
DRAFT STATUTORY INSTRUMENTS

2019 No.

**The Animal Health, Plant Health, Seeds and Seed
Potatoes (Amendment) (EU Exit) Regulations 2019**

PART 3

Plant health: amendment of secondary legislation
relating to the withdrawal from the European Union

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

4.—(1) The Plant Health (Amendment) (England) (EU Exit) Regulations 2019(1) are amended as follows.

(2) In regulation 8(a)—

(a) in sub-paragraph (i)—

(i) in the inserted definition of “appropriate UK plant health authority”, after sub-paragraph (e) insert—

“(f) in relation to the Bailiwick of Guernsey, the Committee for the Environment & Infrastructure of the States of Guernsey;

(g) in relation to the Bailiwick of Jersey, the Department of Environment of the States of Jersey;

(h) in relation to the Isle of Man, the Department of Environment, Food and Agriculture of the Isle of Man;”;

(ii) after the inserted definition of “appropriate UK plant health authority” insert—

““CD territory” means the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man;”;

(iii) in the inserted definition of “UK plant passport” omit “Part A or B of”;

(b) for sub-paragraph (xxviii) substitute—

“(xxviii) for the definition of “third country” substitute—

““third country” means any country or territory outside the British Islands;”.

(3) In regulation 10(a)—

(a) in the inserted definition of “correct phytosanitary certificate” after “phytosanitary”, in the last place where it occurs, insert “certificate”;

(b) in the inserted definition of “trade documents” for “similar document which accompanies the consignment” substitute “other similar document”.

(4) In regulation 13(e), in the inserted text of paragraph (3), for “(d)” substitute “(b) to (h)”.

- (5) In regulation 17—
- (a) in paragraph (a), for the inserted text of article 8(A1) substitute—
- “(A1) The provisions referred to in paragraph (A2) do not apply to—
- (a) any tree or wood described in paragraph (2) originating in any third country, other than the European Union or Switzerland, which is brought into England in the baggage of a passenger or other traveller coming from any such third country and meets the conditions in paragraph (A3); or
- (b) any small quantity of relevant material originating in the European Union or Switzerland which is brought into England in the baggage of a passenger or other traveller coming from the European Union or Switzerland and meets the conditions in paragraph (A3).
- (A2) The provisions are—
- (a) article 5(A1)(e) and (h);
- (b) article 6(A1);
- (c) article 6A(1);
- (d) article 7(A1);
- (e) article 10A;
- (f) article 12A.
- (A3) The conditions are that the relevant material—
- (a) does not show any signs of the presence of a tree pest;
- (b) is not intended for use in the course of a trade or business;
- (c) is intended for household use; and
- (d) in the case of any tree or wood originating in a third country, other than the European Union or Switzerland, has been grown in or consigned from the Euro-Mediterranean area.”.
- (6) In regulation 21, for paragraph (a) substitute—
- “(a) in the words before paragraph (a), after “article 10(1)” insert “and the prohibition imposed by article 10A(3)”.”.
- (7) In regulation 23, in the inserted text of article 12A(2)(a) for “which accompanied” substitute “accompanying”.
- (8) In regulation 32—
- (a) in the inserted text of article 19A(2)(d), after “United Kingdom” insert “or a CD territory”;
- (b) in the inserted text of article 19A(3)(b), for “2”, in the second place where it occurs, substitute “3”;
- (c) in the inserted text of article 19A(3)(d), after “United Kingdom” insert “or a CD territory”.
- (9) In regulation 34—
- (a) in the inserted text of article 20A(1)(a), after “United Kingdom” insert “or a CD territory”;
- (b) in the inserted text of article 20A(1)(b), for “under article 12” substitute “on behalf of the Commissioners under article 12(B1) or by or on behalf of another appropriate UK plant health authority in an equivalent manner.”;
- (c) after the inserted text of article 20A(1)(b) insert—
- “(c) in the case of any notifiable relevant material originating in the European Union or Switzerland which was brought into a point of entry in the United

