
DRAFT STATUTORY INSTRUMENTS

2019 No.

**The Plant Health (Amendment)
(England) (EU Exit) Regulations 2019**

PART 5

**Further amendment of the Plant Health (England)
Order 2015: exiting the European Union**

65. In article 3—

(a) at the appropriate places insert—

““correct phytosanitary certificate”, in relation to notifiable relevant material, means the phytosanitary certificate or phytosanitary for re-export which has been issued—

- (a) in the manner specified in article 7(2) to (6); and
- (b) in respect of the prescribed requirements;

“EU transit material” means any notifiable relevant material from a third country, other than a country or territory in the European Union, which is consigned to the United Kingdom via the European Union and which, on its entry into the European Union, was not subject to—

- (a) the formalities described in Article 13a of [Directive 2000/29/EC](#); or
- (b) to other similar official controls under Regulation (EU) 2017/625 of the European Parliament and of the Council, as it has effect in EU law;

“notified EU material” means any notifiable relevant material originating in the European Union or Switzerland which is intended to be, or has been, consigned to the United Kingdom from the European Union or Switzerland via a point of entry in England and whose arrival in England has been notified to the Secretary of State in accordance with article 6(1);

“prescribed requirements”, in relation to any notifiable relevant material, means—

- (a) the requirements specified in respect of the material in article 5; or
- (b) in the case of any material which is destined for a UK pest free area which includes Northern Ireland, but not England, the requirements specified in respect of that material in article 5 of the Plant Health Order (Northern Ireland) 2018;

“relevant Plant Health Order” means—

- (a) in relation to relevant material destined for England, the Plant Health (England) Order 2015 or the Plant Health (Forestry) Order 2005 in its application to England;
- (b) in relation to relevant material destined for Wales, the Plant Health (Wales) Order 2018 or the Plant Health (Forestry) Order 2005 in its application to Wales;

- (c) in relation to relevant material destined for Scotland, the Plant Health (Scotland) Order 2005 or the Plant Health (Forestry) Order 2005 in its application to Scotland;
- (d) in relation to relevant material destined for Northern Ireland, the Plant Health Order (Northern Ireland) 2018;
“trade documents” in relation to a consignment of notifiable relevant material, means the invoice, delivery note, consignment note or similar document which accompanies the consignment;”
- (b) in the definition of “approved place of inspection”, at the end insert “or, in relation to other UK territories, by the appropriate UK plant health authority under equivalent provisions of the relevant Plant Health Order”;
- (c) omit the definition of “area of plant health control”;
- (d) omit the definition of the “Customs Code”;
- (e) in the definition of “notifiable relevant material”, for paragraphs (a) and (b) substitute—
 - “(a) of a description specified in Schedule 5 to the Plant Health Regulations;
 - (b) of a description specified in Schedule 7 to the Plant Health Regulations, originating in a third country;”;
- (f) omit the definition of “official body of destination”;
- (g) in the definition of “point of entry”—
 - (i) at the end of paragraph (a) insert “in the United Kingdom”;
 - (ii) in paragraph (b), for “; or” substitute “in the United Kingdom;”;
 - (iii) at the end of paragraph (c) insert “in the United Kingdom”;
 - (iv) after paragraph (c) insert—
 - “(d) in the case of relevant material which arrives by road, the initial destination of the material after its arrival in the United Kingdom;”.