

Draft Regulations laid before Senedd Cymru under paragraph 1(8) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of Senedd Cymru.

DRAFT WELSH STATUTORY
INSTRUMENTS

2021 No. (W.)

**EXITING THE EUROPEAN
UNION, WALES**

PLANT HEALTH, WALES

**The Plant Health (Fees) (Forestry)
(Wales) (Amendment) Regulations
2021**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by paragraph 7 of Schedule 4 and paragraphs 21(a) and (b) of Schedule 7 to the European Union (Withdrawal) Act 2018 (c. 16) and amend the Plant Health (Fees) (Forestry) (Wales) Regulations 2019 (S.I. 2019/497 W.114) (the “2019 Regulations”).

Regulation 2 amends the 2019 Regulations to provide an exemption from the payment of fees otherwise payable to the Welsh Ministers in respect of applications to the Forestry Commission for a phytosanitary certificate for export (or re-export) in certain circumstances.

The exemption in regulation 2 ceases to have effect at the end of 31 December 2022.

Regulation 3 amends the units referred to for item 2 in the table in Schedule 3 of the 2019 Regulations in order to correct an error.

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.

In accordance with paragraph 12(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, a draft of these Regulations has been laid before Senedd Cymru.

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**The Plant Health (Fees) (Forestry)
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2021**

Made

*Coming into force the day after the day on
which they are made*

The Welsh Ministers make these Regulations in exercise of the powers conferred by paragraph 7 of Schedule 4 and paragraphs 21(a) and (b) of Schedule 7 to the European Union (Withdrawal) Act 2018(1).

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

(1) 2018 c. 16; see paragraph 8 of Schedule 4 for the meaning of “appropriate authority”. Paragraph 21 of Schedule 7 was amended by section 41(4) and paragraphs 38 and 53(2) of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 (c. 1).

(2) The reference in the European Union (Withdrawal) Act 2018 to the National Assembly for Wales now has effect as a reference to Senedd Cymru by virtue of section 150A(2) of the Government of Wales Act 2006 (c. 32).

Title and commencement

1. The title of these regulations is the Plant Health (Fees) (Forestry) (Wales) (Amendment) Regulations 2021 and they come into force on the day after the day on which they are made.

Amendment to the Plant Health (Fees) (Forestry) (Wales) Regulations 2019

2.—(1) The Plant Health (Fees) (Forestry) (Wales) Regulations 2019⁽¹⁾ are amended as follows.

(2) In regulation 2, after the definition of “plant passport authority”, insert—

““professional operator” means any person, governed by public or private law, involved professionally in, and legally responsible for, one or more of the following activities concerning plants, plant products and other objects—

- (a) planting;
- (b) breeding;
- (c) production, including growing, multiplying and maintaining;
- (d) introduction into, and movement within and out of Northern Ireland;
- (e) making available on the market;
- (f) storage, collection, dispatching and processing;”.

(3) In regulation 3—

(a) in paragraph (5A), at the beginning, insert “Subject to paragraph (5C),”;

(b) after paragraph (5B), insert—

“(5C) The fee specified in Schedule 4A is not payable in respect of a consignment to be transported to Northern Ireland—

(a) by a person acting otherwise than in the course of a business, where the consignment is not to be placed on the market; or

(b) for delivery to—

(i) a professional operator whose principal place of business is in Northern Ireland; or

(ii) any person resident in Northern Ireland, where the consignment is not to be placed on the market or used for the purposes of any business.

(1) SI 2019/497 W.114

(5D) Paragraph (5C) ceases to have effect at the end of 31 December 2022.”.

3. In the table in paragraph 1 of Schedule 3 in relation to item 2 (*Wood (other than wood in the form of isolated bark, wood shavings, wood chips or sawdust)*) in the third column (unit);

- (1) replace “25000kg with “100m³”; and
- (2) replace “1000kg” with “m³”.

Name

Minister for Climate Change, one of the Welsh Ministers

Date