
STATUTORY INSTRUMENTS

2023 No. 1056

The Windsor Framework (Enforcement etc.) Regulations 2023

PART 2

Plants

The Official Controls (Plant Health and Genetically Modified Organisms) (England) Regulations 2019

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

(2) In regulation 2 (Interpretation: general), after the definition of “ISPM 15” insert—

““Northern Ireland plant health label” has the meaning given in regulation 2 of the Windsor Framework (Plant Health) Regulations 2023(2);”.

(3) In regulation 28 (Powers of entry), in paragraph (1)—

(a) in sub-paragraph (a)—

(i) omit “or” at the end of paragraph (iii);

(ii) insert “or” at the end of paragraph (iv);

(iii) after paragraph (iv) insert—

“(v) an authorised operator, professional operator or registered operator is complying with the Windsor Framework (Plant Health) Regulations 2023;”;

(b) in sub-paragraph (b), after “Plant Health Regulation”, insert “, the Windsor Framework (Plant Health) Regulations 2023”;

(c) in sub-paragraph (c), after “Plant Health Regulation”, insert “, the Windsor Framework (Plant Health) Regulations 2023”.

(4) In regulation 30 (Information notices), in paragraph (3), after “plant passport”, insert “Northern Ireland plant health label”.

(5) In regulation 35 (Disclosure of information to other competent authorities), in paragraph (1)—

(a) in sub-paragraph (a), after “Plant Health Regulation”, insert “the Windsor Framework (Plant Health) Regulations 2023;”;

(b) in sub-paragraph (b), after “Plant Health Regulation”, insert “, the Windsor Framework (Plant Health) Regulations 2023”.

(6) In regulation 38 (General), in paragraph (1), after sub-paragraph (f) insert—

“(fa) a provision of the Windsor Framework (Plant Health) Regulations 2023 specified in Schedule 3A;”.

(1) S.I. 2019/1517, amended by S.I. 2020/1482, 2021/79; there are other amending instruments but none are relevant.

(2) S.I. 2023/957

- (7) In regulation 41 (Provision of false or misleading information), after “plant passport” insert “, a Northern Ireland plant health label”.
- (8) In regulation 42 (Improper use of plant passports or certificates)—
- (a) in the heading, after “plant passports” insert “, Northern Ireland plant health labels”;
 - (b) in paragraph (1), after each place “plant passport” occurs, insert “, a Northern Ireland plant health label”.
- (9) After Schedule 3 insert—

“SCHEDULE 3A

Regulation 38

Offences: relevant offences in the Windsor Framework (Plant Health) Regulations 2023

<i>Provision of the Windsor Framework (Plant Health) Regulations 2023</i>	<i>Subject matter</i>
Regulation 9(3)	Imposes requirements on authorised operators for the issuance of a Northern Ireland plant health label.
Regulation 11(1) and (2)	Requires authorised operators: <ol style="list-style-type: none"> (a) to identify and monitor the points in their production process and the points concerning the movement of the relevant goods which are critical as regards compliance with regulation 12 and regulation 13 of the Windsor Framework (Plant Health) Regulations 2023, where they intend to issue a Northern Ireland plant health label; and (b) to keep records concerning the identification and monitoring of those points for at least three years.
Regulation 11(3)	Requires authorised operators to ensure that appropriate training is provided to its personnel involved in examinations.
Regulation 12	Prohibits issuance of a Northern Ireland plant health label unless specified conditions are fulfilled, but breach of regulation 12 is only an offence where that label is issued by an authorised operator.
Regulation 14(1)	Imposes requirements on authorised operators in relation to attaching a Northern Ireland plant health label.
Regulation 14(2)	Imposes requirements on professional operators in relation to attaching a Northern Ireland plant health label.
Regulation 18(1) to 18(4)	Imposes requirements on authorised operators and professional operators in relation to record keeping.
Regulation 18(5)	Imposes requirements on professional operators to communicate information to the competent authority, on request.
Regulation 19(4)	Imposes conditions in relation to issuance of a replacement Northern Ireland plant health label, but

<i>Provision of the Windsor Framework (Plant Health) Regulations 2023</i>	<i>Subject matter</i>
Regulation 19(6) and (7)	breach of regulation 19(4) is only an offence where that label is issued by an authorised operator. Imposes requirements on authorised operators in relation to retention of a replaced Northern Ireland plant health label or its content.
Regulation 20(2), (3), (5) and (7)	Imposes requirements on professional operators in relation to invalidation and removal of a Northern Ireland plant health label.
Regulation 21	Prohibits the despatch of consignments with a Northern Ireland plant health label to Northern Ireland by persons other than authorised operators and registered operators, and by authorised operators and registered operators unless specified conditions are fulfilled.”.

