosum L. (True seed) (other than for trials or testing)	Any third country	128.13	5.25
Trifolium spp. (other than for trials or testing)	Argentina, Australia, Bolivia, Brazil, Chile, New Zealand or Uruguay	128.13	5.25
Other genera or species not specified or included elsewhere in this table	Any third country	6.40	0.26
<b>Grain (other than seeds for sowing)</b>			
Secale L.	Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa or the USA	142.98	5.25
Triticum L.	Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa or the USA	142.98	5.25
X Triticosecale Wittm. ex A. Camus	Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa or the USA	142.98	5.25
<b>Tubers of potatoes</b>			
Solanum tuberosum L. (seed potatoes)	Any third country	156.69	5.25
Solanum tuberosum L. (ware potatoes)	Egypt, Poland, Portugal or Romania	78.34	2.62
	Spain	156.69	5.25
	Any third country other than Egypt, Poland, Portugal, Romania or Spain	4.70	0.15
<b>Cut Christmas trees (less than 3 metres in height)</b>			
All genera	Any EU Member State, Liechtenstein or Switzerland	3.58	0.15
	Any third country other than an EU Member	5.98	0.26

Column 1	Column 2	Column 3	Column 4
Category and description of plant, plant product or other object	Country of origin	Fee: Physical check (£)	Fee: Identity check (£)
	State, Liechtenstein or Switzerland		
<b>Machinery or vehicles which have been operated for agricultural or forestry purposes</b>	Any third country	5.98	0.26”.

- (1) “Intended for final users” means intended, by evidence from the packaging, labelling or by other means, for direct supply to final users.
- (2) “Woody plants” means plants which have a woody or partly woody stem, and includes all trees, forest reproductive material (other than seed), shrubs and palms, and those vines and perennial herbs with woody or partly woody stems; and for this purpose “perennial herbs” means herbs for which the average life exceeds two years.
- (3) “Non-woody plants” means plants that are not woody plants.
- (4) “Indoor plants” means plants which appear from their packaging or labelling or by other means to be intended for direct supply to final users for indoor use or use in aquaria.
- (5) “European third countries” means Albania, Andorra, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Canary Islands, Faeroe Islands, Georgia, Iceland, Moldova, Monaco, Montenegro, North Macedonia, Norway, Russia (only the following parts: Central Federal District (Tsentralny federalny okrug), Northwestern Federal District (Severo-Zapadny federalny okrug), Southern Federal District (Yuzhny federalny okrug), North Caucasian Federal District (Severo-Kavkazsky federalny okrug) and Volga Federal District (Privolzhsky federalny okrug)), San Marino, Serbia, Turkey and Ukraine.

(4) Omit Schedule 2A (list of plants and plant products from EU Member States, Liechtenstein and Switzerland subject to fees for physical and identity checks).

(5) Before Schedule 3, insert—

“SCHEDULE 2B

Regulation 3(2)(a)

Category and description of plant or plant product
<b>Cut Flowers</b>
<i>Dendranthema</i> (DC.) Des Moul. ( <i>Chrysanthemum</i> L.)
<i>Rosa</i> L.
<i>Solidago</i> L.
Other genera not specified or included <i>elsewhere in this table</i>
<b>Branches with foliage, parts of Conifers (other than bark or cut Christmas trees)</b>
<i>All genera</i>
<b>Fruit, vegetables, leaves</b>
<i>Momordica</i> L.
<i>Ocimum</i> L.
<i>Solanaceae</i> Juss. (other than <i>Solanum tuberosum</i> L.)
<i>Solanum melongena</i> L.
<i>Other genera or species of fruit or vegetables not specified or included elsewhere in this table</i>
<i>Other leaves not specified or included elsewhere in this table</i>
<b>Cut Christmas trees (less than 3 metres in height)</b>
<i>All genera”</i>

## PART 3

### Amendments relating to frequency of checks

#### Amendment of Regulation (EU) 2017/625

4.—(1) Annex 6 of Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products (application, derogations and modifications etc.) is amended as follows.

(2) In paragraph 2, in the definition of “appropriate frequency rate”—

- (a) in point (a), for “specified in point (b)” substitute “to which point (b) applies”;
- (b) in point (b), for the words beginning with “specified in” and ending with “2020”, substitute “as referred to in the lists established pursuant to Article 72(1) of Regulation (EU) 2016/2031 that originate in a relevant third country, except where the goods are excluded goods”;

(c) after the definition of “appropriate frequency rate” insert—

““excluded goods” means plants, plant products or other objects that originate in an EU Member State, Liechtenstein or Switzerland—

- (a) as referred to in the lists established pursuant to Article 72(1) of Regulation (EU) 2016/2031, which enter Great Britain through a relevant port before 31st October 2024; or
- (b) that are listed in the table in Schedule 2A to the Plant Health (Amendment etc.) (EU Exit) Regulations 2020 that enter Great Britain before 31st October 2024.”;

(d) after the definition of “relevant goods”, insert—

““relevant port” means any of the following seaports—

- (a) Ayr;
- (b) Barrow;
- (c) Barry;
- (d) Cardiff;
- (e) Cairnryan;
- (f) Ellesmere Port;
- (g) Fishguard;
- (h) Garston;
- (i) Greenock;
- (j) Heysham
- (k) Holyhead;
- (l) Lancaster;
- (m) Liverpool;
- (n) Mersey Wharf;
- (o) Newport;
- (p) Pembroke;
- (q) Port Talbot;

