

2019 No. 000

**EXITING THE EUROPEAN UNION, NORTHERN
IRELAND**

ANIMAL HEALTH, NORTHERN IRELAND

PLANT HEALTH, NORTHERN IRELAND

SEEDS, NORTHERN IRELAND

FOOD, NORTHERN IRELAND

The Animal Health, Plant Health, Seeds and Food (Amendment)
(Northern Ireland) (EU Exit) Regulations 2019

<i>Sift requirements satisfied</i>	xxx
<i>Made - - - -</i>	***
<i>Laid before Parliament</i>	***
<i>Coming into operation in accordance with regulation 1</i>	

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The Secretary of State, in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018^(a), makes the following Regulations:

The requirements of paragraph 3(2) of Schedule 7 to the European (Withdrawal) Act 2018 (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

PART 1

Introductory

Citation, application, commencement and interpretation

1.—(1) These Regulations may be cited as the Animal Health, Plant Health, Seeds and Food (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 and come into force on exit day.

(2) These Regulations apply in Northern Ireland only.

(a) 2018 c. 16.

PART 2

Amendment of Animal Health Legislation

The Control of Salmonella in Poultry Scheme Order (Northern Ireland) 2008

2. In the Control of Salmonella in Poultry Scheme Order (Northern Ireland) 2008(a), in the Schedule, before paragraph 5(a), insert—

“(za) Commission Regulation (EC) No 2160/2003 on the control of salmonella and other food-borne zoonotic agents;”.

The Control of Salmonella in Broiler Flocks Scheme Order (Northern Ireland) 2009

3. In the Control of Salmonella in Broiler Flocks Scheme Order (Northern Ireland) 2009(b), in the Schedule, before paragraph 3(a), insert—

“(za) Commission Regulation (EC) No 2160/2003 on the control of salmonella and other food-borne zoonotic agents;”.

The Control of Salmonella in Turkey Flocks Scheme Order (Northern Ireland) 2010

4. In the Control of Salmonella in Turkey Flocks Scheme Order (Northern Ireland) 2010(c), in the Schedule, before paragraph 3(a), insert—

“(za) Commission Regulation (EC) No 2160/2003 on the control of salmonella and other food-borne zoonotic agents;”.

PART 3

Amendment of the Beef and Veal Labelling Regulations (Northern Ireland) 2010

The Beef and Veal Labelling Regulations (Northern Ireland) 2010

5.—(1) The Beef and Veal Labelling Regulations (Northern Ireland) 2010(d) are amended as follows.

(2) In regulation 5(1)(a)(vi) after “third countries” insert “, as read with Article 15za (transitional provisions)”.

(3) After regulation 5(3) insert—

“(4) Paragraph (1)(b)(ii) shall not apply in relation to a failure to comply with Article 2(2)(b) of Regulation (EC) no 1825/2000 of the European Parliament and the Council if the matter constituting the alleged contravention—

- (a) relates to a product that was placed on the market on or before 31 December 2020; and
- (b) would not have constituted a contravention of that Regulation as it applied immediately before exit day.”.

(a) S.R. 2008 No. 263
(b) S.R. 2009 No. 205
(c) S.R. 2010 No. 248
(d) S.R. 2010 No.155

PART 4

Amendment of the Seed Potatoes Regulations (Northern Ireland) 2016

The Seed Potatoes Regulations (Northern Ireland) 2016

6. The Seed Potatoes Regulations (Northern Ireland) 2016^(a) are amended as follows.
7. In regulation 1(2), for “European Union and Switzerland”, substitute “United Kingdom”.
8. In regulation 2—
- (a) in the definition of “basic seed potatoes”, for paragraph (b), substitute—
- “(b) in relation to seed potatoes produced outside Northern Ireland, seed potatoes imported into Northern Ireland in a package or container to which has been affixed an official label, stating that the potatoes were certified as basic seed potatoes and the grade, in accordance with—
- (i) in the case of seed potatoes produced elsewhere in the United Kingdom, the relevant seed potatoes regulations;
- (ii) in the case of seed potatoes produced in a Crown Dependency, legislation recognised by the Department as having equivalent effect to paragraphs 1(1), (2), (3), 2 and 3 of Schedule 2;
- (iii) in the case of seed potatoes produced in a member State or Switzerland, Article 13(1)(a) of Council Directive 2002/56/EC;”;
- (b) in the definition of “category”, omit “in accordance with the Swiss trade agreement”;
- (c) in the definition of “certification”, for paragraph (b), substitute—
- “(b) in relation to seed potatoes produced outside Northern Ireland, certification by the certification authority, in accordance with—
- (i) in the case of seed potatoes produced elsewhere in the United Kingdom, the relevant seed potatoes regulations;
- (ii) in the case of seed potatoes produced in a Crown Dependency, legislation recognised by the Department as having equivalent effect to regulation 10(2), (3) and (5);
- (iii) in the case of seed potatoes produced in a member State or Switzerland, Article 13(1)(a) of Council Directive 2002/56/EC;
- and “certified” is to be construed accordingly;”;
- (d) in the definition of “certification authority”, omit “for the purposes of Council Directive 2002/56/EC”;
- (e) after the definition of “Council Directive 2002/53/EC”, insert—
- ““Crown Dependency” means the Isle of Man and any of the Channel Islands;”;
- (f) after the definition for “Directive 2014/20/EU”, insert—
- ““equivalent Union grade” means—
- (a) for “UK grade PBTC”, “Union grade PBTC”;
- (b) for “UK grade PB”, “Union grade PB”;
- (c) for “UK grade S”, “Union grade S”;
- (d) for “UK grade SE”, “Union grade SE”;
- (e) for “UK grade E”, “Union grade E”;;”;
- (g) after the definition of “genetically modified”, insert—

