

SCOTTISH STATUTORY INSTRUMENTS

2020 No. 148

SEEDS

The Seed (Fees) (Scotland) Amendment Regulations 2020

Made - - - - - 13th May 2020
Laid before the Scottish Parliament - - - - - 15th May 2020
Coming into force - - - - - 1st July 2020

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 16(1), (1A), (3)(i) and 36 of the Plant Varieties and Seeds Act 1964(1) and all other powers enabling them to do so.

In accordance with section 16(1) of that Act, they have consulted with representatives of such interests as appear to them to be concerned.

Citation and commencement

1. These Regulations may be cited as the Seed (Fees) (Scotland) Amendment Regulations 2020 and come into force on 1 July 2020.

Amendment of the Seed (Fees) (Scotland) Regulations 2018

2.—(1) The Seed (Fees) (Scotland) Regulations 2018(2) are amended as follows.

(2) For schedule 1 (fees for matters relating to the seed marketing regulations) substitute—

“SCHEDULE 1

Regulation 3

FEES FOR MATTERS RELATING TO THE SEED MARKETING REGULATIONS

| <i>Matter</i> | <i>Fee (£)</i> |
|---|----------------|
| A. Initial Fees | |
| (i) initial fee per hectare or part thereof, except where sub-paragraph (ii) applies, for | |

(1) 1964 c.14. Section 16(1) was amended by the European Communities Act 1972 (c.68) (“the 1972 Act”), section 4(1) and schedule 4, paragraph 5(1) and (2). Section 16(1A) was inserted by the 1972 Act, section 4(1) and schedule 4, paragraph 5(1) and (2). See section 38(1) for the definition of “the Minister”. The functions of the Secretary of State, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(2) S.S.I. 2018/152.

Status: This is the original version (as it was originally made).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

| <i>Matter</i> | <i>Fee (£)</i> |
|--|---|
| applications in respect of crops intended to produce:— | |
| (a) Pre-basic Seed or Basic Seed. | 26.71 (online applications) 31.03 (other applications) |
| (b) Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation or Certified Seed of the Third Generation. | 3.85 (online applications) 4.46 (other applications) |
| (ii) Reduced initial fee per hectare or part thereof for applications referred to in sub-paragraph (i) (a) or (b) which are withdrawn before arrangements have been made for the purposes of an official examination. | 2.88 |
| (iii) Late application fee per crop payable in addition to initial fee under sub-paragraph (i) (a) or (b) where the application is not made by the date for enabling arrangements to be made for an official examination of a crop grown to produce seed of a species to which any instrument comprising the Seed Marketing Regulations applies. | 30.41 |
| B. Crop inspection fees | |
| (i) Fee for the official examination of crops other than a hybrid of swede rape intended to produce Pre-basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation or Certified Seed of the Third Generation, per hectare or part thereof examined. | 21.29 |
| (ii) Fee for the official field inspection of a hybrid of swede rape, per hectare or part thereof examined. | 63.87 |
| (iii) Fee for the further official examination of crops intended to produce Pre-basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation or Certified Seed of the Third Generation, per hectare or part thereof examined, except:— | 21.29 |
| (a) further official examination of crops for wild oats, per hectare or part thereof examined. | 9.80 |
| (b) further official examination of crops in respect of isolation distance, per hectare or part thereof examined. | 3.84 |

