
WELSH STATUTORY INSTRUMENTS

2021 No. 239 (W. 62)

**EXITING THE EUROPEAN UNION, WALES
PLANT HEALTH, WALES**

**The Plant Health (Amendment)
(Wales) (EU Exit) Regulations 2021**

Made - - - - 3 March 2021
Coming into force - - 4 March 2021

The Welsh Ministers make these Regulations in exercise of the powers conferred by paragraphs 1(1) and 11M of Schedule 2 to the European Union (Withdrawal) Act 2018⁽¹⁾.

A draft of this instrument has been laid before and approved by a resolution of Senedd Cymru in accordance with paragraphs 1(8) and 8F(7) of Schedule 7 to that Act⁽²⁾.

Title and commencement

1.—(1) The title of these Regulations is the Plant Health (Amendment) (Wales) (EU Exit) Regulations 2021.

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

Amendment of the Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020

2.—(1) The Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020⁽³⁾ are amended as follows.

(2) In regulation 2(1), at the appropriate place, insert—

““plant passport” (“*pasbort planhigion*”) means a passport which is a UK plant passport or other permitted plant passport;”.

(3) In regulation 42—

(a) in the heading, omit “UK”;

(1) 2018 c. 16; paragraph 11M of Schedule 2 was inserted by section 22 of the European Union (Withdrawal Agreement) Act 2020 (c. 1). See section 20(1) of the 2018 Act for the definition of “devolved authority”.
(2) The references in the European Union (Withdrawal) Act 2018 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. 2020/206 (W. 48), amended by S.I. 2020/1134 (W. 259), S.I. 2020/1303 (W. 288) and S.I. 2020/1628 (W. 342).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) in paragraph (1)(b) and (c), omit “UK” in both places where it occurs.
- (4) In Schedule 3, in Part 1, in the table—
- (a) in the entry relating to Article 79(1), in the first column, for “and 92a” substitute “, 92a and 95a(2)”;
- (b) in the entry relating to Article 80(1), in the first column, for “and 92a” substitute “, 92a and 95a(2)”;
- (c) in the entry relating to Article 93(5), in the second column, for “replacement UK” substitute “certain”;
- (d) after the entry relating to Article 93(5) insert—

“Article 95a(1)	Prohibits the introduction of a relevant NI trade unit into Great Britain from Northern Ireland unless it is accompanied by the plant passport which was required for its movement within Northern Ireland.”.
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3 March 2021

Lesley Griffiths
Minister for Environment, Energy and Rural
Affairs, one of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by paragraphs 1(1) and 11M of Schedule 2 to the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies and to deal with matters arising out of, or related to, the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement.

These Regulations are connected to the Plant Health (Amendment) (EU Exit) Regulations 2021 (S.I. 2021/79) and amend the Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020 (S.I. 2020/206 (W. 48)).

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.