- (r) Royal Portbury (Bristol);
  - (s) Seaforth Grain Terminal;
  - (t) Silloth;
  - (u) Workington.”.
- (3) In paragraph 5—
- (a) in the inserted paragraph 1C, for the words beginning with “specified in” and ending with “2020”, substitute “as referred to in the lists established pursuant to Article 72(1) of [Regulation \(EU\) 2016/2031](#)”;
  - (b) after the inserted paragraph 1C, insert—
    - “1D. Paragraph 1C does not apply in respect of excluded goods.”.
- (4) In paragraph 5B—
- (a) in the inserted paragraph 2A, for the words beginning with “specified in” and ending with “2020”, substitute “as referred to in the lists established pursuant to Article 72(1) of [Regulation \(EU\) 2016/2031](#)”;
  - (b) after the inserted paragraph 2A, insert—
    - “2B. Paragraph 2A does not apply in respect of excluded goods.”.
- (5) After paragraph 5B insert—
  - “5C. In Article 45(1), after “Article 44(1)” insert “or (1C)”.

#### **Amendment of the Official Controls (Plant Health) (Frequency of Checks) Regulations 2022**

5.—(1) Regulation 3 of the Official Controls (Plant Health) (Frequency of Checks) Regulations 2022 (frequency rate of physical checks and identity checks) is amended as follows—

- (2) In paragraph (1)—
- (a) after “Annex 11” insert “that originate in the third country in the corresponding entry in column (3) of the table in that Part”;
  - (b) omit the words from “which” to the end;
- (3) After paragraph (1) insert—
  - “(1A) Paragraph (1) does not apply to plants, plant products or other objects—
    - (a) that originate in an EU Member State, Liechtenstein or Switzerland;
    - (b) are imported into Great Britain before 31st October 2024;
    - (c) are either—
      - (i) imported through a relevant port; or
      - (ii) listed in the table in Schedule 2A to the Plant Health (Amendment etc.) (EU Exit) Regulations 2020; and
    - (d) if originating in Liechtenstein, do not fall within the Schedule.”.
- (4) In paragraph (7)—
- (a) after the definition of “indoor plant”, insert—
    - “relevant port” means any of the following seaports—
      - (a) Ayr;
      - (b) Barrow;
      - (c) Barry;

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- (d) Cairnryan;
- (e) Cardiff;
- (f) Ellesmere Port;
- (g) Fishguard;
- (h) Garston;
- (i) Greenock;
- (j) Heysham;
- (k) Holyhead;
- (l) Lancaster;
- (m) Liverpool;
- (n) Mersey Wharf;
- (o) Newport;
- (p) Pembroke;
- (q) Port Talbot;
- (r) Royal Portbury (Bristol);
- (s) Seaforth Grain Terminal;
- (t) Silloth;
- (u) Workington.”;

(b) omit the definition of “relevant third country”.

24th April 2024

We consent

23rd April 2024

*Douglas-Miller*  
Parliamentary under Secretary of State  
Department for Environment, Food and Rural  
Affairs

*Amanda Milling*  
*Joy Morrissey*  
Two of the Lords Commissioners of His  
Majesty’s Treasury

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## EXPLANATORY NOTE

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

These Regulations amend:

- Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products (“the Official Controls Regulation”);
- the Plant Health (Fees) (Forestry) (England and Scotland) Regulations 2015 (S.I. 2015/350) (“the 2015 Regulations”);
- the Plant Health etc. (Fees) (England) Regulations 2018 (S.I. 2018/289) (“the 2018 Regulations”); and
- the Official Controls (Plant Health) (Frequency of Checks) Regulations 2022 (S.I. 2022/739) (“the 2022 Regulations”).

Part 2 makes amendments relating to fees for certain inspections and checks of plants, plant products or other objects.

Regulation 2 amends the 2015 Regulations. Regulation 2(2) corrects the type of inspection for which a fee is chargeable in relation to England under those Regulations.

Regulation 3 amends the 2018 Regulations. Regulation 3(2) amends the fees for documentary checks relating to certain plants, plant products and other objects originating in an EU Member State, Liechtenstein or Switzerland. It also provides that no fee is payable for physical and identity checks relating to certain goods from EU Member States, Liechtenstein and Switzerland and provides exceptions to that rule.

Regulation 3(3) inserts a table of certain plants, plant products and other objects to which the fees amended by regulation 3(2)(b) relate. The table updates and corrects the import inspection fee for *Solanum lycopersicum* from Morocco and the Canary Islands.

Part 3 makes amendments relating to the frequency of checks of plants, plant products and other objects.

Regulation 4 amends Annex 6 of the Official Controls Regulation. Regulation 4(2) amends the definition of “appropriate frequency rate” for certain plants, plant products and other objects. Regulation 4(3) and (4) expands the scope of Article 44 so that it covers certain additional plants, plant products and other objects from “relevant third countries” (as defined): regulation 4(3) makes provision in relation to the frequency rate for checks of certain plants, plant products and other objects entering Great Britain from relevant third countries; regulation 4(4) makes an exception to the rule in Article 44(2A) of the Official Controls Regulation for certain consignments entering through a “relevant port” (various West Coast ports, as defined). Regulation 4(5) expands the scope of Article 45 for certain checks for certain plants, plant products and other objects entering Great Britain.

Regulation 5 expands the scope of regulation 3 of the 2022 Regulations so that it covers certain additional plants, plant products and other objects from relevant third countries. It further disapplies the rules as to frequency rates for certain checks under regulation 3 of those Regulations for certain consignments originating in an EU Member State, Liechtenstein or Switzerland.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.