| <i>Matter</i> | <i>Fee (£)</i> |
|---|---|
| (c) further official examination of crops which have been lodged, per hectare or part thereof examined. | 8.66 |
| (iv) Fee for the authentication of seed lot sown (where this has not been carried out at crop inspection), per crop. | 8.66 |
| (v) Fee for the official examination of crops where there has been an official post control the results of which have been unsatisfactory, per hectare or part thereof examined. | 21.29 |
| (vi) Fee payable in addition to fee under subparagraphs (i) to (v) above where arrangements have been made for an official examination to be carried out by a licensed crop inspector and the applicant subsequently requests that the examination be carried out instead by the Scottish Ministers. | 30.41 |
| C. Seed lot fees | |
| Fee for issuing an official certificate or a breeder's confirmation (other than in the circumstances described under paragraph D below) in respect of a seed lot certifying the seed to be:— | |
| (i) of a multiplication category. | 80.75 (online applications) 93.59 (other applications) |
| (ii) of a final generation category. | 31.35 (online applications) 36.33 (other applications) |
| D. Seed lot re-entry fee | |
| Fee for issuing an official certificate or a breeder's confirmation in respect of a seed lot where, following an application for certification of the seed to be within one particular category, that application has been withdrawn and a new application has been submitted for certification of the seed within another category, as follows:— | |
| (i) Pre-basic Seed, Basic Seed, Certified Seed or Certified Seed of the First Generation. | 38.53 |
| (ii) Certified Seed of the Second Generation or Certified Seed of the Third Generation. | 19.20 |
| E. Sampling fees | |
| Fee per seed lot for the sampling or re-sampling of a seed lot for the purposes of an official examination, and for sampling or re-sampling imported seed intended for further multiplication. | 56.75 |

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| <i>Matter</i> | <i>Fee (£)</i> |
|---|----------------|
| F. Official label fees | |
| Fee per seed lot for the issue and printing of a:— | |
| (i) tear resistant label for Pre-basic Seed, seeds for export or seeds following the issue of a breeder's confirmation. | 45.87 |
| (ii) self-adhesive label for Pre-basic Seed, seeds for export or seeds following the issue of a breeder's confirmation. | 31.71 |
| G. OECD Certificate | |
| Fee per certificate for issuing an Organisation for Economic Co-operation and Development (OECD) Certificate. | 28.31 |
| H. Higher Voluntary Standards (HVS) | |
| Fee per seed lot for verification that a seed lot meets the applicable Higher Voluntary Standards (HVS). | 7.93". |

(3) For schedule 2 (fees for matters relating to the 2016 Regulations) substitute—

“SCHEDULE 2

Regulation 4

FEES FOR MATTERS RELATING TO THE 2016 REGULATIONS

| <i>Matter</i> | <i>When payable</i> | <i>Fee (£)</i> |
|---|--|----------------|
| A. Representations by, and hearings of, a licensed professional seed operator, licensed crop inspector, licensed seed sampler or personnel pertaining to a licensed seed testing station | | |
| (i) Fee for making written representations to the Scottish Ministers. | On making representations. | 37.77 |
| (ii) Fee for being heard by a person appointed by the Scottish Ministers. | On applying to be heard. | 75.59 |
| B. Licensed seed testing stations | | |
| (i) Annual fee payable during the currency of the licence (or a proportion thereof in respect of a part of a year). | Within one month of demand by or on behalf of the Scottish Ministers, annually in advance. | 1547.00 |
| (ii) Fee payable by a licensed seed testing station in respect of an official examination of seed. | Within one month of demand by or on behalf of the Scottish Ministers, annually in arrears. | 8.24 |
| C. Cereal crop inspection courses and examination | | |
| Fee for:— | Within one month of demand by or on behalf of the Scottish Ministers. | |

| <i>Matter</i> | <i>When payable</i> | <i>Fee (£)</i> |
|---|---|----------------|
| (i) Cereal crop inspection course | | 699.83 |
| (ii) Initial examination and compulsory retest— | | |
| (a) all 3 species groups. | | 109.50 |
| (b) 2 species. | | 80.62 |
| (c) 1 species only. | | 40.32 |
| D. Seed sampling courses and examination | | |
| Fee for:— | Within one month of demand by or on behalf of the Scottish Ministers. | |
| (i) Tuition and examination for seed samplers licence (administrative and sampling elements). | | 469.95 |
| (ii) Tuition and examination for seed samplers licence (administrative element only). | | 140.98 |
| (iii) Re-examination fee for seed samplers licence with sampling function enabled. | | 41.10 |
| (iv) Re-examination fee for seed samplers licence with sampling function not enabled. | | 11.78 |
| E. Seed analyst courses and examination | | |
| Fee for:— | Within one month of demand by or on behalf of the Scottish Ministers. | |
| (i) Laboratory management course registration. | | 1146.05 |
| (ii) Laboratory management course attendance and examination (per day or part thereof). | | 432.00 |
| (iii) Analyst course registration. | | 1896.81 |
| (iv) Analyst course registration – additional and retake divisions (per division). | | 184.55 |

