

STATUTORY INSTRUMENTS

**2019 No. 1517**

**The Official Controls (Plant Health and Genetically Modified Organisms) (England) Regulations 2019**

**PART 1** **E+W**

Introduction

**Citation, commencement, extent and application** **E+W**

1.—(1) These Regulations may be cited as the Official Controls (Plant Health and Genetically Modified Organisms) (England) Regulations 2019 and come into force on 14th January 2020.

(2) They extend to England and Wales and apply in relation to England only.

**Commencement Information**

**II** Reg. 1 in force at 14.1.2020, see [reg. 1\(1\)](#)

**Interpretation: general** **E+W**

2.—(1) In these Regulations—

“the 2005 Order” means the Plant Health (Forestry) Order 2005 <sup>M1</sup>;

“the 2015 Order” means the Plant Health (England) Order 2015 <sup>M2</sup>;

“appropriate authority” means the Secretary of State or the Forestry Commissioners, and is to be construed in accordance with regulation 6;

“commencement date” means the date on which these Regulations come into force;

“controlled consignment” means a consignment containing any plant, plant product or other object—

(a) which may not be brought into [<sup>F1</sup>Great Britain] without a phytosanitary certificate for export or a phytosanitary certificate for re-export pursuant to—

(i) Article 72 or 74 of the <sup>F2</sup>... Plant Health Regulation;

(ii) <sup>F3</sup> .....

(iii) any other <sup>F4</sup>... plant health rule, other than Article 73 of the <sup>F4</sup>... Plant Health Regulation; or

(b) which was exported from [<sup>F1</sup>Great Britain] to a third country and is returning to [<sup>F1</sup>Great Britain] following the refusal by that third country to allow its entry into the country;

“controlled plant pest” means—

(a) a plant pest of a description specified in Annex 2, [<sup>F5</sup>2A,] 3 or 4 to the Phytosanitary Conditions Regulation;

(b) <sup>F6</sup>

(c) a plant pest subject to any other <sup>F7</sup>... plant health rule<sup>F8</sup>, including a potential quarantine plant pest within the meaning given in regulation 21(3)];

“Council Directive 2000/29/EC” means 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 <sup>M3</sup>;

<sup>F9</sup>  
.....

“EU Plant Health Regulation” means Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants <sup>M4</sup><sup>F10</sup>as it has effect in EU law];

<sup>F11</sup>  
.....

“ISPM 15” means International Standard for Phytosanitary Measures No. 15 of March 2002 on Guidelines for regulating wood packaging material in international trade, prepared by the Secretariat of the International Plant Protection Convention established by the Food and Agriculture Organisation of the United Nations <sup>M5</sup>;

[<sup>F12</sup>“Northern Ireland plant health label” has the meaning given in regulation 2 of the Windsor Framework (Plant Health) Regulations 2023;]

“Official Controls Regulation” means 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, insofar as it applies to <sup>F13</sup>... plant health rules <sup>M6</sup>;

“Phytosanitary Conditions Regulation” means Commission Implementing Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants <sup>M7</sup>;

[<sup>F14</sup>“place of destination” in relation to any specified goods, means the first place where the goods are delivered for unloading in Great Britain, and for this purpose “specified goods” means plants, plant products and other objects specified in the Schedule to the Official Controls and Phytosanitary Conditions (Amendment) Regulations 2021;]

“plant health inspector” means an official plant health officer appointed by the Secretary of State or the Forestry Commissioners;

[<sup>F15</sup>“Plant Health Regulation” means Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants;

“plant health rule” means a rule of a kind mentioned in Article 1(2)(g) of the Official Controls Regulation;]

[<sup>F16</sup>“plant passport” means a passport which is a UK plant passport or other permitted plant passport;]

“plant pest” means a pest within the meaning given in Article 1(1) and (2) of the <sup>F17</sup>... Plant Health Regulation;

“regulated item” means—

- (a) any plant, plant product or other object to which [<sup>F18</sup>a] plant health rule applies, other than any plant, plant product or other object which is part of a controlled consignment; or
- (b) a controlled plant pest.

(2) Unless the context otherwise requires, words and expressions which are not defined in these Regulations and appear in the <sup>F19</sup>... Plant Health Regulation or the Official Controls Regulation have the same meaning in these Regulations as they have in <sup>F19</sup>... Plant Health Regulation or the Official Controls Regulation (as the case may be).

