
W E L S H S T A T U T O R Y
I N S T R U M E N T S

2021 No. 838 (W. 195)

**EXITING THE EUROPEAN
UNION, WALES**

PLANT HEALTH, WALES

**The Plant Health (Fees) (Forestry)
(Wales) (Amendment) (No. 2)
Regulations 2021**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by paragraph 7 of Schedule 4 to the European Union (Withdrawal) Act 2018 (c. 16) and amend the Plant Health (Fees) (Forestry) (Wales) Regulations 2019 (S.I. 2019/497 (W. 114)).

These Regulations provide for increases in the fees for services in relation to plant passport authorities and applications for phytosanitary certificates (including phytosanitary certificates for re-export) to reflect an inflationary rise in the cost of providing those services since the introduction of those fees. The fees relating to plant passport authorities have increased by 34% for the period between 2006 and 2020, while fees for export certification have increased by 40% for the period between 2004 and 2020 (based on the Consumer Price Index including owner occupiers' housing costs (CPIH)).

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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Regulations 2021**

Made 13 July 2021

Laid before Senedd Cymru 15 July 2021

Coming into force 5 August 2021

The Welsh Ministers make these Regulations in exercise of the powers conferred by paragraph 7 of Schedule 4 to the European Union (Withdrawal) Act 2018(1).

Title and commencement

1.—(1) The title of these Regulations is the Plant Health (Fees) (Forestry) (Wales) (Amendment) (No. 2) Regulations 2021.

(2) These Regulations come into force on 5 August 2021.

Amendment of the Plant Health (Fees) (Forestry) (Wales) Regulations 2019

2.—(1) The Plant Health (Fees) (Forestry) (Wales) Regulations 2019(2) are amended as follows.

(2) For Schedule 1 substitute—

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- (1) 2018 c. 16 (“the 2018 Act”). The Welsh Ministers are an “appropriate authority” by virtue of paragraph 8 of Schedule 4 to the 2018 Act. The meaning of “appropriate authority” in paragraph 8 of Schedule 4 to the 2018 Act was amended by section 41(4) of, and paragraph 47(5) of Schedule 5 to, the European Union (Withdrawal Agreement) Act 2020 (c. 1).
- (2) S.I. 2019/497 (W. 114), amended by S.I. 2020/44 (W. 5); there are other amending instruments but none is relevant.

“SCHEDULE 1 Regulation 3(2)

Fees for inspections in connection with a plant passport authority

Type of inspection	Fee
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”.

(3) For Schedule 4A substitute—

“SCHEDULE 4A

Regulation 3(5A)

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

Service	Fee
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”.

Julie James
Minister for Climate Change, one of the Welsh Ministers

13 July 2021