^(a) S.R. 2016 No. 190, as amended by S.R. 2017 No. 155.

“the GMO regulations” means—

- (a) in relation to Northern Ireland, the Genetically Modified Organisms (Deliberate Release) Regulations (Northern Ireland) 2003^(a);
 - (b) in relation to England, the Genetically Modified Organisms (Deliberate Release) Regulations 2002^(b);
 - (c) in relation to Wales, the Genetically Modified Organisms (Deliberate Release) (Wales) Regulations^(c);
 - (d) in relation to Scotland, the Genetically Modified Organisms (Deliberate Release) (Scotland) Regulations^(d)”;
- (h) in the definition “grade”, after “includes”, insert “the UK grade and the”;
- (i) in the definition of “official document”, for paragraph (b), substitute—
- “(b) in relation to seed potatoes produced outside Northern Ireland, a document issued or approved by the certification authority in the country or territory where the seed potatoes were produced which meets the requirements of—
- (i) in the case of seed potatoes produced elsewhere in the United Kingdom, the relevant seed potatoes regulations;
 - (ii) in the case of seed potatoes produced in a Crown Dependency, legislation recognised by the Department as having equivalent effect to Part 2 of Schedule 2;
 - (iii) in the case of seed potatoes produced in a member State or Switzerland, Article 13(1)(b) of Council Directive 2002/56/EC”;
- (j) in the definition of “official label”, for paragraph (b), substitute—
- “(b) in relation to seed potatoes produced outside Northern Ireland, a label issued or approved by the certification authority in the country or territory where the seed potatoes were produced which meets the requirements of—
- (i) in the case of seed potatoes produced elsewhere in the United Kingdom, the relevant seed potatoes regulations;
 - (ii) in the case of seed potatoes produced in a Crown Dependency, legislation recognised by the Department as having equivalent effect to regulation 11 and Part 1 of Schedule 2;
 - (iv) in the case of seed potatoes produced in a member State or Switzerland, Article 13(1)(a) or 18(f), as appropriate to the seed potatoes to which the label relates, of Council Directive 2002/56/EC, or Article 9 of Commission Decision 2004/842/EC”;
- (k) in the definition of “pre-basic seed potatoes”, for paragraph (b), substitute—
- “(b) in relation to seed potatoes produced outside Northern Ireland, seed potatoes imported into Northern Ireland in a package or container to which has been affixed an official label, stating that the seed potatoes were certified as pre-basic seed potatoes and the grade, in accordance with—
- (i) in the case of seed potatoes produced elsewhere in the United Kingdom, the relevant seed potatoes regulations;
 - (ii) in the case of seed potatoes produced in a Crown Dependency, legislation recognised by the Department as having equivalent effect to paragraphs 1(1), (2), (4), 2 and 3 of Schedule 2;

