

WELSH STATUTORY INSTRUMENTS

**2019 No. 735 (W. 138)**

**EXITING THE EUROPEAN UNION, WALES  
PLANT HEALTH, WALES**

The Plant Health (Forestry) (Miscellaneous  
Amendments) (Wales) (EU Exit) Regulations 2019

Made - - - - 6pm on 26 March  
2019  
Coming into force in accordance with regulation 1(2)

The Welsh Ministers make these Regulations in exercise of the powers conferred by section 8(1) of, and Schedule 2 to, the European Union (Withdrawal) Act 2018 <sup>M1</sup>.

In accordance with paragraph 1(8) of Schedule 7 to that Act, a draft of this instrument has been laid before and approved by the National Assembly for Wales.

**Marginal Citations**

**M1** 2018 c. 16.

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

Introductory

**Title, commencement and application** **E+W**

1.—(1) The title of these Regulations is the Plant Health (Forestry) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019.

(2) These Regulations come into force on exit day.

(3) These Regulations apply in relation to Wales.

**Commencement Information**

**II** Reg. 1 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

## <sup>F1</sup>PART 2 **E+W**

### Textual Amendments

**F1** Pt. 2 revoked (31.12.2020) by The Plant Health (Forestry) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1492), regs. 2(b), 4

## Amendment of the Forest Reproductive (Great Britain) Regulations 2002 **E+W**

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## <sup>F2</sup>PART 3 **E+W**

### Amendment of the Plant Health (Forestry) Order 2005

### Textual Amendments

**F2** Pt. 3 revoked (31.12.2020) by The Plant Health (Forestry) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1492), regs. 2(b), 4

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**Changes to legislation:** There are currently no known outstanding effects for the The Plant Health (Forestry) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019. (See end of Document for details)

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**PART 4 E+W**

**Amendment of the Plant Health (Fees) (Forestry) (Wales) Regulations 2019**

**E+W**

57.—(1) The Plant Health (Fees) (Forestry) (Wales) Regulations 2019<sup>M2</sup> are amended as follows.

(2) In regulation 2(1)—

(a) for the definition of “controlled consignment” substitute—

[<sup>F3</sup>“controlled consignment” means a consignment which—

(a) is introduced into Wales from a third country; and

(b) consists of, or includes, isolated bark or wood of a type that is described in Part A of Annex 11, or Annex 12, to 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.”];

(b) omit the definition of “the Directive”;

(c) for the definition of “documentary check” substitute—

““documentary check” (“*gwiriad dogfenno*”) means an examination for the purposes of article 12(B1)(c) or 12A(2)(a) of the Order;”;

[<sup>F4</sup>(ca) in the definition of “the EU Plant Health Regulation”, omit “EU”, in the first place where it occurs;]

(d) for the definition of “identity check” substitute—

““identity check” (“*gwiriad adnabod*”) means an examination for the purposes of article 12(B1)(b) or 12A(2)(b) of the Order;”;

[<sup>F5</sup>(da) omit the definition of “the Phytosanitary Conditions Regulation]

(e) for the definition of “plant health check”, substitute—

““plant health check” (“*gwiriad iechyd planhigion*”) means an examination for the purposes of article 12(B1)(a) of the Order;”;

(f) in the definition of “plant passport authority”, after “issue” insert “ UK ”[<sup>F6</sup>and omit “EU”]

[<sup>F7</sup>(g) in the definition of “WPM authorisation” omit “EU”.

(h) in paragraph (2), omit “EU”, in the first and third places where it occurs.]

#### Textual Amendments

- F3** Words in reg. 57(2)(a) substituted (31.12.2020 immediately before IP completion day) by [The Plant Health \(Forestry\) \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1492\)](#), regs. 2(a), **5(2)**
- F4** Reg. 57(2)(ca) inserted (31.12.2020 immediately before IP completion day) by [The Plant Health \(Forestry\) \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1492\)](#), regs. 2(a), **5(3)**
- F5** Reg. 57(2)(da) inserted (31.12.2020 immediately before IP completion day) by [The Plant Health \(Forestry\) \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1492\)](#), regs. 2(a), **5(4)**
- F6** Words in reg. 57(2)(f) inserted (31.12.2020 immediately before IP completion day) by [The Plant Health \(Forestry\) \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1492\)](#), regs. 2(a), **5(5)**
- F7** Reg. 57(2)(g)(h) inserted (31.12.2020 immediately before IP completion day) by [The Plant Health \(Forestry\) \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1492\)](#), regs. 2(a), **5(6)**

#### Commencement Information

- I2** Reg. 57 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

- M2** [S.I. 2019/497 \(W.114\)](#)

*Lesley Griffiths*  
Minister for Environment, Energy and Rural  
Affairs, one of the Welsh Ministers

**Changes to legislation:** There are currently no known outstanding effects for the The Plant Health (Forestry) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019. (See end of Document for details)

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made in exercise of the powers in section 8(1) of, and Schedule 2 to, the European Union (Withdrawal) (Act) 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to the Forest Reproductive (Great Britain) Regulations 2002, the Plant Health (Forestry) Order 2005 and the Plant Health (Fees) (Forestry) (Wales) Regulations 2019.

The Welsh Ministers' Code of Practice on the carrying out of regulatory impact assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

**Changes to legislation:**

There are currently no known outstanding effects for the The Plant Health (Forestry) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019.