
DRAFT STATUTORY INSTRUMENTS

2019 No.

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

PART 3

Amendment of the Plant Health (Forestry) Order 2005: exiting the European Union

8. In article 2—

(a) in paragraph (1)—

(i) at the appropriate places insert—

““appropriate UK plant health authority” means—

- (a) in relation to timber and forest pests in England, the Forestry Commissioners;
- (b) otherwise in relation to England, the Secretary of State;
- (c) in relation to Wales, the Welsh Ministers;
- (d) in relation to Scotland, the Scottish Ministers;
- (e) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

“the list of controlled material” means Schedule 6 to the Plant Health Regulations;

“the list of pest free area controlled material” means Schedule 7 to the Plant Health Regulations;

“the list of prohibited infested material” means Schedule 2 to the Plant Health Regulations;

“the list of prohibited material” means Schedule 3 to the Plant Health Regulations;

“the list of prohibited plant pests” means Schedule 1 to the Plant Health Regulations;

“the list of regulated material” means Schedule 4 to the Plant Health Regulations;

“pest free area” means that part of a UK pest free area that is in England or, where the UK pest free area includes two or more separate parts of England, each such part;

“the Plant Health Regulations” means the Plant Health (EU Exit) Regulations 2019(1);

“regulated tree pest” means—

- (a) a tree pest of a description specified in Part A, B or D of the list of prohibited plant pests;
- (b) a tree pest of a description specified in Part C of the list of prohibited plant pests which relates to a pest free area;
- (c) a tree pest of a description specified in column 3 of Part A, B or D of the list of prohibited infested material;
- (d) a tree pest of a description specified in column 3 of Part C of the list of prohibited infested material which relates to a pest free area;

“UK pest free area” means an area in the United Kingdom which has been established as a pest free area in accordance with ISPMNo. 4;

“UK plant passport” means a label and, where appropriate, an accompanying document that meets the relevant requirements set out in Part A or B of Schedule 9, issued by or with the authority of the appropriate UK plant health authority, and includes any replacement of such a passport;

“UK territory” means England, Wales, Scotland or Northern Ireland;”;

- (ii) omit the definitions of “area of plant health control” and “associated controlled dunnage”;
- (iii) in the definition of “authorised officer” for paragraphs (a) to (c) substitute—
 - “(a) in relation to a UK plant passport, an inspector acting under the authority of the appropriate UK plant health authority; or
 - (b) in relation to a phytosanitary certificate or phytosanitary certificate for re-export, an authorised representative of, or a public officer acting under, the national plant protection organisation of the country in which a phytosanitary certificate or phytosanitary certificate for re-export or a translation of a phytosanitary certificate or phytosanitary certificate for re-export is issued”;
- (iv) omit the definition of “bark-free”;
- (v) for the definition of “consignment”, substitute—

““consignment” means a quantity of goods covered by a single document required for customs or other formalities;”;
- (vi) omit the definition of “debarked”;
- (vii) omit the definitions from “[Decision 2002/757/EC](#)” to “Decision (EU) 2015/893”;
- (viii) omit the definitions of “the Directive”, “dunnage”, “EC transit goods”, “Euro-Mediterranean area” and “Europe”;
- (ix) in the definition of “European Union”, omit “including the Isle of Man and the Channel Islands”;
- (x) omit the definition of “fruit”;
- (xi) in the definition of “importer”, for “landing” substitute “consignment”;
- (xii) omit the definitions of “isolated bark” and “landed”;
- (xiii) for the definition of “lot” substitute—

““lot” means a number of units of a single commodity, identifiable by its homogeneity of composition and origin, which form part of a consignment;”;
- (xiv) in the definition of “national plant protection organisation”, for “European Commission”, substitute “national plant protection organisation of the United Kingdom”;

- (xv) omit the definition of “North America”;
- (xvi) in the definition of “official”, for “responsible official body” substitute “appropriate UK plant health authority”;
- (xvii) omit the definitions of “official body of destination”, “official body of point of entry” and “official documentation”;
- (xviii) in the definition of “official label”, for the words from “responsible” to the end substitute “appropriate UK plant health authority”;
- (xix) in the definition of “official statement”, for “plant passport” substitute “UK plant passport”;
- (xx) omit the definition of “the OPM protected zone”;
- (xxi) in the definitions of “phytosanitary certificate” and “phytosanitary certificate for re-export” for “articles 7 and” substitute “article”;
- (xxii) omit the definitions of “plant health check”, “plant health movement document” and “plant passport”;
- (xxiii) for the definition of “planting” substitute—
 - ““planting” means any operation for the placing of plants to ensure their subsequent growth, reproduction or propagation;”;
- (xxiv) omit the definition of “protected zone”;
- (xxv) omit the definition of “Regulation (EC) No 690/2008”;
- (xxvi) omit the definitions of “responsible official body” and “round wood”;
- (xxvii) omit the definitions of “solid fuel wood” and “Swiss plant passport”;
- (xxviii) in the definition of “third country”, for “European Union”, substitute “United Kingdom”;
- (xxix) omit the definition of “tree or shrub in tissue culture”;
- (xxx) omit the definition of “the USA”;
- (b) omit paragraph (2);
- (c) omit paragraph (3A);
- (d) omit paragraph (5);
- (e) at the end insert—
 - “(6) As regards England, words and expressions which are not defined in this Order and which appear in the Plant Health Regulations have the same meaning in this Order as they have in the Plant Health Regulations.”.