(a) S.R. 2003 No. 167

(b) S.I. 2002/2443

(c) S.I. 2002/3188

(d) S.I. 2002/541

- (iv) in the case of seed potatoes produced in a member State or Switzerland, Article 18(f) of Council Directive 2002/56/EC;”;
- (l) in the definition of “seed potatoes produced outside Northern Ireland”—
 - (i) in sub-paragraph (a), omit “and the Republic of Ireland”;
 - (ii) in sub-paragraph (b), omit “other than the United Kingdom”;
- (m) after the definition of “seed potatoes produced outside Northern Ireland”, insert—
 - “the relevant seed potatoes regulations” means—
 - (a) in the case of Scotland, the Seed Potatoes (Scotland) Regulations 2015(a);
 - (b) in the case of Wales, the Seed Potatoes (Wales) Regulations 2016(b);
 - (c) in the case of England, the Seed Potatoes (England) Regulations 2015(c);”;
- (n) in the definition for “test and trial seed potatoes”, for paragraph (b), substitute—
 - “(b) in relation to seed potatoes produced outside Northern Ireland, seed potatoes imported into Northern Ireland in a package or container which bears an official label in accordance with—
 - (i) in the case of seed potatoes produced elsewhere in the United Kingdom, the relevant seed potatoes regulations;
 - (ii) in the case of seed potatoes produced in a Crown Dependency, legislation recognised by the Department as having equivalent effect to regulation 13 and paragraphs 1(1), (2), (5) and 2 of Schedule 2;
 - (iii) in the case of seed potatoes produced in a member State or Switzerland, Article 9 of Commission Decision 2004/842/EC;”;
- (o) for the definition of “Union grade”, substitute—
 - ““Union grade” means, in relation to seed potatoes produced in a member State or Switzerland—
 - (a) in the case of pre-basic seed potatoes, either “Union grade PBTC” or “Union grade PB”, the minimum conditions for which are set out in Articles 2 and 3 of, and the Annex to, Commission Implementing Directive 2014/21/EU of 6 February 2014 determining minimum conditions and Union grades for pre-basic seed potatoes(d);
 - (b) in the case of basic seed potatoes, either “Union grade S”, “Union grade SE” or “Union grade E”, the minimum conditions for which are set out in Article 1 of, and Annex I to, Directive 2014/20/EU;”;
- (p) after the definition “Union grade”, insert—
 - ““UK grade” means—
 - (a) in relation to seed potatoes produced in Northern Ireland, the United Kingdom grade determined in respect of those potatoes under Schedule 4;
 - (b) in relation to seed potatoes produced elsewhere in the United Kingdom, the UK grade determined in accordance with the relevant seed potatoes regulations;”;
- (q) omit paragraphs (3) and (4).

9. In regulation 4—

- (a) in paragraph (1)—
 - (i) in sub-paragraphs (b)(i) and (ii), at the beginning, insert “before the end of the period of one year beginning with the day after the day on which exit falls, ”;
 - (ii) in sub-paragraph (b)(i), omit “or”;

(a) S.S.I. 2015/395.
 (b) S.I. 2016/106.
 (c) S.I. 2015/1953.
 (d) O.J. No. L 38, 07.02.2014, p.39.

- (iii) after sub-paragraph (b)(ii), insert—
 - “(iii) “UK grade S” or “UK grade SE” as set out in—
 - (aa) for Northern Ireland, Table 2 of Schedule 4;
 - (bb) for elsewhere in the United Kingdom, the relevant seed potatoes regulations; or
 - (cc) for a Crown Dependency, legislation recognised by the Department as having equivalent effect to Table 2 of Schedule 4;”;
- (iv) in sub-paragraph (c)(ii), omit “or”;
- (v) after sub-paragraph (c)(iii), insert—
 - “(iv) “UK grade S”, “UK grade SE” or “UK grade E” as set out in—
 - (aa) for Northern Ireland, Table 2 of Schedule 4;
 - (bb) for elsewhere in the United Kingdom, the relevant seed potatoes regulations; or
 - (cc) for a Crown Dependency, legislation recognised by the Department as having equivalent effect to Table 2 of Schedule 4;”;
- (b) for sub-paragraph (3)(b), substitute—
 - “(b) in relation to seed potatoes produced outside Northern Ireland, seed potatoes which have been authorised by the certification authority in the country or territory where the seed potatoes were produced for marketing in accordance with—
 - (i) in the case of seed potatoes produced elsewhere in the United Kingdom, the relevant seed potatoes regulations;
 - (ii) in the case of seed potatoes produced in a Crown Dependency, legislation recognised by the Department as having equivalent effect to regulation 6;
 - (iii) in the case of seed potatoes produced in a member State or Switzerland, Article 6(1) of Council Directive 2002/56/EC.”;
- (c) after paragraph (3), insert—
 - “(4) Sub-paragraphs (b)(i) and (ii) and (c)(i), (ii) and (iii) of paragraph (1) do not apply after the end of the period of one year beginning with the day after the day on which exit day falls.”.

10. After regulation 4, insert—

“Marketing of seed potatoes from the EU or Switzerland

4A.—(1) No person may market in Northern Ireland any seed potatoes produced in a member State or Switzerland.

(2) Paragraph (1) does not apply to seed potatoes which meet the conditions set out in paragraph (3).

(3) The conditions are that the seed potatoes—

- (a) are of a variety listed on the National List or on the Common Catalogue;
- (b) have complied with the requirements of Council Directive 2002/56/EC; and
- (c) have been imported into Northern Ireland before the end of the period of one year beginning with the day after the day on which exit falls.

(4) Paragraph (1) is subject to regulations made under Section 1(2A) of the Seeds Act (Northern Ireland) 1965(a) on the importation of seed potatoes.”.

11. In regulation 5—

(a) 1965 c. 22.

