

2007 No. 94

PLANT HEALTH

**The Potatoes Originating in Egypt (Scotland) Amendment
Regulations 2007**

Made - - - - - *20th February 2007*

Laid before the Scottish Parliament *21st February 2007*

Coming into force - - - *17th March 2007*

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972(a) and of all other powers enabling them in that behalf, and being satisfied that it is expedient for the reference to Commission Decision 2004/4/EC(b) to be construed as a reference to that instrument as amended from time to time, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Potatoes Originating in Egypt (Scotland) Amendment Regulations 2007 and shall come into force on 17th March 2007.

Amendment of the Potatoes Originating in Egypt (Scotland) Regulations 2004

2.—(1) The Potatoes Originating in Egypt (Scotland) Regulations 2004(c) are amended in accordance with paragraphs (2) to (6).

(2) In regulation 2 (interpretation), in paragraph (1)—

(a) for the definition of “the Decision”, substitute—

““the Decision” means Commission Decision 2004/4/EC authorising Member States temporarily to take emergency measures against the dissemination of *Pseudomonas solanacearum* (Smith) Smith as regards Egypt as amended from time to time;”;

(b) for the definition of “the Order”, substitute—

““the Order” means the Plant Health (Scotland) Order 2005(d);”;

(c) for the definition of “phytosanitary certificate”, substitute—

““phytosanitary certificate” means a certificate which complies with the relevant requirements of articles 7 and 15 of the Order;”.

(a) 1972 c.68; section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3). The function conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c.51).

(b) O.J. No. L 2, 6.1.04, p.50.

(c) S.S.I. 2004/111; amended by S.S.I. 2005/39 and 2006/27.

(d) S.S.I. 2005/613; amended by S.S.I. 2006/474.

(3) In regulation 2 (interpretation), in paragraph (2) for “article 22(1) or (2)”, substitute “article 32(1) to (3) or article 32(4)”.

(4) In regulation 3 (imports of potatoes originating in Egypt), in paragraph (2) for “point 25.8 of Section 1”, substitute “item 39”.

(5) In regulation 5 (powers of an inspector)–

(a) in paragraph (2)(a)–

(i) for “article 22(1)”, substitute “article 32(1) to (3)”;

(ii) for “article 24(1) to (3)”, substitute “article 34(1) and (2)”; and

(iii) for “a plant”, substitute “relevant material”;

(b) in paragraph (2)(b)–

(i) for “article 22(2)”, substitute “article 32(4)”;

(ii) for “article 24(1) to (3)”, substitute “article 34(1) and (2)”; and

(iii) for “a plant kept or moved in contravention of the Order”, substitute “relevant material suspected of being or likely to be present on any premises in contravention of the Order”;

(c) in paragraph (3)–

(i) for “article 22(2)”, substitute “article 32(4)”;

(ii) for “article 24(1) to (3)”, substitute “article 34(1) and (2)”; and

(iii) for “a plant kept or moved in contravention of the Order”, substitute “relevant material suspected of being or likely to be present on any premises in contravention of the Order”;

(d) in paragraph (4)–

(i) for “article 22(1) or (2)”, in both places where it appears, substitute “article 32(1) to (3) or article 32(4)”; and

(ii) for “articles 24(4) to (6), 26 to 28, 32 and 33(1), (2) and (6)”, substitute “articles 34(3) to (6), 35 to 38, 44 and 45(1)(a)(xii), (b) and (c), (2), (5) to (9) and 46”;

(e) in paragraph (5) for “article 25”, substitute “article 31”; and

(f) in paragraph (6)–

(i) for “article 25”, substitute “article 31”; and

(ii) for “articles 28 and 33(1)(a) and (c), (2) and (6)”, substitute “articles 38 and 45(1)(b) and (c), (2), (5) to (9) and 46”.

(6) In regulation 6 (charges in respect of the sampling of imports of potatoes) for “article 25(1)(a)”, substitute “article 31(2)(b)”.

Revocation

3. The Potatoes Originating in Egypt (Scotland) Amendment Regulations 2005(a) and the Potatoes Originating in Egypt (Scotland) Amendment Regulations 2006(b) are revoked.

Pentland House,
Edinburgh
20th February 2007

ROSS FINNIE
A member of the Scottish Executive

(a) S.S.I. 2005/39.
(b) S.S.I. 2006/27.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which are made under section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972 implement in Scotland Commission Decision 2006/749/EC amending Commission Decision 2004/4/EC (“the principal Decision”) authorising Member States temporarily to take emergency measures against the dissemination of *Pseudomonas solanacearum* (Smith) Smith (now referred to as *Ralstonia solanacearum* (Smith) Yabuuchi et al.) as regards Egypt.

These Regulations amend regulation 2 of the Potatoes Originating in Egypt (Scotland) Regulations 2004 (“the 2004 Regulations”). The Regulations substitute a new definition of the principal Decision, (regulation 2(2)(a)). This new definition is to the principal Decision as amended from time to time.

These Regulations also make consequential amendments to the 2004 Regulations following the coming into force of the Plant Health (Scotland) Order 2005 which repealed for Scotland the Plant Health (Great Britain) Order 1993 (S.I. 1993/1320) (regulation 2(2)(b) and (c), (3), (4), (5) and (6).

No Regulatory Impact Assessment has been prepared for these Regulations.

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