

## SCHEDULE 5

Regulation 49

Amendments to secondary legislation relating the marketing of seeds and plant propagating material and plant health fees

### PART 1

#### The Marketing of Vegetable Plant Material Regulations 1995

- 1.—(1) The Marketing of Vegetable Plant Material Regulations 1995(1) are amended as follows.
- (2) In regulation 8—
  - (a) in paragraph (2), for “Council [Directive 2000/29/EC](#)” substitute “the EU Plant Health Regulation”;
  - (b) after paragraph (4) insert—
    - “(5) In this regulation, “the EU Plant Health Regulation” means Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants.”

### PART 2

#### The Marketing of Ornamental Plant Propagating Material Regulations 1999

- 2.—(1) The Marketing of Ornamental Plant Propagating Material Regulations 1999(2) are amended as follows.
- (2) In regulation 2(1)—
  - (a) in the appropriate place insert—
    - ““the EU Plant Health Regulation” means Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants;”;
  - (b) omit the definition of “[Directive 2000/29/EC](#)”.
- (3) In regulation 6A(4), in the definition of “responsible official body”, for the words from “a body” to the end, substitute “, in relation to Wales, the Welsh Ministers”.
- (4) In regulation 7, for paragraph (4) substitute—
  - “(4) Registration of a supplier on the register of professional operators for the purposes of the EU Plant Health Regulation is deemed to constitute registration for the purposes of paragraph (1) above.”
- (5) In regulation 8(3)—
  - (a) for the words from “notifiable” to “Order 2018” substitute “plant pest of a description specified in Annex 2, 3 or 4 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;”;

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(1) [S.I. 1995/2652](#), amended by [S.I. 2007/2190 \(W. 174\)](#); there are other amending instruments but none is relevant.

(2) [S.I. 1999/1801](#); relevant amending instruments are [S.I. 2018/974](#), [S.I. 2018/1216 \(W. 249\)](#) and [S.I. 2019/463 \(W. 111\)](#).

*Status: This is the original version (as it was originally made).*

- (b) for “article 42 of that Order (notification of the presence or suspected presence of certain plant pests)” substitute “the EU Plant Health Regulation”.
- (6) In regulation 9(2), for “[Directive 2000/29/EC](#)” substitute “the EU Plant Health Regulation”.
- (7) In regulation 12(3), for the words from “if he delivers” to the end substitute “, in relation to Wales, if the supplier delivers a phytosanitary certificate for export or a phytosanitary certificate for re-export to the Welsh Ministers”.

## PART 3

### The Forest Reproductive Material (Great Britain) Regulations 2002

- 3.—(1) The Forest Reproductive Material (Great Britain) Regulations 2002<sup>(3)</sup> are amended as follows.
  - (2) In regulation 2(2), in the definition of “plant passport”, for “the Plant Health (Forestry) Order 2005” substitute “Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants”.

## PART 4

### The Seed Potatoes (Wales) Regulations 2016

- 4.—(1) The Seed Potatoes (Wales) Regulations 2016<sup>(4)</sup> are amended as follows.
  - (2) In regulation 2(1), in the appropriate place insert—
    - ““the Official Controls (Plant Health) Regulations” (*“y Rheoliadau Rheolaethau Swyddogol (Iechyd Planhigion)”*) means the Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020;”.
  - (3) In regulation 13(9), after “these Regulations” insert “, Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants”.
  - (4) In Schedule 1—
    - (a) in paragraph 3(d)—
      - (i) for “Schedule 14 to the Plant Health (Wales) Order 2006” substitute “Part 3 of Schedule 2 to the Official Controls (Plant Health) Regulations”;
      - (ii) for “that Order” substitute “those Regulations”;
    - (b) in paragraph 4(1)(b), for “Schedule 15 to the Plant Health (Wales) Order 2006” substitute “Part 4 of Schedule 2 to the Official Controls (Plant Health) Regulations”;
    - (c) in paragraph 7(1)(b), for “Schedule 15 to the Plant Health (Wales) Order 2006” substitute “Part 4 of Schedule 2 to the Official Controls (Plant Health) Regulations”;
    - (d) in paragraph 9(1)(b), for “Schedule 15 to the Plant Health (Wales) Order 2006” substitute “Part 4 of Schedule 2 to the Official Controls (Plant Health) Regulations”.
  - (5) In Schedule 2, in paragraph 10(b), omit “or the Plant Health (Wales) Order 2006”.
  - (6) In Schedule 5, in paragraph 3(b)—
    - (a) for “Schedule 14 to the Plant Health (Wales) Order 2006” substitute “Part 3 of Schedule 2 to the Official Controls (Plant Health) Regulations”;

<sup>(3)</sup> [S.I. 2002/3026](#), amended by [S.I. 2019/496 \(W. 133\)](#); there are other amending instruments but none is relevant.

