

Q&A for Spring 2023 Legislation

Q. What are the new measures?

To correct a mistake by including the correct table of tolerances for Regulated Non-Quarantine Pests (RNQPs) relating to seed potatoes. Also, to correct an error in a previous regulation as identified by the Joint Committee on Statutory Instruments (see report [here](#)).


Additionally, to introduce a demarcated area for Oak Processionary Moth (OPM), consisting of an infested zone (established area) and buffer zone within which the movement of high-risk oak trees by professional operators is permitted provided they comply with prescribed biosecurity and movement conditions. High-risk oak trees will not be permitted to move out of the demarcated area.

Q. Do the measures cover GB?

Yes, the legislation applies to England, Wales and Scotland, though in practice the OPM measures will only affect England.

Q. Why are you introducing the measures?

Measure	Why is the measure being introduced?	Impact on trade
To introduce a demarcated area for Oak Processionary Moth (OPM), consisting of an infested zone (established area) and buffer zone within which the movement of high-risk oak trees by professional operators is permitted provided they comply with prescribed biosecurity and movement conditions. High-risk oak trees will not be permitted to move out of the demarcated area.	To enable professional operators in the area in which OPM is present to move high-risk oak trees whilst effectively managing the biosecurity risk through compliance with prescribed biosecurity and movement conditions. High-risk oak trees will not be permitted to move out of the demarcated area.	These measures will affect traders in England only, within the OPM demarcated area which comprises of the established area and buffer zone of the 2023 OPM management zone. Please see more details on the Portal here .
To substitute the correct table of tolerances for the presence of Regulated Non-Quarantine Pests (RNQPs) on the growing plants of seed potatoes entering and moving within GB.	The incorrect table for growing season thresholds of RNQPs on seed potatoes in GB was included in the legislation back in 2020, by The Plant Health (Phytosanitary Conditions) (Amendment) (EU Exit) Regulations 2020 (second table of Annex 5, part F).	Seed potatoes, imported or moved in GB, will need to comply with the original requirements. Trade will not be impacted as the correct tolerances have continued to be applied.

	<p>This error is now being corrected with the original table (see attachment):</p>  <p>RNQP table.pdf</p>	
<p>To correct an error found in a previous regulation on scientific licensing (The Pests of Plants (Authorisations) (Amendment) Regulations 2022).</p>	<p>The Joint Committee on Statutory Instruments found that, in this regulation, certain requirements were not specified on the application for the place of origin of the licensed pest.</p> <p>This error is being corrected, so that it is made clear that the name of the laboratory or institution is required.</p>	<p>No impact on trade. An administrative error in GB-wide legislation is being corrected.</p>