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| <i>Matter</i> | <i>When payable</i> | <i>Fee (£)</i> |
|--|---------------------|----------------|
| (v) Analyst course attendance (per day or part thereof. Number of days depends on division). | | 432.00 |
| (vi) Analyst course examination (per day or part thereof). | | 432.00 |
| (vii) Tetrazolium testing course attendance (per day or part thereof). | | 446.68 |
| (viii) Tetrazolium testing course examination (per day or part thereof). | | 446.68". |

St Andrew's House,
Edinburgh
13th May 2020

MAIRI GOUGEON
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Seed (Fees) Scotland Regulations 2018 (“the Principal Regulations”), which prescribe fees for matters relating to:

- the Vegetable Seeds Regulations 1993, the Oil and Fibre Plant Seed (Scotland) Regulations 2004, the Cereal Seed (Scotland) Regulations 2005, the Fodder Plant Seed (Scotland) Regulations 2005 and the Beet Seed (Scotland) (No. 2) Regulations 2010; and
- the Seed (Licensing and Enforcement etc.) (Scotland) Regulations 2016.

Regulation 2(2) amends schedule 1 of the Principal Regulations (fees for matters relating to the seed marketing regulations).

Regulation 2(3) amends schedule 2 of the Principal Regulations (fees for matters relating to the 2016 Regulations).

The changes to the fees in schedules 1 and 2 of the Principal Regulations are as follows:

| | <i>Current Fee (£)</i> | <i>New Fee (£)</i> |
|---|---|---|
| SCHEDULE 1 | | |
| A. Initial fees | | |
| (i) Initial fee per hectare or part thereof, except where sub-paragraph (ii) applies, for crops intended to produce:— | | |
| (a) Pre-Basic Seed or Basic Seed. | 28.12 (online applications) 31.03 (other applications) | 26.71 (online applications) 31.03 (other applications) |
| (b) Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation or Certified Seed of the Third Generation | 4.05 (online applications) 4.46 (other applications) | 3.85 (online applications) 4.46 (other applications) |
| (ii) Reduced initial fee per hectare or part thereof for applications referred to in sub-paragraph (i) (a) or (b) which are withdrawn before arrangements have been made for the purposes of an official examination. | 2.88 | 2.88 |

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| | Current Fee (£) | New Fee (£) |
|--|------------------------|--------------------|
| (iii) Late application fee per crop payable in addition to initial fee under subparagraph (i)(a) or (b). | 30.41 | 30.41 |
| B. Crop inspection fees | | |
| (i) Official examination of crops other than a hybrid of swede rape (per hectare or part thereof). | 19.71 | 21.29 |
| (ii) Official field inspection of a hybrid of swede rape, (per hectare or part thereof). | 59.14 | 63.87 |
| (iii) Further official examination of crops (per hectare or part thereof) except:— | 19.71 | 21.29 |
| (a) further official examination of crops for wild oats. | 9.07 | 9.80 |
| (b) further official examination of crops in respect of isolation distance. | 3.56 | 3.84 |
| (c) further official examination of crops which have been lodged. | 8.02 | 8.66 |
| (iv) Authentication of seed lot sown (per crop). | 8.02 | 8.66 |
| (v) Official examination of crops following an unsatisfactory official post control(per hectare or part thereof). | 19.71 | 21.29 |
| (vi) Additional fee payable for official examinations to be carried out by Scottish Ministers instead of licensed crop inspectors. | 30.41 | 30.41 |
| C. Seed lot fees | | |
| Issuing an official certificate or a breeder's confirmation | | |

