

SL(6)005 – The Plant Health etc. (Fees) (Wales) (Amendment) Regulations 2021

Background and Purpose

The Plant Health etc. (Fees) (Wales) (Amendment) Regulations 2021 (“the Regulations”) will make amendments to the Plant Health etc. (Fees) (Wales) Regulations 2018 (“the 2018 Regulations”) which apply in relation to Wales.

The Regulations provide for fees to be charged for plant health checks on commodities imported into Wales from EU Member States, Switzerland and Liechtenstein. Plant health checks (documentary, identity and physical) are carried out on regulated consignments imported into Wales from non-EU countries. The highest risk commodities are subject to 100% documentary, identity and physical checks. The level of identity and physical checks on other commodities is based on risk.

Fees are applied for checks under the 2018 Regulations. For consignments eligible for reduced levels of physical checks a proportionally reduced fee is applied to every imported consignment.

From 1 January 2021 plant health checks are also being carried out on consignments of regulated plants, plant products and other objects imported from EU member States, Switzerland and Liechtenstein. Under a phased approach, higher risk goods are subject to documentary, identity and physical checks from January. Documentary, identity and physical checks on other regulated plants, plant products and other objects will be phased in through 2021 and 2022.

In line with the standard approach that the full cost of service delivery be recovered from businesses using these services, these Regulations apply fees for checks on imports of regulated plants, plant products and other objects from EU Member States, Switzerland and Liechtenstein. In order to give businesses time to adjust to the new arrangements, the fees for documentary, identity and physical checks on the higher risk goods will not be applied until June 2021. Fees for identity and physical checks on the remaining regulated goods from EU Member States, Switzerland and Liechtenstein will be applied from 1 March 2022.

Under the 2018 Regulations there is a single combined fee for a documentary and identity check, reflecting the fact that both those checks were previously carried out at 100% on all consignments. Under the current rules the frequency of the identity check is linked to that of the physical check; so any reduction in the level of physical inspection will also apply to the identity check. These Regulations provide for a separate fee for documentary and identity checks for all consignments.

These Regulations do not make any other changes to existing fees for checks on consignments imported from non-EU countries other than Switzerland and Liechtenstein.

The Explanatory Memorandum notes that similar changes are to be introduced by the UK and Scottish governments.



The Regulations also make amendments to provide an exemption from the payment of fees for pre-export and export certification services where goods are moving from Wales to a business or private individual in Northern Ireland. The exemption also applies to movements of goods by private individuals in their passenger baggage. This is to ensure that trade between Wales and Northern Ireland is not subject to additional plant health costs.

Procedure

Draft Affirmative.

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following two points are identified for reporting under Standing Order 21.3 in respect of this instrument.

1. Standing Order 21.3(i) – that it imposes a charge on the Welsh Consolidated Fund or contains provisions requiring payments to be made to that Fund or any part of the government or to any local or public authority in consideration of any licence or consent or of any services to be rendered, or prescribes the amount of any such charge or payment.

These Regulations amend the fees payable to the Welsh Ministers in the circumstances described above.

2. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.

The Interim Committee notes and welcomes the fact that the Welsh Government has carried out a consultation exercise in relation to the content of the majority of the Regulations. However, we note the following paragraphs in the Explanatory Memorandum:

“Stakeholders have not been consulted regarding the exemption from the payment of fees for pre-export and export certification services where goods are moving from Wales to a business or private individual in Northern Ireland, as these amendments are considered technical operability amendments and provide an exemption to the payment of fees.”

Welsh Government response

A Welsh Government response is not required.



Committee Consideration

The Committee considered the instrument at its meeting on 7 June 2021 and reports to the Senedd in line with the reporting points above.



Senedd Cymru

Pwylgor Is-ddeddfwriaeth Dros Dro

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Welsh Parliament

Interim Subordinate Legislation Committee