<sup>(4)</sup> [S.I. 2016/106 \(W. 52\)](#); there are amending instruments but none is relevant..

- (b) for “that Order” substitute “those Regulations”.

## PART 5

### The Plant Health (Fees) (Forestry) (Wales) Regulations 2019

5.—(1) The Plant Health (Fees) (Forestry) (Wales) Regulations 2019(5) are amended as follows.

(2) In regulation 2(1)—

- (a) in the definition of “approved place of inspection” for “article 3 of the Order” substitute “regulation 13(10) of the Official Controls (Plant Health) Regulations 2020”;
- (b) in the appropriate place insert—  
““forestry remedial notice” (*“hysbysiad adfer coedwigaeth”*) means a notice served by a plant health inspector under regulation 10 or 15(1) or (2) of the Official Controls (Plant Health) Regulations 2020;”;
- (c) for the definition of “licence” substitute—  
““licence” (*“trwydded”*) means—  
(a) a licence referred to in regulation 51(1) of the Official Controls (Plant Health) Regulations 2020 that has been granted by the Welsh Ministers, or  
(b) an authorisation described in regulation 20(1)(a) or (b)(i) or 21(1)(a) of the Official Controls (Plant Health) Regulations 2020 granted by the Welsh Ministers;”;
- (d) in the appropriate place insert—  
““the Official Controls (Plant Health) Regulations 2020” (*“Rheoliadau Rheolaethau Swyddogol (Iechyd Planhigion) 2020”*) means the Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020;”;
- (e) in the appropriate place insert—  
““Phytosanitary Conditions Regulation” (*“Rheoliad Amodau Ffytioiechydol”*) 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;”;
- (f) in the appropriate place insert—  
““plant health inspector” (*“arolygydd iechyd planhigion”*) means an official plant health officer appointed by the Welsh Ministers for the purposes of the Official Controls (Plant Health) Regulations 2020;”;
- (g) in the definition of “plant passport authority”, at the end insert “and granted by the Welsh Ministers”;
- (h) omit the definition of “the Order”;
- (i) omit the definition of “remedial notice”;
- (j) in the definition of “remedial work”, for “a remedial notice, or by an inspector under article 32(1) of the Order” substitute “a forestry remedial notice, or by a plant health inspector under regulation 16(1) of the Official Controls (Plant Health) Regulations 2020”;
- (k) in the definition of “WPM authorisation”, at the end insert “and granted by the Welsh Ministers”.

*Status: This is the original version (as it was originally made).*

(3) In regulation 3—

- (a) omit paragraph (6);
- (b) at the end insert—

“(6A) The person on whom a forestry remedial notice is served or who is given notice under regulation 16(1) of the Official Controls (Plant Health) Regulations 2020 must pay the fee specified in Schedule 5 for the carrying out or the monitoring by a plant health inspector of remedial work and associated activities in connection with a controlled consignment.”

## PART 6

### The Marketing of Fruit Plant and Propagating Material (Wales) Regulations 2017

**6.—**(1) The Marketing of Fruit Plant and Propagating Material (Wales) Regulations 2017(6) are amended as follows.

(2) In regulation 3(1), omit the definition of “[Directive 2000/29/EC](#)”.

(3) Omit regulation 10(6).

(4) In regulation 11(7), for the words from “plant trader” to “2018” substitute “professional operator for the purposes of Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants”.

(5) In regulation 15(1)(g), for paragraph (iii) substitute—

“(iii) a plant pest of a description specified in Annex 2, 3 or 4 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.”

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(6) [S.I. 2017/691 \(W. 163\)](#), amended by [S.I. 2019/368 \(W. 90\)](#); there are other amending instruments but none is relevant.