
STATUTORY INSTRUMENTS

2019 No. 1488

The Official Controls (Animals, Feed and Food, Plant Health Fees etc.) Regulations 2019

PART 6

Amendments to secondary legislation relating to plant health fees in England

The Plant Health (Fees) (Forestry) (England and Scotland) Regulations 2015

36.—(1) The Plant Health (Fees) (Forestry) (England and Scotland) Regulations 2015 ^{M1} are amended as follows.

(2) After regulation 1 insert—

“Interpretation: England

1A.—(1) In these Regulations, insofar as they apply in relation to England—

“approved place of inspection” has the meaning given in article 3 of the Order;

“controlled consignment” means a consignment which—

- (a) is introduced into England from a third country; and
- (b) consists of, or includes—

- (i) isolated bark of a type that is described in the lists of the Phytosanitary Conditions Regulation that apply for the purposes of Articles 72(1) and 74(1) of the EU Plant Health Regulation, or in a decision adopted before 14th December 2019 by the European Commission pursuant to Article 16(3) of Council Directive [2000/29/EC](#) on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community ^{M2}; or

- (ii) wood of a type that is described in the lists or a decision mentioned in paragraph (i), other than wood packaging material which is actually in use in the transport of objects of all kinds;

“the EU Plant Health Regulation” means Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants ^{M3};

“licence” means an authorisation for the purposes of any derogation described in Article 8(1) or 48(1) of the EU Plant Health Regulation;

“the Phytosanitary Conditions Regulation” means the implementing act adopted by the European Commission pursuant to Articles 5(2), 32(3), 37(2) and (4), 40(2), 41(2), 53(2), 54(2), 72(1), 73, 74(2), 79(2) and 80(2) of the EU Plant Health Regulation;

“plant passport authority” means an authorisation described in Article 89(1) of the EU Plant Health Regulation;

“the Order” means the Plant Health (Forestry) Order 2005 ^{M4};

“remedial notice” means a notice served under article 31(1) or (4) of the Order;

“remedial work” means any steps taken by a person for the purposes of complying with a remedial notice, or by an inspector under article 32(1) of the Order;

“WPM authorisation” means an authorisation described in Article 98(1) of the EU Plant Health Regulation.

(2) Words and expressions which are not defined in these Regulations and which appear in the EU Plant Health Regulation or in Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products^{M5} have the same meaning in these Regulations as they have in the EU instrument in question.”.

(3) In regulation 2, in the heading, at the end insert “ : **Scotland** ”.

(4) In regulation 3—

(a) after paragraph (5) insert—

“(5A) The fee payable in connection with an application to the Forestry Commissioners for a phytosanitary certificate for export or phytosanitary certificate for re-export is the fee specified in Schedule 4A.

(5B) The fee payable in connection with an application to the Forestry Commissioners for a WPM authorisation is the fee specified in Schedule 4B.”.

Commencement Information

I1 Reg. 36 in force at 14.12.2019, see [reg. 1\(1\)](#)

Marginal Citations

M1 [S.I. 2015/350](#), amended by [S.I. 2019/734](#).

M2 OJ No. L 169, 10.7.2000, p.1, last amended by Commission Implementing Directive (EU) 2019/523 (OJ No. L 86, 28.3.2019, p.41).

M3 OJ No. L 317, 23.11.2016, p.4, amended by Regulation (EU) 2017/625 of the European Parliament and of the Council (OJ No. L 95, 7.4.2017, p.1).

M4 [S.I. 2005/2517](#); relevant amending instruments are [S.I. 2013/755](#) (W. 90), 2014/2420, 2019/734.

M5 OJ No. L 95, 7.4.2017, p.1, amended by Commission Delegated Regulation (EU) 2019/478 (OJ No. L 82, 25.3.2019, p.4).

Changes to legislation:

There are currently no known outstanding effects for the The Official Controls (Animals, Feed and Food, Plant Health Fees etc.) Regulations 2019, Section 36.