The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019

4.—(1) The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019(3) are amended as follows.

(2) In regulation 2 (Interpretation: general), after the definition of “ISPM 15” insert—

““Northern Ireland plant health label” has the meaning given in regulation 2 of the Windsor Framework (Plant Health) Regulations 2023;”.

(3) In regulation 6, (Disclosure of information), in paragraph (1), after “Plant Health Regulation”, insert “, the Windsor Framework (Plant Health) Regulations 2023”.

(4) In regulation 29 (Powers of entry), in paragraph (1)—

(a) in sub-paragraph (a)—

(i) omit “or” at the end of paragraph (iii);

(ii) insert “or” at the end of paragraph (iv);

(iii) after paragraph (iv) insert—

“(v) an authorised operator, professional operator or registered operator is complying with the Windsor Framework (Plant Health) Regulations 2023;”;

(b) in sub-paragraph (b), after “Plant Health Regulation”, insert “, the Windsor Framework (Plant Health) Regulations 2023”;

(c) in sub-paragraph (c), after “Plant Health Regulation”, insert “, the Windsor Framework (Plant Health) Regulations 2023”.

(5) In regulation 31 (Information notices), in paragraph (3), after “plant passport,”, insert “Northern Ireland plant health label.”.

(6) In regulation 37 (General), in paragraph (1), after sub-paragraph (g) insert—

“(ga) a provision of the Windsor Framework (Plant Health) Regulations 2023 specified in Schedule 3A”.

- (7) In regulation 40 (Provision of false or misleading information), in paragraph (1) after “plant passport” insert “, a Northern Ireland plant health label”.
- (8) In regulation 41 (Improper use of plant passports or certificates)—
- (a) in the heading, after “plant passports” insert “, Northern Ireland plant health labels”;
 - (b) in paragraph (1), after each place “plant passport” occurs, insert “, a Northern Ireland plant health label”.
- (9) After Schedule 3 insert—

“SCHEDULE 3A

Regulation 37

Offences: relevant offences in the Windsor Framework (Plant Health) Regulations 2023

<i>Provision of the Windsor Framework (Plant Health) Regulations 2023</i>	<i>Subject matter</i>
Regulation 9(3)	Imposes requirements on authorised operators for the issuance of a Northern Ireland plant health label
Regulation 11(1) and (2)	Requires authorised operators: <ol style="list-style-type: none"> (a) to identify and monitor the points in their production process and the points concerning the movement of the relevant goods which are critical as regards compliance with regulation 12 and regulation 13 of the Windsor Framework (Plant Health) Regulations 2023, where they intend to issue a Northern Ireland plant health label; and (b) to keep records concerning the identification and monitoring of those points for at least three years.
Regulation 11(3)	Requires authorised operators to ensure that appropriate training is provided to its personnel involved in examinations.
Regulation 12	Prohibits issuance of a Northern Ireland plant health label unless specified conditions are fulfilled, but breach of regulation 12 is only an offence where that label is issued by an authorised operator.
Regulation 14(1)	Imposes requirements on authorised operators in relation to attaching a Northern Ireland plant health label.
Regulation 14(2)	Imposes requirements on professional operators in relation to attaching a Northern Ireland plant health label.
Regulation 18(1) to 18(4)	Imposes requirements on authorised operators and professional operators in relation to record keeping.
Regulation 18(5)	Imposes requirements on professional operators to communicate information to the competent authority, on request.
Regulation 19(4)	Imposes conditions in relation to issuance of a replacement Northern Ireland plant health label, but

<i>Provision of the Windsor Framework (Plant Health) Regulations 2023</i>	<i>Subject matter</i>
Regulation 19(6) and (7)	breach of regulation 19(4) is only an offence where that label is issued by an authorised operator. Imposes requirements on authorised operators in relation to retention of a replaced Northern Ireland plant health label or its content.
Regulation 20(2), (3), (5) and (7)	Imposes requirements on professional operators in relation to invalidation and removal of a Northern Ireland plant health label.
Regulation 21	Prohibits the despatch of consignments with a Northern Ireland plant health label to Northern Ireland by persons other than authorised operators and registered operators, and by authorised operators and registered operators unless specified conditions are fulfilled.”.

The Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020 (English language text)

5.—(1) The English language text of the Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020(4) is amended as follows.

- (2) In regulation 2 (Interpretation: general), after the definition of “ISPM 15” insert—
““Northern Ireland plant health label” has the meaning given in regulation 2 of the Windsor Framework (Plant Health) Regulations 2023”.
- (3) In regulation 28 (Powers of entry), in paragraph (1)—
 - (a) in sub-paragraph (a)—
 - (i) omit “or” at the end of paragraph (iii);
 - (ii) insert “or” at the end of paragraph (iv);
 - (iii) after paragraph (iv) insert—
“(v) an authorised operator, professional operator or registered operator is complying with the Windsor Framework (Plant Health) Regulations 2023”;
 - (b) in sub-paragraph (b), after “Plant Health Regulation”, insert “, the Windsor Framework (Plant Health) Regulations 2023”;
 - (c) in sub-paragraph (c), after “Plant Health Regulation”, insert “, the Windsor Framework (Plant Health) Regulations 2023”.
- (4) In regulation 30 (Information notices), in paragraph (3), after “plant passport,”, insert “Northern Ireland plant health label,”.
- (5) In regulation 35 (Disclosure of information to other competent authorities), in paragraph (1), after “Plant Health Regulation”, insert “, the Windsor Framework (Plant Health) Regulations 2023”.
- (6) In regulation 38 (General), in paragraph (1), after sub-paragraph (f) insert—
“(fa) a provision of the Windsor Framework (Plant Health) Regulations 2023 specified in Schedule 3A”.

(4) *S.I. 2020/206 (W. 48)*, amended by *S.I. 2020/1628 (W. 342)*, *2021/239 (W. 62)*; there are other amending instruments but none are relevant.

- (7) In regulation 41 (Provision of false or misleading information), after “plant passport” insert “, a Northern Ireland plant health label”.
- (8) In regulation 42 (Improper use of plant passports or certificates)—
- (a) in the heading, after “plant passports” insert “, Northern Ireland plant health labels”;
 - (b) in paragraph (1), after each place “plant passport” occurs, insert “, a Northern Ireland plant health label”.
- (9) After Schedule 3 insert—

“SCHEDULE 3A

Regulation 38

Offences: relevant offences in the Windsor Framework (Plant Health) Regulations 2023

<i>Provision of the Windsor Framework (Plant Health) Regulations 2023</i>	<i>Subject matter</i>
Regulation 9(3)	Imposes requirements on authorised operators for the issuance of a Northern Ireland plant health label.
Regulation 11(1) and (2)	Requires authorised operators: <ol style="list-style-type: none"> (a) to identify and monitor the points in their production process and the points concerning the movement of the relevant goods which are critical as regards compliance with regulation 12 and regulation 13 of the Windsor Framework (Plant Health) Regulations 2023, where they intend to issue a Northern Ireland plant health label; and (b) to keep records concerning the identification and monitoring of those points for at least three years.
Regulation 11(3)	Requires authorised operators to ensure that appropriate training is provided to its personnel involved in examinations.
Regulation 12	Prohibits issuance of a Northern Ireland plant health label unless specified conditions are fulfilled, but breach of regulation 12 is only an offence where that label is issued by an authorised operator.
Regulation 14(1)	Imposes requirements on authorised operators in relation to attaching a Northern Ireland plant health label.
Regulation 14(2)	Imposes requirements on professional operators in relation to attaching a Northern Ireland plant health label.
Regulation 18(1) to 18(4)	Imposes requirements on authorised operators and professional operators in relation to record keeping.
Regulation 18(5)	Imposes requirements on professional operators to communicate information to the competent authority, on request.
Regulation 19(4)	Imposes conditions in relation to issuance of a replacement Northern Ireland plant health label, but

