

## WELSH STATUTORY INSTRUMENTS

### 2020 No. 206

## The Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020

### PART 6 **E+W**

#### Registration, authorisations and certificates relating to plant health

#### Applications for registration **E+W**

**19.** An application for registration pursuant to Article 66(1) of the <sup>F1</sup>... Plant Health Regulation which is to be submitted to an appropriate authority must be submitted in the manner and form required by the appropriate authority.

#### Textual Amendments

**F1** Word in reg. 19 omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **9(2)**

#### Commencement Information

**I1** Reg. 19 in force at 27.3.2020, see reg. 1

#### Other applications **E+W**

**20.**—(1) The following applications must be made to the appropriate authority in the manner and form required by the appropriate authority—

- (a) an application for a temporary authorisation to permit a relevant activity for official testing, scientific or educational purposes, trials, varietal selection or breeding;
- (b) an application for an authorisation referred to in the following provisions of the <sup>F2</sup>... Plant Health Regulation—
  - (i) Article 64(2),
  - (ii) Article 89(1), or
  - (iii) Article 98(1);
- (c) an application for the issue of a phytosanitary certificate for export [<sup>F3</sup> or] a phytosanitary certificate for re-export <sup>F4</sup>....

(2) In this regulation—

“relevant activity” means an activity which would otherwise be prohibited under the <sup>F5</sup>... Plant Health Regulation <sup>F6</sup>... or another <sup>F7</sup>... plant health rule involving—

- (a) the introduction of a plant pest or a plant, plant product or other object into Wales,
- (b) the movement of a plant pest or a plant, plant product or other object within Wales,

- (c) the holding of a controlled plant pest or a plant, plant product or other object at premises in Wales, or
- (d) the multiplication of a plant pest at premises in Wales.

#### Textual Amendments

- F2** Word in reg. 20(1)(b) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **9(3)(a)(i)**
- F3** Word in reg. 20(1)(c) substituted for comma (31.12.2020) by [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **9(3)(a)(ii)(aa)**
- F4** Words in reg. 20(1)(c) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **9(3)(a)(ii)(bb)**
- F5** Word in reg. 20(2) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **9(3)(b)(i)**
- F6** Words in reg. 20(2) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **9(3)(b)(ii)**
- F7** Word in reg. 20(2) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **9(3)(b)(iii)**

#### Commencement Information

- I2** Reg. 20 in force at 27.3.2020, see reg. 1

#### Authorisations for other purposes **E+W**

21.—<sup>F8</sup>(1) The appropriate authority may grant an authorisation to permit—

- (a) the carrying out of any activity specified in a plant health derogation,
- (b) the introduction into Wales, the movement within Wales, or the holding or multiplication in Wales, of a potential quarantine plant pest for official testing, scientific or educational purposes, trials, varietal selection or breeding, or
- (c) the carrying out of any other activity which requires the approval of the appropriate authority under <sup>F9</sup>, or by virtue of,] the <sup>F10</sup>... Plant Health Regulation [<sup>F11</sup>, any regulations made under the Plant Health Regulation or the Official Controls Regulation,] the Official Controls Regulation or these Regulations.]

(2) An application for any such authorisation must be made to the appropriate authority in the manner and form required by the appropriate authority.

<sup>F12</sup>(3) In paragraph (1)—

“plant health derogation” (“*rhanddirymiad iechyd planhigion*”) means—

- (a) a derogation from provisions of the <sup>F13</sup>... Plant Health Regulation which is set out in [<sup>F14</sup>[<sup>F15</sup>assimilated] law or regulations made] under the <sup>F13</sup>... Plant Health Regulation or the Official Controls Regulation, <sup>F16</sup>...
- (b) <sup>F16</sup>...

“potential quarantine plant pest” (“*pla planhigion cwarantyn posibil*”) means a plant pest which is not a [<sup>F17</sup>GB quarantine pest or a provisional GB quarantine pest], but which, in the opinion of the appropriate authority, fulfils the criteria set out in Subsection 1 of Section 3 of Annex 1 to that Regulation or may fulfil the criteria in Subsection 2 of that Section.]

### Textual Amendments

- F8** Reg. 21(1) substituted (13.11.2020) by [The Official Controls \(Plant Health and Genetically Modified Organisms\) \(Wales\) \(Amendment\) Regulations 2020 \(S.I. 2020/1134\)](#), regs. 1, **2(5)(a)**
- F9** Words in reg. 21(1)(c) inserted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **9(4)(a)(i)**
- F10** Word in reg. 21(1)(c) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **9(4)(a)(ii)**
- F11** Words in reg. 21(1)(c) inserted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **9(4)(a)(iii)**
- F12** Reg. 21(3) substituted (13.11.2020) by [The Official Controls \(Plant Health and Genetically Modified Organisms\) \(Wales\) \(Amendment\) Regulations 2020 \(S.I. 2020/1134\)](#), regs. 1, **2(5)(b)**
- F13** Word in reg. 21(3) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **9(4)(b)(i)(aa)**
- F14** Words in reg. 21(3) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **9(4)(b)(i)(bb)**
- F15** Word in reg. 21(3) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Wales\) Regulations 2023 \(S.I. 2023/1332\)](#), regs. 1(2), **24(2)**
- F16** Words in reg. 21(3) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **9(4)(b)(i)(cc)**
- F17** Words in reg. 21(3) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **9(4)(b)(ii)**

### Commencement Information

- I3** Reg. 21 in force at 27.3.2020, see [reg. 1](#)

## Authorisations granted by an appropriate authority **E+W**

**22.**—(1) An authorisation granted by an appropriate authority for the purposes of the <sup>F18</sup>... Plant Health Regulation [<sup>F19</sup>or] the Official Controls Regulation or [<sup>F20</sup>for the purposes of, or under] these Regulations must be in writing and may be granted—

- (a) subject to conditions;
- (b) for an indefinite period or a specified period.

(2) An authorisation granted by an appropriate authority may permit the appropriate authority to modify, suspend or revoke the authorisation at any time by notice in writing.

### Textual Amendments

- F18** Word in reg. 22(1) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **9(5)(a)**
- F19** Word in reg. 22(1) substituted for comma (31.12.2020) by [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **9(5)(b)**
- F20** Words in reg. 22(1) inserted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **9(5)(c)**

### Commencement Information

- I4** Reg. 22 in force at 27.3.2020, see [reg. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020, PART 6.