(a) in paragraph (3), for “For the purposes of Articles 14 and 15(2) of Commission Directive 2008/62/EC”, substitute “Where the quantities laid down in Article 14 of Commission Directive 2008/62/EC would otherwise be likely to be exceeded”;

(b) after paragraph (5), insert—

“(6) For the purposes of paragraph (3), Article 14 of Commission Directive 2008/62/EC is to be read as if—

(a) in the first paragraph, in the first sentence—

(i) the words “Each Member State shall ensure that”, were omitted;

(ii) for the words “does not exceed”, there were substituted “may not exceed”;

(iii) for “that member State”, there were substituted “United Kingdom”;

(b) in the second paragraph—

(i) in the first sentence, for the reference to “each Member State”, there were substituted “the United Kingdom”;

(ii) for the references to “the Member State”, in both places, there were substituted “the United Kingdom”.

12. For regulation 6(2), substitute—

“(2) The Department shall not authorise marketing of seed potatoes which contain any genetically modified material unless an authorisation is in force under—

(a) Regulation 1829/2003 or Part C of Directive 2001/18/EC, where that authorisation was granted before exit day;

(b) Regulation 1829/2003 (on genetically modified food and feed); or

(c) the GMO regulations.”.

13. In regulation 7—

(a) for paragraph (3), substitute—

“(3) The Department shall not authorise marketing—

(a) of a quantity of seed potatoes in excess of 0.1% of the annual amount of seed potatoes used in the United Kingdom, except that, if such quantity is not sufficient to sow 10 hectares, the quantity needed for such an area may be authorised;

(b) of seed potatoes which contain any genetically modified material unless an authorisation is in force under—

(i) Regulation 1829/2003 or Part C of Directive 2001/18/EC, where that authorisation was granted before exit day;

(ii) Regulation 1829/2003 (on genetically modified food and feed);

(iii) the GMO regulations.”;

(b) in sub-paragraph (6)(b), after “the National List or”, insert “, before the end of the period of one year beginning with exit day,”;

(c) in sub-paragraph (8)(b), for “member States”, substitute “country”.

14. In regulation 8(1), after “pre-basic seed potatoes of”, insert “UK grade PBTC or”.

15. In regulation 9—

(a) in sub-paragraph (3)(a)(i), after “pre-basic seed potatoes of”, insert “UK grade PBTC or”;

(b) in sub-paragraph (3)(b), for “pursuant to the Directive to the end”, substitute—

“, in respect of marketing those seed potatoes, pursuant to—

(i) in the case of seed potatoes produced elsewhere in the United Kingdom, the relevant seed potatoes regulations;

(ii) in the case of seed potatoes produced in a Crown Dependency, legislation recognised by the Department as having equivalent effect to paragraph (a);

- (iii) in the case of seed potatoes produced in a member State or Switzerland, Council Directive 2002/56/EC.”.

16. In regulations 10 and 11, for “Union”, substitute “UK”, in each place it occurs.

17. In regulation 12(1)(b), for “accordance with” to the end, substitute—

“accordance with—

- (i) in the case of seed potatoes produced elsewhere in the United Kingdom, the relevant seed potatoes regulations;
- (ii) in the case of seed potatoes produced in a Crown Dependency, legislation recognised by the Department as having equivalent effect to paragraph (a);
- (iii) in the case of seed potatoes produced in a member State or Switzerland, Article 11(1) of Council Directive 2002/56/EC.”.

18. In regulation 14—

- (a) in the heading, for “European Union”, substitute “British Islands”;
- (b) the existing text before sub-paragraph (a) becomes paragraph (1);
- (c) in paragraph (1), for “European Union”, substitute “British Islands”;
- (d) after paragraph (1), insert—

“(2) Paragraph (1) does not apply to any person marketing more than 2 kilogrammes of seed potatoes that have been imported into Northern Ireland from the European Union or Switzerland before the end of the period of one year beginning with the day after the day on which exit day falls.”.

19. In regulation 21—

- (a) in the heading, for “Union”, substitute “UK”;
- (b) in paragraph (5), for “Union”, substitute “UK”, in each place it occurs.

20. After regulation 24, insert—

“Transitional provisions for official labels on exit day

24A. A label pre-printed before exit day which at the date on which it was printed was an official label for the purposes of these Regulations is to be treated as an official label for basic seed potatoes for the purposes of any use of that label before the end of the period of one year beginning with the day after the day on which exit day falls.”.

Schedule 1 (Growing crop reports)

21. In Schedule 1—

- (a) in sub-paragraphs 1(b)(ii) and 2(c), for “Union”, substitute “UK”, in each place it occurs;
- (b) in sub-paragraph 3(a), after the National List or”, insert “, before the end of the period of two years beginning with the day after the day on which exit day falls.”.

Schedule 2 (Official labels and official documents)

22. In Schedule 2—

- (a) in paragraph 1—
 - (i) for “member State”, substitute “country”, in each place it occurs;
 - (ii) in sub-paragraph (3)(a), for “EU”, substitute “UK”;
- (b) in paragraph 2—
 - (i) for “required by”, substitute “specified in”;
 - (ii) at the end add “ read as if, in point (a), for “EC” there were substituted “UK””.