- Kingdom, any relevant material specified in the list of controlled material which originates in the European Union or Switzerland and was notified to the Commissioners in accordance with article 6(A1), or to the appropriate UK plant health authority in accordance with equivalent requirements under the relevant Plant Health Order”;
- (d) in the inserted text of article 20A(2)(a), at the end insert “or a CD territory”;
- (e) for the inserted text of article 20A(2)(b) substitute—
- “(b) any relevant material of a description specified in the list of pest free area controlled material in respect of the relevant UK pest free area that has been discharged on behalf of the Commissioners under article 12(B1) or by or on behalf of another appropriate UK plant health authority in an equivalent manner;
- (c) in the case of any notifiable relevant material originating in the European Union or Switzerland which was brought into a point of entry in the United Kingdom, any relevant material specified in the list of pest free area controlled material in respect of the relevant UK pest free area which—
- (i) originates in the European Union or Switzerland; and
- (ii) was notified to the Commissioners in accordance with article 6(A1), or to the appropriate UK plant health authority in accordance with equivalent requirements under the relevant Plant Health Order.”;
- (f) in the inserted text of article 20A(3)—
- (i) in the words before sub-paragraph (a), after “UK territory” insert “or a CD territory”;
- (ii) at the end insert—
- “(e) in the case of relevant material destined for a CD territory, any relevant material of a description specified for the purposes of this paragraph in the applicable plant health legislation of that CD territory”;
- (g) at the end of the inserted text of article 20A insert—
- “(6) In paragraphs (1) and (2), “relevant Plant Health Order” has the same meaning as in Part 2 (see article 3).”.
- (10) In regulation 48(a), after sub-paragraph (ii) insert—
- “(iii) omit sub-paragraphs (a) and (b);”.
- (11) In regulation 57—
- (a) for paragraph (c) substitute—
- “(c) in paragraph 3(b), for the words from “appropriate authority” to the end substitute “appropriate UK plant health authority”;
- (b) in paragraph (f), after sub-paragraph (vi) insert—
- “(vii) in sub-paragraph (j), for “relevant territory” substitute “United Kingdom or a CD territory”.
- (12) In regulation 64(a)—
- (a) in sub-paragraph (i)—
- (i) in the inserted definition of “appropriate UK plant health authority”, after paragraph (e) insert—
- “(f) in relation to the Bailiwick of Guernsey, the Committee for the Environment & Infrastructure of the States of Guernsey;
- (g) in relation to the Bailiwick of Jersey, the Department of Environment of the States of Jersey;

- (h) in relation to the Isle of Man, the Department of Environment, Food and Agriculture of the Isle of Man;”;
- (ii) after the inserted definition of “appropriate UK plant health authority” insert—
 ““CD territory” means the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man;”;
- (b) for sub-paragraph (xxix) substitute—
 “(xxix) for the definition of “third country” substitute—
 ““third country” means any country or territory outside the British Islands”;”.
- (13) In regulation 65(a), in the inserted definition of “correct phytosanitary certificate” after “phytosanitary”, in the last place where it occurs, insert “certificate”.
- (14) For regulation 71 substitute—
 “71. In article 8—
 (a) in paragraph (1)—
 (i) for the words from “introduced into England in the baggage of a passenger or other traveller” substitute “brought into England in the baggage of a passenger or other traveller coming from any third country, other than the European Union or Switzerland, or to any exempt material which is brought into England in the baggage of a passenger or other traveller coming from the European Union or Switzerland”;
 (ii) in paragraph (a), for “(f)” substitute “(h)”;
 (iii) after paragraph (b) insert—
 “(ba) article 6A(1);”;
 (iv) after sub-paragraph (d), insert “(e) article 12A”;
 (b) in paragraph (3)—
 (i) in sub-paragraph (a), after “means” insert “any of the following relevant material originating in a third country, other than the European Union or Switzerland”;
 (ii) after paragraph (a) insert—
 “(aa) “exempt material” means any small quantity of relevant material originating in the European Union or Switzerland, other than plants of *Castanea* Mill. intended for planting, plants of *Fraxinus* L. intended for planting or plants, other than seeds, of *Platanus* L. intended for planting;””
- (15) In regulation 75—
 (a) in paragraph (a), in the inserted text of paragraph (A1), after “that” omit “it”;
 (b) in paragraph (e)(i), in the substituted text, omit “its”.
- (16) In regulation 78(a)(iv), in the substituted text, omit “the”, in the first place where it occurs.
- (17) In regulation 84—
 (a) in paragraph (a)—
 (i) at the beginning insert “in paragraph (1),”;
 (ii) in the substituted text of sub-paragraph (e), after “United Kingdom” insert “or a CD territory”;