<i>Provision of the Windsor Framework (Plant Health) Regulations 2023</i>	<i>Subject matter</i>
Regulation 19(6) and (7)	breach of regulation 19(4) is only an offence where that label is issued by an authorised operator. Imposes requirements on authorised operators in relation to retention of a replaced Northern Ireland plant health label or its content.
Regulation 20(2), (3), (5) and (7)	Imposes requirements on professional operators in relation to invalidation and removal of a Northern Ireland plant health label.
Regulation 21	Prohibits the despatch of consignments with a Northern Ireland plant health label to Northern Ireland by persons other than authorised operators and registered operators, and by authorised operators and registered operators unless specified conditions are fulfilled.”.

The Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020 (Welsh language text)

6.—(1) The Welsh language text of the Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020 (Rheoliadau Rheolaethau Swyddogol (Iechyd Planhigion ac Organeddau a Addaswyd yn Enetig) (Cymru) 2020(5) is amended as follows.

(2) In regulation 2 (Dehongli: cyffredinol) (Interpretation: general), after the definition of “Gorchymyn 2018” (“the 2018 Order”) insert—

“mae i “label iechyd planhigion Gogledd Iwerddon” yr ystyr a roddir i “Northern Ireland plant health label” yn rheoliad 2 o Reoliadau Fframwaith Windsor (Iechyd Planhigion) 2023”.

(3) In regulation 28 (Pwerau mynediad) (Powers of entry), in paragraph (1)—

(a) in sub-paragraph (a)—

(i) omit “neu” at the end of paragraph (iii);

(ii) insert “neu” at the end of paragraph (iv);

(iii) after paragraph (iv) insert—

“(v) bod gweithredwr awdurdodedig, gweithredwr proffesiynol neu weithredwr cofrestredig yn cydymffurfio â Rheoliadau Fframwaith Windsor (Iechyd Planhigion) 2023”;

(b) in sub-paragraph (b), after “y Rheoliad Iechyd Planhigion”, insert “, Rheoliadau Fframwaith Windsor (Iechyd Planhigion) 2023”;

(c) in sub-paragraph (c), after “y Rheoliad Iechyd Planhigion”, insert “, Rheoliadau Fframwaith Windsor (Iechyd Planhigion) 2023”.

(4) In regulation 30 (Hysbysiadau gwybodaeth) (Information notices), in paragraph (3), after “pasport planhigion,”, insert “label iechyd planhigion Gogledd Iwerddon.”.

(5) In regulation 35 (Datgelu gwybodaeth i awdurdodau cymwys eraill) (Disclosure of information to other competent authorities), in paragraph (1), after “y Rheoliad Iechyd Planhigion”, insert “, Rheoliadau Fframwaith Windsor (Iechyd Planhigion) 2023”.

(5) [S.I. 2020/206 \(W. 48\)](#), amended by [S.I. 2020/1628 \(W. 342\)](#), [2021/239 \(W. 62\)](#); there are other amending instruments but none are relevant.

- (6) In regulation 38 (Cyffredinol) (General), in paragraph (1), after sub-paragraph (f) insert—
“(fa) darpariaeth yn Rheoliadau Fframwaith Windsor (Iechyd Planhigion) 2023 a bennir yn Atodlen 3A”.
- (7) In regulation 41 (Darparu gwybodaeth ffug neu gamarweiniol) (Provision of false or misleading information), after “pasbort planhigion” insert “, label iechyd planhigion Gogledd Iwerddon”.
- (8) In regulation 42 (Defnyddio pasbortau planhigion neu dystysgrifau yn amhriodol) (Improper use of plant passports or certificates)—
- in the heading, after “pasbortau planhigion” insert “, labeli iechyd planhigion Gogledd Iwerddon”;
 - in paragraph (1), after each place “pasbort planhigion” occurs, insert “, label iechyd planhigion Gogledd Iwerddon”.
- (9) After Schedule 3 insert—

“ATODLEN 3A

Rheoliad 38

Troseddau: troseddau perthnasol yn Rheoliadau Fframwaith Windsor (Iechyd Planhigion) 2023