Schedule 4 (Union grades: source material for planting, other requirements and tolerances for the growing crop and lots of seed potatoes)

23. In Schedule 4—

- (a) in the Schedule heading for “Union”, substitute “UK”;
- (b) in paragraph 1, for “Union”, substitute “UK”, in each place it occurs;
- (c) in table 1—
 - (i) in the table caption, for “Union”, substitute “UK”;
 - (ii) for “Union”, substitute, “UK”, in each place it occurs;
- (d) in table 2—
 - (i) in the table caption, for “Union”, substitute “UK”;
 - (ii) in the heading to column 1, for “Union”, substitute “UK”;
 - (iii) in column 2, in the row titled “S”—
 - (aa) in paragraph (a), after “official document as”, insert “UK grade PBTC or”;
 - (bb) in paragraph (b), after “official document as”, insert “UK grade S or”;
 - (iv) in column 2, in the row titled “SE”—
 - (aa) in paragraph (a), after “official document as”, insert “UK grade PBTC or”;
 - (bb) in paragraph (b), after “official document as”, insert “UK grade S or”;
 - (v) in column 2, in the row titled “E”—
 - (aa) in paragraph (a), after “official document as”, insert “UK grade PBTC or”;
 - (bb) in paragraph (b), after “official document as”, insert “UK grade S, UK grade SE or”.

Schedule 5 (Authorisation for marketing seed potatoes for test and trial purposes)

24. In sub-paragraph 3(e), for “Union”, substitute “UK”.

PART 5

Amendment of the Marketing of Seeds and Plant Propagating Material (Amendment) (Northern Ireland) (EU Exit) Regulations 2019

The Marketing of Seeds and Plant Propagating Material (Amendment) (Northern Ireland) (EU Exit) Regulations 2019

25. The Marketing of Seeds and Plant Propagating Material (Amendment) (Northern Ireland) (EU Exit) Regulations 2019(a) are amended as follows.

26. In regulation 9(c), for “from the United Kingdom”, substitute “into the United Kingdom”.

27. In regulation 27—

- (a) for “or within Great Britain”, substitute “another part of the United Kingdom”;
- (b) at the end, add “, setting out the particulars required under regulation 19 of these Regulations or regulation 19 of the GB Regulations”.

28. In regulation 29, after “a member State, ”, insert “or ”.

29. In regulation 43(a)—

(a) S.I. 2019/211.

- (a) in the inserted text of sub-paragraph (b), for “an EEA State or Switzerland”, substitute “a European Single Market State”;
- (b) in the inserted text of sub-paragraph (b)(i), at the end, insert “ except the vegetable seed of the species listed in Council Directive 2002/55/EC produced in Switzerland”;
- (c) for regulation 52(g), substitute—
 - “(g) in paragraph 11(1), after “National List”, insert “or, before the end of the period of two years beginning with the day after the day on which exit day falls, a national list””.

30. In regulation 54(d), in the definition of “certified material”, after the inserted text of paragraph (c), insert—

- “(d) in relation to propagating material and fruit plants produced in a Crown Dependency, legislation recognised by the Department as having equivalent effect to regulation 9(1) and (2);”.

PART 6

Amendment of the Plant Health (Amendment) (Northern Ireland) (EU Exit) Regulations 2019

The Plant Health (Amendment) (Northern Ireland) (EU Exit) Regulations 2019

31. The Plant Health (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 are amended as follows.

32. In regulation 4(2)(a)—

- (a) in sub-paragraph (i), after the inserted definition of “appropriate checks”, insert—
 - ““appropriate UK plant health authority”, means—
 - (a) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;
 - (b) in relation to timber and forest pests in England, the Forestry Commissioners;
 - (c) otherwise in relation to England, the Secretary of State;
 - (d) in relation to Wales, the Welsh Ministers;
 - (e) in relation to Scotland, the Scottish Ministers;
 - (f) in relation to the Bailiwick of Guernsey, the States of Guernsey;
 - (g) in relation to the Bailiwick of Jersey, the Department of Environment of the Bailiwick of Jersey;
 - (h) in relation to the Isle of Man, the Department of Environment, Food and Agriculture of the Isle of Man;”;
- (b) in sub-paragraph (vi), before the substituted definition of “consignment”, insert—
 - ““CD territory” means the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man;”;
- (c) in sub-paragraph (xxi), in the inserted definition of “trade documents” for “similar document which accompanies the consignment” substitute “other similar document”;
- (d) for sub-paragraph (xxxiii), substitute—
 - “(xxxiii) for the definition of “third country” substitute—
 - ““third country” means—
 - (a) a country or territory outside the European Union, other than a territory within the British Islands; or
 - (b) the European Union;”;

