



Department  
for Environment  
Food & Rural Affairs

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Baroness Jones of Whitchurch  
House of Lords  
London  
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21/5

May 2019

Dear Maggie,

During the debate in the Lords Chamber on 13 May on The Trade in Animals and Related Products (Amendment) (Northern Ireland) (EU Exit) Regulations 2019; the Plant Health (Amendment) (EU Exit) (Northern Ireland) Regulations 2019 and the Animal Health, Seed Potatoes and Food (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 I promised to write on the following matters.

You asked what communication there had been with stakeholders and also raised a number of queries around the creation of a new offence created by the Plant Health instrument.

#### **Stakeholder Communication**

Formal consultation did not take place on the detail of these instruments as they are purely technical in nature and do not introduce any policy changes. However, DAERA has established stakeholder groups such as the Trade and Agriculture Committee that engage key representative organisations in the Brexit process.

The Trade and Agriculture Committee, comprised of a number of organisations including the Ulster Farmer's Union, facilitates the provision of a collective view from the agri-food sector through the Brexit negotiations and contributes to discussions on those areas of North South co-operation which will be impacted by the UK's exit of the EU.

In addition, implementation aspects of the plant health related amendments have been discussed with relevant stakeholders who have indicated broad agreement.

#### **Plant Health Offences**

The Plant Health instrument creates two consequential new offences to ensure that the Regulations remain operable. The first new offence relates to consignments of notifiable relevant material from non-EU countries that transit the EU into Northern Ireland but have not been checked at the EU point of entry. This instrument requires importers to arrange for importers of such material to be brought to an approved place of inspection in Northern

Ireland. It also introduces a new offence where non-compliance with this requirement arises, ensuring appropriate enforcement action can be taken against importers that threaten biosecurity by breaching this requirement.

This instrument also introduces provisions that allow DAERA to issue a Statutory Plant Health Notice (SPHN) to demarcate an area infected by a plant health pest or disease and specify immediate action where required. The second new offence introduced by this instrument ensures that appropriate enforcement action can be taken against landowners and businesses that do not comply with plant movement prohibitions and restrictions as set out in a SPHN.

The fines for both of these offences are set out in the Plant Health Order (Northern Ireland) 2018 and have not been adjusted as a result of this instrument and is limited by the maximum on the standard scale of fines in Northern Ireland (£5000).

I hope this answers your queries and provides the assurance that the Government remains committed to ensuring the same high standards of biosecurity following EU exit. A copy of this letter has been placed in the libraries of the House and copied to all Peers who spoke in the debate.

*James, John*