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WELSH STATUTORY INSTRUMENTS

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**2019 No. 737**

**The Rural Affairs (Miscellaneous Amendments)  
(Wales) (EU Exit) Regulations 2019**

**Amendment of the Plant Health (Amendment) (Wales) (EU Exit) Regulations 2019**

**8.—**(1) The Plant Health (Amendment) (Wales) (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 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” (“*tiriogaeth ddibynnol ar y Goron*”) means the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man;”;

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

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

““third country” (“*trydedd wlad*”) means any country or territory outside the British Islands;”.

(3) For regulation 15 substitute—

“**15.** In article 8—

(a) in paragraph (1)—

(i) for the words from “introduced into Wales in the baggage of a passenger or other traveller” substitute “brought into Wales 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 Wales 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” (“*deunydd esempt*”) 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;”
- (4) In regulation 27—
- (a) in paragraph (a)—
- (i) in the substituted text of sub-paragraph (e) for “the United Kingdom” substitute “the United Kingdom or a CD territory”;
- (ii) 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”.
- (5) In regulation 28—
- (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 Welsh Ministers 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 Welsh Ministers 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 Welsh Ministers 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 Welsh Ministers 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) 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) after paragraph (10) insert—
    - “(11) In paragraphs (1) and (2), “relevant Plant Health Order” has the same meaning as in Part 2 (see article 3).”.”
- (6) In regulation 34 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 specified in paragraph 13 of Part E of the list of regulated material which 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;”.”
- (7) In regulation 42(b)(i), for “United Kingdom,” substitute “United Kingdom, a CD territory,”.
- (8) In regulation 48(a), after sub-paragraph (i) insert—
  - “(ia) omit paragraphs (v) and (vi) of sub-paragraph (a);”.
- (9) In regulation 51—
  - (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<sup>(2)</sup>;
  - (ii) produced in Wales, in Part 2 of Schedule 2 to the Marketing of Fruit Plant and Propagating Material (Wales) Regulations 2017<sup>(3)</sup>;
  - (iii) produced in Scotland, in Part 2 of Schedule 5 to the Marketing of Fruit Plant and Propagating Material (Scotland) Regulations 2017<sup>(4)</sup>;
  - (iv) produced in Northern Ireland, in Part 2 of Schedule 2 to the Marketing of Fruit Plant and Propagating Material Regulations (Northern Ireland) 2017<sup>(5)</sup>”.

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(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.

(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.