- (e) in sub-paragraph (xxxiv), in the inserted definition of “UK plant passport” omit “Part A or B of”;
- 33.** In regulation 4(4), in the inserted text of article 3A, for paragraph (2), substitute—
“(2) Subject to articles 4(1), 18(1) and 29, in the case of relevant material, imported from the EU, which is not subject to a plant passport under the Plant Health (Wood and Bark) Order (Northern Ireland) 2006, such material will not be subject to checks under this Order.”.
- 34.** In regulation 4(5)(e), in the inserted text of paragraph (3), for “(d)” substitute “(b) to (h)”.
- 35.** In regulation 4(9)—
- (a) in sub-paragraph (a), for the inserted text of regulation 7(A1) substitute—
“(A1) The provisions referred to in paragraph (A2) do not apply to —
- (a) any tree or wood described in paragraph (2) originating in any third country, other than the European Union or Switzerland, which is brought into Northern Ireland in the baggage of a passenger or other traveller coming from any such third country and meets the conditions in paragraph (A3); or
- (b) any small quantity of relevant material originating in the European Union or Switzerland which is brought into Northern Ireland in the baggage of a passenger or other traveller coming from the European Union or Switzerland and meets the conditions in paragraph (A3).
- (A2) The provisions are—
- (a) article 4(A1)(e) and (h);
- (b) article 5(A1);
- (c) article 5A(1);
- (d) article 6(A1);
- (e) article 9A;
- (f) article 11A.
- (A3) The conditions are that the relevant material—
- (a) does not show any signs of the presence of a tree pest;
- (b) is not intended for use in the course of a trade or business;
- (c) is intended for household use; and
- (d) in the case of any tree or wood originating in a third country, other than the European union or Switzerland, has been grown in or consigned from the Euro-Mediterranean area.”.
- 36.** In regulation 4(13), in sub-paragraph (a), for the words “after” to the end, substitute “after “article 9(1)” insert “and the prohibition by article 9A(3)”.
- 37.** In regulation 4(15), in the inserted text of article 11A(2)(a), for “which accompanied” substitute “accompanying”.
- 38.** In regulation 4(24)—
- (a) in the inserted text of article 18A(1)(d), after “United Kingdom”, insert “or a CD territory”;
- (b) in the inserted text of article 18A(2)(b), for “2”, in the second place where it occurs, substitute “3”;
- (c) in the inserted text of article 18A(2)(d), after “United Kingdom”, insert “or a CD territory”.
- 39.** In regulation 4(26)—

- (a) in the inserted text of article 19A(1)(a), after “United Kingdom”, insert “or a CD territory”;
- (b) in the inserted text of article 19A(1)(b), for “under Article 11” to the end, substitute “by the Department under article 11(1) or by another appropriate UK plant health authority in an equivalent manner.”;
- (c) after the inserted text of article 19A(1)(b), insert—
 - “;
 - (c) in the case of any notifiable relevant material originating in the European Union or Switzerland which was brought into a point of entry in the United Kingdom, any relevant material specified in the list of controlled material which originates in the European Union or Switzerland and was notified to the Department in accordance with article 5(1), or to the appropriate UK plant health authority in accordance with equivalent requirements under the relevant Plant Health Order.”;
- (d) in the inserted text of article 19A(2)(a), at the end insert “or a CD territory”;
- (e) for the inserted text of article 19A(2)(b) substitute—
 - “(b) any relevant material of a description specified in the list of pest free area controlled material in respect of the relevant UK pest free area that has been discharged by the Department under article 11(1) or by another appropriate UK plant health authority in an equivalent manner;
 - (c) in the case of any notifiable relevant material originating in the European Union or Switzerland which was brought into a point of entry in the United Kingdom, any relevant material specified in the list of pest free area controlled material in respect of the relevant UK pest free area which—
 - (i) originates in the European Union or Switzerland; and
 - (ii) was notified to the Department in accordance with article 5(1), or to the appropriate UK plant health authority in accordance with equivalent requirements under the relevant Plant Health Order.”;
- (f) in the inserted text of article 19A(3)—
 - (i) in the words before sub-paragraph (a), after “UK territory” insert “or a CD territory”;
 - (ii) after paragraph (d), insert—
 - “;
 - (e) in the case of relevant material destined for a CD territory, any relevant material of a description specified for the purposes of this paragraph in the applicable plant health legislation of the CD territory.”;
- (g) at the end of the inserted text of article 19A, insert—

“(6) in paragraphs (1) and (2), “relevant Plant Health Order” has the same meaning as in Part 2.”.

40. In regulation 4(40)(a), after sub-paragraph (ii) insert—

“(iii) omit sub-paragraph (a) and (b).”.

41. In regulation 4(49)(f), at the end, insert—

“(vii) in sub paragraph (j), for “Northern Ireland” substitute “United Kingdom or a CD territory.”.