### Textual Amendments

- F1** Words in reg. 2(1) substituted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **6(2)(a)(i)(aa)**
- F2** Word in reg. 2(1) omitted (31.12.2020) by virtue of The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **6(2)(a)(i)(bb)**
- F3** Words in reg. 2(1) omitted (31.12.2020) by virtue of The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **6(2)(a)(i)(cc)**
- F4** Word in reg. 2(1) omitted (31.12.2020) by virtue of The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **6(2)(a)(i)(dd)**
- F5** Word in reg. 2(1) inserted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **6(2)(a)(ii)(aa)**
- F6** Words in reg. 2(1) omitted (31.12.2020) by virtue of The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **6(2)(a)(ii)(bb)**
- F7** Word in reg. 2(1) omitted (31.12.2020) by virtue of The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **6(2)(a)(ii)(cc)**
- F8** Words in reg. 2(1) inserted (15.10.2020) by The Official Controls (Plant Health and Genetically Modified Organisms) (England) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/1014), regs. 1(1), **2(2)**
- F9** Words in reg. 2(1) omitted (31.12.2020) by virtue of The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **6(2)(a)(iii)**
- F10** Words in reg. 2(1) inserted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **6(2)(a)(iv)**
- F11** Words in reg. 2(1) omitted (31.12.2020) by virtue of The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **6(2)(a)(v)**
- F12** Words in reg. 2 inserted (1.10.2023) by The Windsor Framework (Enforcement etc.) Regulations 2023 (S.I. 2023/1056), regs. 1(2), **3(2)**
- F13** Word in reg. 2(1) omitted (31.12.2020) by virtue of The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **6(2)(a)(vi)**
- F14** Words in reg. 2 inserted (4.3.2021) (in relation to specified goods entering Great Britain from a relevant third country during the transitional staging period) by The Official Controls and Phytosanitary Conditions (Amendment) Regulations 2021 (S.I. 2021/136), regs. 1(1), **4(2)**
- F15** Words in reg. 2(1) inserted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **6(2)(a)(vii)**
- F16** Words in reg. 2(1) inserted (27.1.2021) by The Plant Health (Amendment) (EU Exit) Regulations 2021 (S.I. 2021/79), regs. 1(2), **2(2)**
- F17** Word in reg. 2(1) omitted (31.12.2020) by virtue of The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **6(2)(a)(viii)**
- F18** Word in reg. 2(1) substituted (31.12.2020) by The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **6(2)(a)(ix)**
- F19** Word in reg. 2(2) omitted (31.12.2020) by virtue of The Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regs. 1(2)(b), **6(2)(b)**

### Commencement Information

- I2** Reg. 2 in force at 14.1.2020, see reg. 1(1)

### Marginal Citations

- M1** S.I. 2005/2517; relevant amending instruments are S.I. 2012/2707, 2013/755 and 2018/1048.
- M2** S.I. 2015/610, amended by S.I. 2017/1220; there are other amending instruments but none is relevant.
- M3** OJ No. L 169, 10.7.2000, p.1, as last amended by Commission Implementing Directive (EU) 2019/523 (OJ No. L 86, 28.3.2019, p.41).
- M4** 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).
- M5** Available from the Secretariat of the International Plant Protection Convention, AGPP-FAO, Viale Delle Terme di Caracalla, 00153, Rome, Italy and at <https://www.ippc.int/int>.
- M6** 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).
- M7** OJ No. L 319, 10.12.2019, p.1.

### Interpretation: EU instruments relating to plant health **E+W**

<sup>F20</sup>3. ....

#### Textual Amendments

- F20** Reg. 3 omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **6(3)**

### Measures adopted pursuant to Article 30(1) of the EU Plant Health Regulation **E+W**

<sup>F21</sup>4. ....

#### Textual Amendments

- F21** Reg. 4 omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **6(3)**

### Article 82 of the <sup>F22</sup>... Plant Health Regulation: meaning of “close proximity” **E+W**

5.—(1) For the purposes of Article 82 of the <sup>F23</sup>... Plant Health Regulation, the premises of a registered operator are to be regarded as being in “close proximity” to other premises of that operator if any point on the boundary of its operative area, or of any of its operative areas, is within ten miles of any point on the boundary of the operative area, or of any of the operative areas, of the other premises.

- (2) In paragraph (1), “operative area”, in relation to the premises of a registered operator, means—
- in the case of premises which are used entirely by the registered operator to carry out one or more of the activities mentioned in Article 65(1) of the <sup>F24</sup>... Plant Health Regulation, the area comprising those premises;
  - in the case of any other premises used by the registered operator to carry out one or more of the activities mentioned in Article 65(1) of the <sup>F24</sup>... Plant Health Regulation, an area within the premises which is used by the registered operator to carry out any of those activities.

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### Textual Amendments

- F22** Word in [reg. 5](#) heading omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **6(4)(a)**
- F23** Word in [reg. 5\(1\)](#) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **6(4)(b)**
- F24** Words in [reg. 5\(2\)](#) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **6(4)(b)**
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### Commencement Information

- I3** [Reg. 5](#) in force at 14.1.2020, see [reg. 1\(1\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Official Controls (Plant Health and Genetically Modified Organisms) (England) Regulations 2019, PART 1.