This Statutory Instrument has been made in consequence of an error in S.I. 2021/136 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2021 No. 187

PLANT HEALTH

The Official Controls and Phytosanitary Conditions (Amendment) (No. 2) Regulations 2021

Made - - - -	*24th February 2021*
Laid before Parliament	*25th February 2021*
Coming into force - -	*immediately before 4th March 2021*

The Secretary of State, in exercise of the powers conferred by Articles 41(3) and 105(6) of Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants ("the Plant Health Regulation")(**1**), and Articles 22(2) and (3) and 144(6) of Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products(**2**) ("the Official Controls Regulation"), makes the following Regulations.

The Scottish Ministers and the Welsh Ministers(**3**) have consented to the Secretary of State making these Regulations for the purposes of Article 2a(2)(a) of the Plant Health Regulation, and Article 3(2B) of the Official Controls Regulation.

The Secretary of State has consulted in accordance with Article 144(7) of the Official Controls Regulation.

Citation and commencement

1. These Regulations may be cited as the Official Controls and Phytosanitary Conditions (Amendment) (No. 2) Regulations 2021 and come into force immediately before 4th March 2021.

(**1**) EUR 2016/2031 amended by S.I. 2020/1482.
(**2**) EUR 2017/625, amended by S.I. 2020/1481, there are other amending instruments but none is relevant.
(**3**) Article 2a(2) of EUR 2016/2031 contains the definition of "the appropriate authority" as regards the making of regulations and consent from Welsh Ministers and Scottish Ministers.

Amendment to the Official Controls and Phytosanitary Conditions (Amendment) Regulations 2021

2.—(1) The Official Controls and Phytosanitary Conditions (Amendment) Regulations 2021(**4**) are amended as follows.

(2) In regulation 2(1)(a), immediately before the comma insert "falling on or after 4th March 2021".

(3) In regulation 4, at the end insert—

"(4) This regulation does not apply in relation to any part of the transitional staging period falling before 4th March 2021.".

(4) In regulation 5(1)(b), in the text substituted in the table in Part B of Annex 7, in the first column, for entry 2 substitute—

"**2.** Plants for planting, other than seeds, that belong to the genera and species listed in the list of Xylella host plants, other than those referred to in entries 3, 4 and 5 of this Table".

(5) In paragraph (4), "Annex 7" means Annex 7 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(**5**).

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

24th February 2021

(**4**) S.I. 2021/136.
(**5**) Annex 7 of EUR 2019/2072 was substituted by Schedule 7 to S.I. 2020/1527.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Official Controls and Phytosanitary Conditions (Amendment) Regulations 2021 (S.I. 2021/136) ("the principal Regulations") to correct an amendment made by those Regulations to Commission Implementing Regulation (EU 2019/2072) which establishes uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, on protective measures against pests of plants. The amendment corrected by these Regulations relates to measures to prevent the establishment or spread of *Xylella fastidiosa* (Wells et al.) in Great Britain.

These Regulations also clarify that Part 2 of the principal Regulations applies in relation to the importation of "specified goods" (defined in regulation 2(3)(d) of the principal Regulations) for the duration of that part of "the transitional staging period" (defined in regulation 2(3)(e) of the principal Regulations) falling on or after the coming into force of the principal Regulations..

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.