*Y ddarpariaeth yn Rheoliadau Fframwaith Windsor Y pwnc
(Iechyd Planhigion) 2023*

Rheoliad 9(3)	Yn gosod gofynion ar weithredwyr awdurdodedig ynglŷn a dyroddi label iechyd planhigion Gogledd Iwerddon.
Rheoliad 11(1) a (2)	Yn ei gwneud yn ofynnol i weithredwyr awdurdodedig: (a) nodi a monitro’r pwyntiau yn eu proses gynhyrchu a’r pwyntiau sy’n ymwneud â symud y nwyddau perthnasol sy’n allweddol o ran cydymffurfio â rheoliad 12 a rheoliad 13 yn y rheoliadau hynny, pan fônt yn bwriadu dyroddi label iechyd planhigion Gogledd Iwerddon; a (b) cadw cofnodion ynghylch nodi a monitro’r pwyntiau hynny am o leiaf dair blynedd.
Rheoliad 11(3)	Yn ei gwneud yn ofynnol i weithredwyr awdurdodedig sicrhau bod hyfforddiant priodol yn cael ei ddarparu i’w personél sy’n ymwneud ag archwiliadau.
Rheoliad 12	Yn gwahardd dyroddi label iechyd planhigion Gogledd Iwerddon oni bai bod amodau penodol wedi eu cyflawni, ond dim ond pan ddyroddir y label gan weithredwr awdurdodedig y mae torri rheoliad 12 yn drosedd.
Rheoliad 14(1)	Yn gosod gofynion ar weithredwyr awdurdodedig mewn perthynas â gosod label iechyd planhigion Gogledd Iwerddon.
Rheoliad 14(2)	Yn gosod gofynion ar weithredwyr proffesiynol mewn perthynas â gosod label iechyd planhigion Gogledd Iwerddon.

*Y ddarpariaeth yn Rheoliadau Fframwaith Windsor Y pwnc
(Iechyd Planhigion) 2023*

Rheoliad 18(1) i 18(4)	Yn gosod gofynion ar weithredwyr awdurdodedig a gweithredwyr proffesiynol mewn perthynas â chadw cofnodion.
Rheoliad 18(5)	Yn gosod gofynion ar weithredwyr proffesiynol i gyfleu gwybodaeth i'r awdurdod cymwys, ar gais.
Rheoliad 19(4)	Yn gosod amodau mewn perthynas â dyroddi label iechyd planhigion Gogledd Iwerddon amnewid, ond dim ond pan ddyroddir y label gan weithredwr awdurdodedig y mae torri rheoliad 19(4) yn drosedd.
Rheoliad 19(6) a (7)	Yn gosod gofynion ar weithredwyr awdurdodedig mewn perthynas â chadw label iechyd planhigion Gogledd Iwerddon a amnewidiwyd neu ei gynnwys.
Rheoliad 20(2), (3), (5) a (7)	Yn gosod gofynion ar weithredwyr proffesiynol mewn perthynas ag annilysu a thynnu label iechyd planhigion Gogledd Iwerddon.
Rheoliad 21	Yn gwahardd anfon llwythi â label iechyd planhigion Gogledd Iwerddon i Ogledd Iwerddon gan bersonau heblaw gweithredwyr awdurdodedig a gweithredwyr cofrestredig, a chan gweithredwyr awdurdodedig a gweithredwyr cofrestredig oni bai bod amodau penodol wedi eu cyflawni.”.

The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2020

7.—(1) The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2020(6) are amended as follows.

(2) In regulation 44 (Improper use of plant passports or certificates)—

(a) in the heading, after “plant passports”, insert “, Northern Ireland plant health labels”;

(b) in paragraph (1)—

(i) in sub-paragraph (a), after “plant passport”, insert “, Northern Ireland plant health label”;

(ii) in sub-paragraph (b), after “plant passport”, insert “, Northern Ireland plant health label”;

(iii) in sub-paragraph (c), after “plant passport”, insert “, Northern Ireland plant health label”;

(c) after paragraph (2), insert—

“(3) In paragraph (1) “Northern Ireland plant health label” has the meaning given in regulation 2 of the Windsor Framework (Plant Health) Regulations 2023.”.