42. In regulation 5(2)(a)—

(a) in sub-paragraph (i)—

(i) in the inserted definition of “appropriate UK plant health authority”, after sub-paragraph (e) insert—

“(f) in relation to the Bailiwick of Guernsey, the States of Guernsey;

- (g) in relation to the Bailiwick of Jersey, the Department of Environment of the Bailiwick of Jersey;
- (h) in relation to the Isle of Man, the Department of Environment, Food and Agriculture of the Isle of Man;”;
- (ii) after the inserted definition of “appropriate UK plant health authority” insert—
 - ““CD territory” means the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man;”;
- (b) for sub-paragraph (xxviii) substitute—
 - “(xxviii) for the definition of “third country” substitute—
 - ““third country” means—
 - (a) a country or territory outside the European Union, other than a territory within the British Islands; or
 - (b) the European Union;”;

43. In regulation 5(3)(a), in the inserted definition of “correct phytosanitary certificate”, after “phytosanitary”, in the second place where it occurs, insert “certificate”.

44. In regulation 5(4), in the inserted text, for paragraph (2), substitute—

“(2) Subject to articles 5(1), 21(1) and 33, in the case of relevant material imported from the EU, which is not subject to a plant passport under the Plant Health Order (Northern Ireland) 2018, such material will not be subject to checks under this Order.”.

45. For regulation 5(9) substitute—

“**70.** In article 8—

(a) in paragraph (1)—

(i) for the words from “introduced into Northern Ireland in the baggage of a passenger or other traveller” substitute “brought into Northern Ireland in the baggage of a passenger or other traveller coming from any third country, other than the European Union or Switzerland, or to any exempt material which is brought into Northern Ireland in the baggage of a passenger or other traveller coming from the European Union or Switzerland”;

(ii) in paragraph (a), for “(f)” substitute “(h)”;

(iii) after paragraph (b) insert—

“(ba) article 6A(1);”;

(iv) after sub-paragraph (d) insert—

“;

(e) article 12A.”;

(b) in paragraph (3)—

(i) in sub-paragraph (a), after “means” insert “any of the following relevant material originating in a third country, other than the European Union or Switzerland”;

(ii) after paragraph (a) insert—

“(aa) “exempt material” means a small quantity of relevant material originating in the European Union or Switzerland, other than plants of *Castanea* Mill. intended for planting, plants of *Fraxinus* L. intended for planting or plants, other than seeds, of *Platanus* L. intended for planting;”.

46. In regulation 5(13)—

(a) for sub-paragraph (e) substitute—

“(e) in paragraph 6—

- (i) in the words before sub-paragraph (a) for “area of plant health control” substitute “point of entry, designated area of plant health control or approved place of inspection”;
- (ii) in sub-paragraph (a), for the words “the date on which the certificate was delivered in accordance with article 9(1)” substitute “date it”;
- (iii) omit sub-paragraph (b) and the preceding “; and”.

47. In regulation 5(16)(a)(iv), in the substituted text, omit “the” in the first place where it occurs.

48. In regulation 5(22)—

(a) in sub-paragraph (a)—

- (i) at the beginning, insert “in paragraph (1),”;
- (ii) in the substituted text of sub-paragraph (e), after “United Kingdom” insert “or a CD territory”;
- (iii) in the substituted text of sub-paragraph (f), after “United Kingdom” insert “or a CD territory”;

(b) in sub-paragraph (b)—

- (i) in the inserted text of paragraph (1B)(d), after “United Kingdom” insert “or a CD territory”;
- (ii) in the inserted text of paragraph (1B)(e), after “United Kingdom” insert “or a CD territory”.

49. In regulation 5(23)—

(a) in sub-paragraph (b)—

- (i) in the substituted text of paragraph (1)(a), at the end insert “or a CD territory”;
- (ii) in the substituted text of paragraph (1)(b), for the words from “under article 12” to the end substitute “by the Department under article 12(1) or by another appropriate UK plant health authority in an equivalent manner;”;
- (iii) after the substituted text of paragraph (1)(b) insert—

“;

- (c) in the case of any notifiable relevant material originating in the European Union or Switzerland which was brought into a point of entry in the United Kingdom, any relevant material specified in the list of controlled material which originates in the European Union or Switzerland and was notified to the Department in accordance with Article 6(1), or to the appropriate UK plant health authority in accordance with equivalent requirements under the relevant Plant Health Order.”;
- (iv) in the substituted text of paragraph (2)(a), at the end insert “or a CD territory”;
- (v) for the substituted text of paragraph (2)(b) substitute—
 - “(b) any relevant material of a description specified in the list of pest free area controlled material in respect of the relevant UK pest free area that has been discharged by the Department under Article 12(1) or by another appropriate UK plant health authority in an equivalent manner;
 - (c) in the case of any notifiable relevant material originating in the European Union or Switzerland which was brought into a point of entry in the United Kingdom, any relevant material specified in the list of pest free area controlled material in respect of the relevant UK pest free area which—
 - (i) originates in the European Union or Switzerland; and
 - (ii) was notified to the Department in accordance with Article 6(1), or to the appropriate UK plant health authority in accordance with equivalent requirements under the relevant Plant Health Order.”;