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| | Current Fee (£) | New Fee (£) |
|---|---|---|
| (except where paragraph D applies) in respect of a seed lot certifying the seed to be:— | | |
| (i) of a multiplication category. | 80.75 (online application) 89.13 (other applications) | 80.75 (online application) 93.59 (other applications) |
| (ii) of a final generation category. | 31.35 (online applications) 34.60 (other applications) | 31.35 (online applications) 36.33 (other applications) |
| D. Seed lot re-entry fee | | |
| Issuing an official certificate or a breeder's confirmation in respect of a seed lot where, following an application for certification of the seed to be within one particular category, that application has been withdrawn and a new application has been submitted for certification of the seed within another category, as follows:— | | |
| (i) Pre-Basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation. | 36.70 | 38.53 |
| (ii) Certified Seed of the Second Generation or Certified Seed of the Third Generation. | 18.29 | 19.20 |
| E. Sampling fees | | |
| Sampling or re-sampling of a seed lot for the purposes of an official examination, and for sampling or re-sampling imported Seed intended for further multiplication. | 52.55 | 56.75 |
| F. Official label fees | | |
| Fee per seed lot for the issue and printing of a:— | | |
| (i) tear resistant label for breeder's confirmation seed, Pre-Basic Seed or seed for export. | 42.47 | 45.87 |
| (ii) self-adhesive label for breeder's confirmation | 29.36 | 31.71 |

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| | Current Fee (£) | New Fee (£) |
|---|------------------------|--------------------|
| seed, Pre-Basic Seed or seed for export. | | |
| G. OECD certificate | | |
| Issuing an Organisation for Economic Co-operation and Development (OECD) Certificate. | 26.21 | 28.31 |
| H. Higher Voluntary Standards (HVS) | | |
| Verifying that a seed lot meets applicable HVS (per seed lot). | 7.34 | 7.93 |
| SCHEDULE 2 | | |
| A. Representations by, and hearings of, a licensed professional seed operator, licensed crop inspector, licensed seed sampler or personnel pertaining to a licensed seed testing station | | |
| (i) Fee for making written representations to the Scottish Ministers. | 34.97 | 37.77 |
| (ii) Fee for being heard by a person appointed by the Scottish Ministers. | 69.99 | 75.59 |
| B. Licensed seed testing stations | | |
| (i) Annual fee payable during the currency of the licence (or a proportion thereof in respect of a part of a year). | 1699.50 | 1547.00 |
| (ii) Fee payable by a licensed seed testing station in respect of an official examination of seed. | 7.63 | 8.24 |
| C. Cereal crop inspection courses and examination | | |
| (i) Cereal crop inspection course. | 647.99 | 699.83 |
| (ii) Initial examination and compulsory re-test:— | | |
| (a) all 3 species groups. | 101.39 | 109.50 |
| (b) 2 species. | 74.65 | 80.62 |
| (c) 1 species only. | 37.33 | 40.32 |
| D. Seed sampling courses and examination | | |
| (i) Tuition and examination for seed | 435.14 | 469.95 |

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| | Current Fee (£) | New Fee (£) |
|---|------------------------|--------------------|
| samplers licence (administrative and sampling elements). | | |
| (ii) Tuition and examination for seed samplers licence (administrative element only). | 130.54 | 140.98 |
| (iii) Re-examination fee for seed samplers licence (with sampling function enabled). | 38.06 | 41.10 |
| (iv) Re-examination fee for seed samplers licence (with sampling function not enabled). | 10.91 | 11.78 |
| E. Seed analyst courses and examination | | |
| (i) Laboratory management course registration. | 1146.05 | 1146.05 |
| (ii) Laboratory management course attendance and examination (per day or part thereof). | 432.00 | 432.00 |
| (iii) Analyst course registration. | 1896.81 | 1896.81 |
| (iv) Analyst course registration – additional and retake divisions (per division). | 184.55 | 184.55 |
| (v) Analyst course attendance (per day or part thereof). | 432.00 | 432.00 |
| (vi) Analyst course examination (per day or part thereof). | 432.00 | 432.00 |
| (vii) Tetrazolium testing course attendance (per day or part thereof). | 446.68 | 446.68 |
| (viii) Tetrazolium testing course examination (per day or part thereof). | 446.68 | 446.68 |

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A business and regulatory impact assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies of it may be obtained from the Scottish Government Agriculture and Rural Economy Directorate, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD and online at www.legislation.gov.uk.