
STATUTORY INSTRUMENTS

2023 No. 1056

The Windsor Framework (Enforcement etc.) Regulations 2023

PART 2

Plants

The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019

4.—(1) The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019(1) are amended as follows.

(2) In regulation 2 (Interpretation: general), after the definition of “ISPM 15” insert—

““Northern Ireland plant health label” has the meaning given in regulation 2 of the Windsor Framework (Plant Health) Regulations 2023;”.

(3) In regulation 6, (Disclosure of information), in paragraph (1), after “Plant Health Regulation”, insert “, the Windsor Framework (Plant Health) Regulations 2023”.

(4) In regulation 29 (Powers of entry), in paragraph (1)—

(a) in sub-paragraph (a)—

(i) omit “or” at the end of paragraph (iii);

(ii) insert “or” at the end of paragraph (iv);

(iii) after paragraph (iv) insert—

“(v) an authorised operator, professional operator or registered operator is complying with the Windsor Framework (Plant Health) Regulations 2023;”;

(b) in sub-paragraph (b), after “Plant Health Regulation”, insert “, the Windsor Framework (Plant Health) Regulations 2023”;

(c) in sub-paragraph (c), after “Plant Health Regulation”, insert “, the Windsor Framework (Plant Health) Regulations 2023”.

(5) In regulation 31 (Information notices), in paragraph (3), after “plant passport,”, insert “Northern Ireland plant health label.”.

(6) In regulation 37 (General), in paragraph (1), after sub-paragraph (g) insert—

“(ga) a provision of the Windsor Framework (Plant Health) Regulations 2023 specified in Schedule 3A”.

(7) In regulation 40 (Provision of false or misleading information), in paragraph (1) after “plant passport” insert “, a Northern Ireland plant health label”.

(8) In regulation 41 (Improper use of plant passports or certificates)—

(a) in the heading, after “plant passports” insert “, Northern Ireland plant health labels”;

(1) S.S.I. 2019/421, amended by S.S.I. 2020/176, 2020/466, 2021/159; there are other amending instruments but none are relevant.

- (b) in paragraph (1), after each place “plant passport” occurs, insert “, a Northern Ireland plant health label”.
- (9) After Schedule 3 insert—

“SCHEDULE 3A

Regulation 37

Offences: relevant offences in the Windsor Framework (Plant Health) Regulations 2023

<i>Provision of the Windsor Framework (Plant Health) Regulations 2023</i>	<i>Subject matter</i>
Regulation 9(3)	Imposes requirements on authorised operators for the issuance of a Northern Ireland plant health label
Regulation 11(1) and (2)	Requires authorised operators: <ul style="list-style-type: none"> (a) to identify and monitor the points in their production process and the points concerning the movement of the relevant goods which are critical as regards compliance with regulation 12 and regulation 13 of the Windsor Framework (Plant Health) Regulations 2023, where they intend to issue a Northern Ireland plant health label; and (b) to keep records concerning the identification and monitoring of those points for at least three years.
Regulation 11(3)	Requires authorised operators to ensure that appropriate training is provided to its personnel involved in examinations.
Regulation 12	Prohibits issuance of a Northern Ireland plant health label unless specified conditions are fulfilled, but breach of regulation 12 is only an offence where that label is issued by an authorised operator.
Regulation 14(1)	Imposes requirements on authorised operators in relation to attaching a Northern Ireland plant health label.
Regulation 14(2)	Imposes requirements on professional operators in relation to attaching a Northern Ireland plant health label.
Regulation 18(1) to 18(4)	Imposes requirements on authorised operators and professional operators in relation to record keeping.
Regulation 18(5)	Imposes requirements on professional operators to communicate information to the competent authority, on request.
Regulation 19(4)	Imposes conditions in relation to issuance of a replacement Northern Ireland plant health label, but breach of regulation 19(4) is only an offence where that label is issued by an authorised operator.

<i>Provision of the Windsor Framework (Plant Health) Regulations 2023</i>	<i>Subject matter</i>
Regulation 19(6) and (7)	Imposes requirements on authorised operators in relation to retention of a replaced Northern Ireland plant health label or its content.
Regulation 20(2), (3), (5) and (7)	Imposes requirements on professional operators in relation to invalidation and removal of a Northern Ireland plant health label.
Regulation 21	Prohibits the despatch of consignments with a Northern Ireland plant health label to Northern Ireland by persons other than authorised operators and registered operators, and by authorised operators and registered operators unless specified conditions are fulfilled.”.