- (vi) in the substituted text of paragraph (3)—
 - (aa) in the words before sub-paragraph (a), after “UK territory” insert “or a CD territory”;
 - (bb) at the end insert—
“;”;
 - (e) in the case of relevant material destined for a CD territory, any relevant material of a description specified for the purposes of this paragraph in the applicable plant health legislation of that CD territory.”;
 - (b) in sub-paragraph (c), for (8) substitute (7);
 - (c) in sub-paragraph (d), for paragraph (8) substitute (7);
 - (d) in the substituted text of paragraph (8A), for (8A) substitute (7A);
 - (e) in sub-paragraph (e), for (9) substitute (8);
 - (f) in sub-paragraph (f), for (10) substitute (9);
 - (g) after paragraph (9) insert—
“(10) In paragraphs (1) and (2), “relevant Plant Health Order” has the same meaning as in Part 2 (see Article 3).”.
- 50.** In regulation 5(24)(a)(ii), for “in sub-paragraph (b)”, substitute “sub-paragraph (c)”.
- 51.** In regulation 5(29)(b)—
- (a) in paragraph (i), for the inserted text substitute—
“(za) “demarcated area” means—
 - (i) an area demarcated under paragraph 5 of Schedule 15 to the Plant Health Regulations or, in relation to Scotland, under equivalent provisions in the Scotland Orders; or
 - (ii) a CD territory in which *Xylella fastidiosa* (Wells et al.) has been confirmed to be present;”;
 - (b) In paragraph (iv)(aa), after “for”, in the first place where it occurs, insert “the words in”.
- 52.** In regulation 5(36)(b)(i), for “United Kingdom” substitute “United Kingdom, a CD territory,”.
- 53.** In regulation 5(42)(a), after paragraph (i) insert—
“(ia) omit paragraphs (v) and (va) of sub-paragraph (a);”.
- 54.** In regulation 5(45)—
- (a) for paragraph (b), substitute—
“(b) for the heading of Part A, substitute “Requirements for UK plant passports for any relevant material””;
 - (b) in sub-paragraph (d)(viii) for “the United Kingdom” substitute “the United Kingdom or a CD territory”;
 - (c) in sub-paragraph (e), for the words in paragraph (i) substitute “for “elsewhere in the European Union” substitute “in another UK territory or a CD territory””;
 - (d) in sub-paragraph (h), after the inserted text of paragraph 8(a) insert—
“(aa) in relation to fruit plant propagating material and fruit plants—
 - (i) produced in Northern Ireland, in Part 2 of Schedule 2 to the Fruit Plant and Propagating Material Regulations (Northern Ireland) 2017(a);

(a) S.R. 2017 No. 119.

- (ii) produced in England, in Part 2 of Schedule 2 to the Fruit Plant and Propagating Material (England) Regulations 2017(a);
- (iii) produced in Wales, in Part 2 of Schedule 2 to the Fruit Plant and Propagating Material (Wales) Regulations 2017(b);
- (iv) produced in Scotland, in Part 2 of Schedule 5 to the Fruit Plant and Propagating Material (Scotland) Regulations 2017(c);”.

Address
Date

Name
Parliamentary Under Secretary of State
Department

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(a) S.I. 2017/595 [to which there are amendments not relevant to these Regulations].
(b) S.I. 2017/691 (W.163), [to which there are amendments not relevant to these Regulations].
(c) S.S.I. 2017/177, [to which there are amendments not relevant to these Regulations].

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in part in exercise of the powers conferred by the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular section 8(2)(c) and (g)) arising from the withdrawal of the United Kingdom from the European Union.

Part 2 amends Northern Ireland domestic legislation concerning the control of salmonella in poultry, broiler flocks and turkeys to ensure the legislation will remain operable after the UK has left the EU.

Part 3 makes minor amendments to the Beef and Veal Labelling Regulations (Northern Ireland) 2010 to ensure the legislation will remain operable after the UK has left the EU.

Part 4 makes minor amendments to the Seed Potatoes Regulations (Northern Ireland) 2016 to ensure that they remain operable after the UK has left the EU. It provides for a one-year interim period during which time EU seed will continue to be recognised for production and marketing in Northern Ireland to ensure continuity in supplies of seed potatoes.

Parts 5 and 6 make minor amendments to provisions of the Regulations made under section 8(1) of the European Union (Withdrawal) Act 2018, relating to the marketing of seeds and plant propagating material and plant health.

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