STATUTORY INSTRUMENTS

2024 No. 1001

PLANT HEALTH

The Official Controls (Extension of Transitional Periods) and Plant Health (Frequency of Checks) (Miscellaneous Amendments) Regulations 2024

Made - - - -	*7th October 2024*
Laid before Parliament	*8th October 2024*
Coming into force - -	*30th October 2024*

The Secretary of State makes the following Regulations in exercise of the powers conferred by Article 144(6) of, and paragraphs 2 and 3(2) of Annex 6 to, Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products ("the Official Controls Regulation")(**a**).

In accordance with Article 144(7) of the Official Controls Regulation, before making these Regulations, the Secretary of State has consulted such bodies and persons as appear to the Secretary of State to be representative of the interests likely to be substantially affected by these Regulations and such other bodies or persons as the Secretary of State considers appropriate.

In accordance with Article 3(2B)(b) of the Official Controls Regulation(**b**), the Welsh Ministers, in relation to the application of these Regulations in relation to Wales, and the Scottish Minsters, in relation to the application of these Regulations in relation to Scotland, have consented to the Secretary of State making these Regulations.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Official Controls (Extension of Transitional Periods) and Plant Health (Frequency of Checks) (Miscellaneous Amendments) Regulations 2024 and come into force on 30th October 2024.

(2) They extend to England and Wales, and Scotland.

(**a**) EUR 2017/625. Article 144 was substituted, and Annex 6 inserted, by S.I. 2020/1481. Annex 6 was inserted for the purposes of its application in relation to the entry of relevant goods from a relevant third country during the transitional staging period. The terms "relevant goods", "relevant third country" and "the transitional staging period" are defined in paragraph 2 of Annex 6, as amended by S.I. 2022/1315 and 2023/959. Annex 6 was amended by S.I. 2021/429, 809, 2022/621, 1315, 2023/959, 1131, 2024/20, 540, 541 557. It was also amended in relation to England and Wales by S.I. 2021/1096, 1443 and in relation to Scotland by S.S.I. 2021/342, 493 and 2022/90.

(**b**) Article 3(2B) was inserted by S.I. 2020/1481.

Amendments to the Official Controls Regulation

2.—(1) Annex 6 to the Official Controls Regulation(**a**) (application, derogations and modifications etc.) is amended as follows.

(2) In paragraph 2—

(a) in the definition of "appropriate frequency rate", for "excluded goods" substitute "excepted goods";

(b) for the definition of "excluded goods" substitute—

""excepted goods" means plants, plant products or other objects originating in an EU Member State, Liechtenstein or Switzerland—

(i) as referred to in the lists established pursuant to Article 72(1) of Regulation (EU) 2016/2031, which enter Great Britain through a relevant port on or after 30th October 2024 and before 1st July 2025; or

(ii) which are listed in the table in Schedule 2A to the Plant Health (Amendment etc.) (EU Exit) Regulations 2020 and which enter Great Britain on or after 30th October 2024 and before 1st July 2025;";

(c) in the definition of "relevant port", after point (t), insert "(ta) Swansea".

(3) In paragraph 5, in the inserted paragraph 1D, for "excluded goods" substitute "excepted goods".

(4) In paragraph 5B, in the inserted paragraph 2B, for "excluded goods" substitute "excepted goods".

(5) In this regulation, "the Official Controls Regulation" means Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products.

Amendment to the Official Controls (Extension of Transitional Periods) Regulations 2021

3. In the Official Controls (Extension of Transitional Periods) Regulations 2021(**b**), in regulation 2 (end of the transitional staging period), for "31st January 2025" substitute "1st July 2025".

Amendments to the Official Controls (Plant Health) (Frequency of Checks) Regulations 2022

4. Regulation 3 of the Official Controls (Plant Health) (Frequency of Checks) Regulations 2022(**c**) (determination of the frequency rate of physical checks and identity checks) is amended as follows.

(1) For paragraph (1A)(a) and (b) substitute—

"(1A) Paragraph 1 does not apply to plants, plant products or other objects that—

(a) originate in an EU member state, Liechtenstein or Switzerland;

(b) are imported into Great Britain on or after 30th October 2024 and before 1st July 2025;".

(2) In paragraph 7, in the definition of "relevant port", after subparagraph (t), insert "(ta) Swansea".

Hayman of Ullock
Parliamentary under Secretary of State
Department for Environment, Food and Rural Affairs

7th October 2024

(**a**) EUR 2017/625; relevant amending instruments are S.I. 2022/621, 2024/541, 557.
(**b**) S.I. 2021/809, amended by S.I. 2022/621, 2024/20 and 540. It was also amended in relation to England by S.I. 2022/1374, in relation to Scotland by S.S.I. 2021/297, 493, 2022/371, in relation to Wales by S.I. 2022/1317 (W. 266) and in relation to England and Wales by S.I. 2021/1096, 1443.
(**c**) S.I. 2022/739; amended by S.I. 2023/959, 2024/557.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend:

- Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products ("the Official Controls Regulation");
- the Official Controls (Extension of Transitional Periods) Regulations 2021 (S.I. 2021/809); and
- the Official Controls (Plant Health) (Frequency of Checks) Regulations 2022 (S.I. 2022/739) ("the 2022 Regulations").

These Regulations make changes to the transitional staging period ("the TSP"), which is defined in paragraph 2 of Annex 6 to the Official Controls Regulation. During the TSP, the requirements for certain official controls to be performed in relation to some categories of plants, plant products and other objects imported into Great Britain from an EU Member State, Liechtenstein or Switzerland have been temporarily eased.

Regulation 2 amends the definition of "excluded goods" in Annex 6 and extends the period during which certain plants, plant products and other objects that originate in an EU Member State, Liechtenstein or Switzerland are not subject to the requirement for the appropriate frequency of import checks to be determined by the competent authority having regard to the information specified in the 2022 Regulations, and for checks to be performed at the frequencies established under those regulations. The period is extended, in respect of certain fruit and vegetables, and plants, plant products and other objects entering Great Britain through a "relevant port" (defined in Annex 6), to 1st July 2025. The definition of "relevant port" is also amended to include Swansea Port.

Regulation 3 extends the TSP by amending its end date to 1st July 2025.

Regulation 4 amends the 2022 Regulations to delay, to 1st July 2025, the application of the rules relating to frequency rates of physical and identity checks in respect of certain plants, plant products and other objects that originate in an EU Member State, Liechtenstein or Switzerland, namely, certain fruit and vegetables, and plants, plant products and other objects entering Great Britain through a relevant port. The definition of "relevant port" is also amended to include Swansea Port.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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