- (iii) in the substituted text of sub-paragraph (f), after “United Kingdom” insert “or a CD territory”;
- (b) in paragraph (b)—
 - (i) in the inserted text of paragraph (1B)(d), after “United Kingdom” insert “or a CD territory”;
 - (ii) in the inserted text of paragraph (1B)(e), after “United Kingdom” insert “or a CD territory”.
- (18) In regulation 85—
 - (a) in paragraph (b)—
 - (i) in the substituted text of paragraph (1)(a), at the end insert “or a CD territory”;
 - (ii) in the substituted text of paragraph (1)(b), for the words from “under article 12” substitute “on behalf of the Secretary of State under article 12(1) or by or on behalf of another appropriate UK plant health authority in an equivalent manner.”;
 - (iii) after the substituted text of paragraph (1)(b) insert—
 - “(c) in the case of any notifiable relevant material originating in the European Union or Switzerland which was brought into a point of entry in the United Kingdom, any relevant material specified in the list of controlled material which originates in the European Union or Switzerland and was notified to the Secretary of State in accordance with article 6(1), or to the appropriate UK plant health authority in accordance with equivalent requirements under the relevant Plant Health Order.”;
 - (iv) in the substituted text of paragraph (2)(a), at the end insert “or a CD territory”;
 - (v) for the substituted text of paragraph (2)(b) substitute—
 - “(b) any relevant material of a description specified in the list of pest free area controlled material in respect of the relevant UK pest free area that has been discharged on behalf of the Secretary of State under article 12(1) or by or on behalf of another appropriate UK plant health authority in an equivalent manner;
 - (c) in the case of any notifiable relevant material originating in the European Union or Switzerland which was brought into a point of entry in the United Kingdom, any relevant material specified in the list of pest free area controlled material in respect of the relevant UK pest free area which—
 - (i) originates in the European Union or Switzerland; and
 - (ii) was notified to the Secretary of State in accordance with article 6(1), or to the appropriate UK plant health authority in accordance with equivalent requirements under the relevant Plant Health Order”;
 - (vi) in the substituted text of paragraph (3)—
 - (aa) in the words before sub-paragraph (a), after “UK territory” insert “or a CD territory”;
 - (bb) in the substituted text of paragraph (3)(d), after “within” omit “in”;
 - (cc) at the end insert—
 - “(e) in the case of relevant material destined for a CD territory, any relevant material of a description specified for the purposes of

this paragraph in the applicable plant health legislation of that CD territory”;

(b) at the end insert—

“(g) for paragraph (11) substitute—

“(11) In paragraphs (1) and (2), “relevant Plant Health Order” has the same meaning as in Part 2 (see article 3).”

(19) In regulation 91—

(a) for paragraph (a) substitute—

“(a) in paragraph (3)(c), for “details specified in Article 10(4) of Decision (EU) 2015/789” substitute “specified details”;

(b) for paragraph (b) substitute—

“(b) in paragraph (4) for sub-paragraphs (a) and (b) substitute—

“(a) “professional operator” means any person who, in the course of a trade, business or profession, is involved in planting, breeding, producing, importing, marketing or distributing plants;

(aa) “specified details”, in relation to a lot, means its origin, consignor, consignee, place of destination, individual serial, week or batch number of the UK plant passport, identity and quantity;

(b) “*Xylella* specified plants” means plants which belong to the genera and species specified in paragraph 13 of Part E of the list of regulated material that have been grown for a part of their life in, or have been moved through—

(i) an area demarcated under paragraph 5 of Schedule 15 to the Plant Health Regulations or, in relation to Scotland, under equivalent provisions in the Scotland Orders; or

(ii) a CD territory in which *Xylella fastidiosa* (Wells et al.) has been confirmed to be present;”

(20) In regulation 99(b)(i), for “United Kingdom” substitute “United Kingdom, a CD territory,”.

(21) In regulation 105(a), after sub-paragraph (i) insert—

“(ia) omit paragraphs (v) and (va) of sub-paragraph (a);”.

(22) In regulation 108—

(a) in paragraph (d)(viii) for “the United Kingdom” substitute “the United Kingdom or a CD territory”;

(b) in paragraph (e), for the words in paragraph (i) substitute “for “elsewhere in the European Union” substitute “in another UK territory or a CD territory””;

(c) in paragraph (h), after the inserted text of paragraph 8(a) insert—

“(aa) in relation to fruit plant propagating material and fruit plants—

(i) produced in England, in Part 2 of Schedule 2 to the Marketing of Fruit Plant and Propagating Material (England) Regulations 2017(2);

(ii) produced in Wales, in Part 2 of Schedule 2 to the Marketing of Fruit Plant and Propagating Material (Wales) Regulations 2017(3);

(2) S.I. 2017/595, amended by S.I. 2019/131.

(3) S.I. 2017/691 (W.163), to which there are amendments not relevant to these Regulations.

- (iii) produced in Scotland, in Part 2 of Schedule 5 to the Marketing of Fruit Plant and Propagating Material (Scotland) Regulations 2017(4);
 - (iv) produced in Northern Ireland, in Part 2 of Schedule 2 to the Marketing of Fruit Plant and Propagating Material Regulations (Northern Ireland) 2017(5);”.
- (23) In regulation 112(p), for “22” substitute “21”.

(4) S.S.I. 2017/177, to which there are amendments not relevant to these Regulations.

(5) S.R. 2017 No. 119, to which there are amendments not relevant to these Regulations.