

Statutory Instruments with Clear Reports

30 November 2020

SL(5)661 – The Plant Health (Forestry) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020

Procedure: Affirmative

The Plant Health (Forestry) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020 (“the Regulations”) amend the Plant Health (Forestry) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019, which in turn amend the Forest Reproductive Material (Great Britain) Regulations 2002 and the Plant Health (Forestry) (Fees) (Wales) Regulations 2019 in relation to Wales.

The amendments made by the Regulations implement Great Britain’s decisions on the equivalence of forest reproductive material produced in countries outside Great Britain and set out the revised requirements which apply in Wales. This is necessary to maintain standards of imported forest reproductive material and associated biosecurity.

These amendments are necessary to reflect the post-transitional position of Wales within Great Britain arising from the UK’s withdrawal from the EU, and maintain alignment with the law in England and Scotland. The amendments are technical in nature with no changes to policy.

It is necessary to update the above instruments that preceded Withdrawal Agreement between the UK and the EU, and to make further amendments to retained EU law to ensure they function effectively after IP Completion Day. Amendment is also necessary to allow for operability of the Protocol on Ireland/Northern Ireland in relation to Forestry Reproductive Material (Northern Ireland) Regulations 2002. This instrument also removes amendments to the Plant Health (Forestry) Order 2005 which was replaced by the Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020.

Regulations 1, 2, 3 and 5 come into force immediately before IP Completion Day as defined in s.39 European Union (Withdrawal Agreement) Act 2020 as 11pm on 31st December 2020. Regulations 4 and 6 come into force on IP Completion Day.

Parent Act: European Union (Withdrawal) Act 2018, European Union (Withdrawal Agreement) Act 2020

Date Made:

Date Laid:

Coming into force date:

