

*Draft Regulations laid before Parliament under paragraph 12(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.*

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DRAFT STATUTORY INSTRUMENTS

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**2021 No. 000**

**PLANT HEALTH, ENGLAND**

**The Plant Health etc. (Miscellaneous Fees)  
(Amendment) (England) Regulations 2021**

*Made* - - - - **\*\*\***  
*Coming into force* - - **\*\*\***

The Secretary of State makes these Regulations, with the consent of the Treasury, in exercise of the powers conferred by paragraph 7 of Schedule 4, and paragraph 21(b) of Schedule 7, to the European Union (Withdrawal) Act 2018(1).

In accordance with paragraph 12(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, a draft of these Regulations has been laid before Parliament and approved by a resolution of each House of Parliament.

**Citation, commencement, extent and application**

1.—(1) These Regulations may be cited as the Plant Health etc. (Miscellaneous Fees) (Amendment) (England) Regulations 2021.

(2) They come into force on the day after the day on which they are made.

(3) They extend to England and Wales, but apply in relation to England only.

**Amendment to the Plant Health (Fees) (Forestry) (England and Scotland) Regulations 2015**

2.—(1) The Plant Health (Fees) (Forestry) (England and Scotland) Regulations 2015(2) are amended as follows.

(2) In regulation 1A(1), after the definition of “plant passport authority”, insert—

““professional operator” means any person, governed by public or private law, involved professionally in, and legally responsible for, one or more of the following activities concerning plants, plant products and other objects—

(a) planting;

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(1) [2018 c. 16](#). Paragraph 21 of Schedule 7 was amended by section 41(4) of, and paragraph 53(2) of Schedule 5 to, the European Union (Withdrawal Agreement) Act 2020 (c. 1).

(2) [S.I. 2015/350](#), amended by [S.I. 2019/1488](#); there are other amending instruments, but none is relevant.

- (b) breeding;
  - (c) production, including growing, multiplying and maintaining;
  - (d) introduction into, and movement within and out of Northern Ireland;
  - (e) making available on the market;
  - (f) storage, collection, dispatching and processing.”.
- (3) In regulation 3—
- (a) in paragraph (5A), at the beginning, insert “Subject to paragraph (5C),”;
  - (b) after paragraph (5B), insert—
    - “(5C) 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.
    - (5D) Paragraph (5C) ceases to have effect at the end of 31st December 2022.”.

### **Amendment to the Plant Health etc. (Fees) (England) Regulations 2018**

- 3.—(1)** The Plant Health etc. (Fees) (England) Regulations 2018(3) are amended as follows.
- (2) In regulation 5A—
- (a) at the beginning of paragraph (1), insert “Subject to paragraph (4A),”;
  - (b) after paragraph (4), insert—
    - “(4A) The fees specified in Schedule 4A are 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.
    - (4B) Paragraph (4A) ceases to have effect at the end of 31st December 2022.”;
  - (c) in paragraph (5), after the definition of “pre-export service”, insert—
    - ““professional operator” means any person, governed by public or private law, involved professionally in, and legally responsible for, one or more of the following activities concerning plants, plant products and other objects—
      - (a) planting;
      - (b) breeding;
      - (c) production, including growing, multiplying and maintaining;

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(3) S.I. 2018/289, amended by S.I. 2019/1488; there are other amending instruments, but none is relevant.

- (d) introduction into, and movement within and out of Northern Ireland;
- (e) making available on the market;
- (f) storage, collection, dispatching and processing.”.

Date

*Name*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural  
Affairs

We consent

Date

*Name*  
*Name*  
Two of the Lords Commissioners of Her  
Majesty’s Treasury

## EXPLANATORY NOTE

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

These Regulations amend the Plant Health (Fees) (Forestry) (England and Scotland) Regulations 2015 (S.I. 2015/350) (the “2015 Regulations”) and the Plant Health etc. (Fees) (England) Regulations 2018 (S.I. 2018/289) (the “2018 Regulations”). The amendments apply in relation to England only.

Regulation 2 amends the 2015 Regulations to provide an exemption from the payment of fees otherwise payable in respect of applications to the Forestry Commissioners for a phytosanitary certificate for export (or re-export) in certain circumstances.

Regulation 3 amends the 2018 Regulations to provide an exemption from the payment of fees otherwise payable in respect of certification and pre-export services on phytosanitary consignments in certain circumstances.

The exemptions in regulations 2 and 3 cease to have effect at the end of 31st December 2022.

An impact assessment has not been produced for this instrument as no impact, or no significant impact on the private, voluntary or public sector is foreseen.