

**2020 No. 1466**

**PLANT HEALTH, ENGLAND**

**The Official Controls (Plant Health and Genetically Modified Organisms) (England) (Amendment) (No. 5) Regulations 2020**

<i>Made</i>	- - - -	<i>7th December 2020</i>
<i>Laid before Parliament</i>		<i>8th December 2020</i>
<i>Coming into force</i>	- -	<i>29th December 2020</i>

The Secretary of State is designated for the purposes of section 2(2) of the European Communities Act 1972(a) in relation to the common agricultural policy(b).

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of that Act.

**Citation and commencement**

1.—(1) These Regulations may be cited as the Official Controls (Plant Health and Genetically Modified Organisms) (England) (Amendment) (No. 5) Regulations 2020.

(2) These Regulations come into force on 29th December 2020.

**Amendment of the Official Controls (Plant Health and Genetically Modified Organisms) (England) Regulations 2019**

2.—(1) The Official Controls (Plant Health and Genetically Modified Organisms) (England) Regulations 2019(c) are amended as follows.

(2) In regulation 3(1)—

(a) omit the definition of “Commission Implementing Decision (EU) 2015/789”;

(b) after the definition of “Commission Implementing Decision (EU) 2019/2032” insert—

““Commission Implementing Decision (EU) 2020/1201” means Commission Implementing Decision (EU) 2020/1201 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Wells et al.)(d)”

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(a) 1972 c. 68. The European Communities Act 1972 was repealed by section 1 of the European Union (Withdrawal) Act 2018 (c. 16) with effect from exit day, but saved with modifications until IP completion day by section 1A of that Act (as inserted by section 1 of the European Union (Withdrawal Agreement) Act 2020 (c.1)). Section 2(2) of the European Communities Act 1972 was amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7).

(b) S.I. 1972/1811, to which there are amendments not relevant to these Regulations. The function of the former Minister of Agriculture, Fisheries and Food of making regulations under section 2(2) was transferred to the Secretary of State by S.I. 2002/794.

(c) S.I. 2019/1517, amended by S.I. 2020/381; there are other amending instruments but none is relevant.

(d) OJ L 269, 17.8.2020 p.2.

(3) In regulation 38(1)(b), for “2(1), 2A(1), 2B(1), 2C(2), 2D(2), 2E(1), 2F(3), 3A, ” substitute “2(1), 2B(1), 2C(2), 2F(3), ”.

(4) In Schedule 1—

(a) in paragraph 1—

(i) in the definition of “controlled material”, for “paragraph 2(1), 2A(1), 2B(1), 2C(2), 2D(2) or 2E(1)” substitute “paragraph 2(1), 2B(1) or 2C(2)”;

(ii) in the definition of “phytosanitary certificate”—

(aa) for “2A(1), 2B(1), 2C(2) or 2E(1)” substitute “2B(1) or 2C(2)”;

(bb) for “2A(2), 2C(3) or 2E(2) (as the case may be)” substitute “2C(3)”.

(b) in Part 1—

(i) for the heading to paragraph 2 substitute “**Temporary measures applying to the introduction of plants, plant products or other objects from third countries**”;

(ii) in paragraph 2, after sub-paragraph (1A) insert—

“(2) In paragraph (1) “ISPM 4” means International Standard for Phytosanitary Measures No. 4 of November 1995 on the requirements for the establishment of pest-free areas, prepared by the Secretariat of the IPPC established by the Food and Agriculture Organisation of the United Nations(a).”;

(iii) omit paragraphs 2A, 2D and 2E;

(iv) in paragraph 2F, in sub-paragraph 1, for “2(1), 2A(1), 2B(1), 2C(2), 2D(2) and 2E(1)” substitute “2(1), 2B(1) and 2C(2)”.

(c) in Part 2—

(i) omit paragraph 3A;

(ii) in paragraph 4—

(aa) for sub-paragraph (1) substitute—

“(1) No person may introduce or move any plants, plant products or other objects described in column 2 of Table 1 unless that person is a registered operator and the plants, plant products or other objects are accompanied by an official statement confirming the matters set out in the corresponding entry in column 3 of that Table.”;

(bb) omit sub-paragraphs (2) and (3);

(cc) in Table 1, omit entries 3, 5 and 6.

(5) In Schedule 3, in Part 1, in the first column of the table—

(a) in the entry relating to Article 41(1), for “and paragraphs 2A(2), 2C(3) and 4(2) of Schedule 1” substitute “and paragraphs 2A(2) and 4(1) of Schedule 1”;

(b) in the entry relating to Articles 72(1) and 73, for “(as read with paragraphs 2A(2), 2C(3) and 2E(2) of Schedule 1)” substitute “(as read with paragraph 2C(3) of Schedule 1)”;

(c) in the entry relating to Article 85, for “paragraph 4(2) and (3)” substitute “paragraph 4(1)”.

(6) In Schedule 4—

(a) omit the entry relating to Commission Implementing Decision (EU) 2015/789;

(b) after the entry for Commission Implementing Decision (EU) 2019/2032—

(i) in the first column of the table, insert—

“Commission Implementing Decision (EU) 2020/1201”;

(ii) in the second column of the table, insert—

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(a) Available from the IPPC Secretariat, AGPP-FAO, Viale Delle Terme di Caracalla, 00153, Rome, Italy and at <https://ippc.int/int>.

“Article 25(1) and (2) (requirements in relation to the movement within the Union territory of specified plants which have never been grown inside a demarcated area)

Article 26 (requirements in relation to the movement within the Union territory of pre-basic mother plants or pre-basic material, which have been grown outside a demarcated area)

Article 27 (requirements in relation to the movement of plants referred to in Articles 19 to 26)

Article 28 (requirements in relation to the introduction into the Union territory of host plants originating in a third country where the specified pest is known not to be present)

Article 29 (requirements in relation to the introduction into the Union territory of host plants originating in a pest free area of an infected country)

Article 30(1) and (2) (requirements in relation to the introduction into the Union territory of host plants originating in a pest free production site of an infected country)”.

## **Revocation**

**3.** The Official Controls (Plant Health and Genetically Modified Organisms) (England) (Amendment) Regulations 2020(a) are revoked.

7th December 2020

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

## **EXPLANATORY NOTE**

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

This instrument revokes the Official Controls (Plant Health and Genetically Modified Organisms) (England) (Amendment) Regulations 2020 (“the 2020 Regulations”) (S.I. 2020/381).

The 2020 Regulations made amendments to the Official Controls (Plant Health and Genetically Modified Organisms) (England) Regulations 2019 (S.I. 2019/1517) to impose additional emergency measures to prevent the establishment or spread of the following harmful plant pests in England— (a) *Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr.; (b) *Candidatus Phytoplasma ulmi*; (c) *Agrilus planipennis* Fairmaire; and (d) *Xylella fastidiosa* (Wells et al.) This instrument removes those amendments in so far as they relate to *Ceratocystis platani* and *Xylella fastidiosa*.

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

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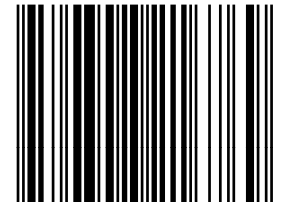
(a) S.I. 2020/381

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