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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 613**

**The Plant Health (Scotland) Order 2005**

**PART 9**

**NOTIFICATIONS, PROVISION AND EXCHANGE OF INFORMATION**

**Notification of the presence or suspected presence of certain plant pests**

**42.**—(1) The occupier or other person in charge of premises who knows or suspects that any plant pest to which this article applies is present on the premises, or any other person who, in the course of that person's duties or business, becomes aware or suspicious of the presence of such plant pest on any premises, must immediately give notice to the Scottish Ministers or an inspector of the presence or suspected presence of such plant pest and shall as soon as reasonably practicable after giving such notice confirm it in writing.

(2) This article applies to any plant pest which—

- (a) is of a description specified in Part A of Schedule 1;
- (b) subject to paragraph (3), is of a description specified in Part B of Schedule 1;
- (c) subject to paragraphs (3) and (4), is of a description specified in Part A of Schedule 2;
- (d) subject to paragraph (3), is of a description specified in column 3 of Part B of Schedule 2 and which is present on, or appears to an inspector to have been in contact with, relevant material specified in column 2 of that Schedule opposite the reference to that plant pest; or
- (e) although not specified in Schedule 1 or 2, is not normally present in Great Britain and which is likely to be injurious to plants in Great Britain.

(3) Where any plant pest referred to in paragraph (2)(b), (c) or (d) is specified in Schedule 18, it shall be notifiable under paragraph (1) only where it is a subspecies or strain not normally present in Great Britain and is found at the premises of a registered plant trader.

(4) Where any plant pest of a description specified in Schedule 18 is specified in column 3 of Part A of Schedule 2, it shall be notifiable under paragraph (1) only where it is present on, or appears to an inspector to have been in contact with, relevant material specified in column 2 of that Schedule opposite the reference to that plant pest.