
WELSH STATUTORY INSTRUMENTS

2023 No. 1380 (W. 246)

PLANT HEALTH, WALES

**The Plant Health etc. (Miscellaneous Fees)
(Amendment) (Wales) Regulations 2023**

Made - - - - *13 December 2023*

Coming into force - - *30 December 2023*

The Welsh Ministers make these Regulations in exercise of the powers conferred by paragraph 7 of Schedule 4 and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018⁽¹⁾ (“the Act”).

In accordance with paragraph 1(8) of Schedule 7 to the Act a draft of these Regulations has been laid before, and approved by resolution of, Senedd Cymru⁽²⁾.

Title and coming into force

1.—(1) The title of these Regulations is The Plant Health etc. (Miscellaneous Fees) (Amendment) (Wales) Regulations 2023 and they come into force on 30 December 2023.

Amendment to the Plant Health etc. (Fees) (Wales) Regulations 2018

2.—(1) The Plant Health etc. (Fees) (Wales) Regulations 2018⁽³⁾ are amended as follows.

(2) In regulation 5A (export certification services and pre-export services: fees), in paragraph (4B), for “31 December 2023” substitute “30 June 2025”.

Amendment to the Plant Health (Fees) (Forestry) (Wales) Regulations 2019

3.—(1) The Plant Health (Fees) (Forestry) (Wales) Regulations 2019⁽⁴⁾ are amended as follows.

(1) 2018 c. 16, see paragraph 8 of Schedule 4 for the meaning of “appropriate authority”. Paragraph 8 of Schedule 4 to the Act was amended by section 41(4) of, and paragraph 47(5) of Schedule 5 to, the European Union (Withdrawal Agreement) Act 2020 (c. 1) (“the 2020 Act”). Paragraph 21 of Schedule 7 was amended by section 41(4) of, and paragraphs 38 and 53(2) of Schedule 5 to, the 2020 Act.

(2) Paragraph 1(8) of Schedule 7 applies to regulations under Schedule 4 by virtue of paragraph 12(3) of Schedule 7 to the 2018 Act. The references in the Act to the National Assembly for Wales now have effect as references to Senedd Cymru by virtue of section 150A(2) of the Government of Wales Act 2006 (c. 32).

(3) S.I. 2018/1179 (W. 238) (amended by S.I. 2020/44 (W. 5), S.I. 2020/1628 (W. 342), S.I. 2021/713 (W. 181) and S.I. 2022/804 (W. 180); there are other amending instruments but none is relevant).

(4) S.I. 2019/497 (W. 114) (amended by S.I. 2020/44 (W. 5), S.I. 2020/206 (W. 48), S.I. 2021/710 (W. 180); there are other amending instruments but none is relevant).

(2) In regulation 3 (fees)—

- (a) in paragraph (5A), for the words “Subject to paragraph (5C)” substitute “Subject to paragraph (5E)”;
- (b) omit paragraphs (5C) and (5D);
- (c) after paragraph (5B), insert—

“(5E) The fee specified in Schedule 4A is not payable in respect of a consignment to be transported to Northern Ireland—

- (a) by a person acting otherwise than in the course of a business, where the consignment is not to be placed on the market, or
- (b) for delivery to—
 - (i) a professional operator whose principal place of business is in Northern Ireland, or
 - (ii) any person resident in Northern Ireland, where the consignment is not to be placed on the market or used for the purposes of any business.

(5F) Paragraph (5E) ceases to have effect at the end of 30 June 2025.”

13 December 2023

Lesley Griffiths
Minister for Rural Affairs and North Wales, and
Trefnydd, one of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Plant Health (Fees) (Forestry) (Wales) Regulations 2019 (S.I. 2019/497) (W. 114) and the Plant Health etc. (Fees) (Wales) Regulations 2018 (S.I. 2018/1179) (W. 238) (together “the Regulations”). The amendments modify the relevant date for payment of fees payable to the Welsh Ministers under the Regulations.

Regulation 2 amends the Plant Health etc. (Fees) (Wales) Regulations 2018 by extending the duration of an exemption from the payment of fees otherwise payable in respect of certification and pre-export services on phytosanitary consignments in certain circumstances. The exemption ceases to have effect at the end of 30 June 2025.

Regulation 3 amends the Plant Health (Fees) (Forestry) (Wales) Regulations 2019 by providing an exemption from the payment of fees otherwise payable in respect of applications to the Forestry Commission for a phytosanitary certificate for export (or re-export) in certain circumstances. The exemption ceases to have effect at the end of 30 June 2025.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from Welsh Government, Cathays Park, Cardiff, CF10 3NQ and is published on www.gov.wales.