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SCOTTISH STATUTORY INSTRUMENTS

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**2008 No. 299**

**PLANT HEALTH**

**The Potatoes Originating in Poland (Notification)  
(Scotland) Amendment Order 2008**

*Made* - - - - *5th September 2008*  
*Laid before the Scottish*  
*Parliament* - - - - *9th September 2008*  
*Coming into force* - - *1st October 2008*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 2, 3 and 4(1) of the Plant Health Act 1967(1) as read with section 20 of the Agriculture (Miscellaneous Provisions) Act 1972(2) and all other powers enabling them to do so.

**Citation and commencement**

1. This Order may be cited as the Potatoes Originating in Poland (Notification) (Scotland) Amendment Order 2008 and comes into force on 1st October 2008.

**Amendment of the Potatoes Originating in Poland (Notification) (Scotland) Order 2004**

2. The Potatoes Originating in Poland (Notification) (Scotland) Order 2004(3) is amended in accordance with articles 3 and 4.

**Amendment of article 2**

3. In article 2 (interpretation)–

(a) omit the definition of “Polish Potatoes” and insert–

““Polish potato” means any potato which is imported, other than potatoes for planting, and which the person importing it knows or has reasonable cause to suspect to have been grown in the Republic of Poland during the year 2003 or subsequently;”;  
and

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(1) 1967 c. 8; sections 2(1) and 3(1) were amended by the European Communities Act 1972 (c. 68), section 4(1) and Schedule 4, paragraph 8; section 3(4) was substituted by section 42 of the Criminal Justice Act 1982 (c. 48) (the standard scale was updated by section 17(1) of the Criminal Justice Act 1991 (c. 53)), the Statute Law (Repeals) Act 1993 (c. 50), section 1(1) and Schedule 1, Part XIV and the Criminal Justice Act 2003 (c. 44), Schedule 27, paragraph 1. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(2) 1972 c. 62.

(3) S.S.I. 2004/255.

- (b) omit the definition of “seed potato”.

**Amendment of article 3**

- 4. In article 3 (notification of imports)–
  - (a) in paragraph (1)(d), omit “seed potatoes or”; and
  - (b) omit paragraph (2).

**Revocations**

- 5. The following instruments are revoked:–
  - (a) the Potatoes Originating in Germany (Notification) (Scotland) Order 2001(4); and
  - (b) the Potatoes Originating in the Netherlands (Notification) (Scotland) Order 2005(5).

St Andrew’s House,  
Edinburgh  
5th September 2008

*RICHARD LOCHHEAD*  
A member of the Scottish Executive

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(4) S.S.I. 2001/333.  
(5) S.S.I. 2005/73.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Potatoes Originating in Poland (Notification) (Scotland) Order 2004 (“the principal Order”) and revokes the Potatoes Originating in Germany (Notification) (Scotland) Order 2001 and the Potatoes Originating in the Netherlands (Notification) (Scotland) Order 2005. This Order amends the requirements for notification of potatoes imported into Scotland from Poland, Germany and the Netherlands.

Notification of all seed potatoes introduced into Scotland will be dealt with under the Plant Health (Scotland) Order 2005(6) after 1st October 2008.

Articles 3 and 4 amend the principal Order to restrict its application to ware potatoes (for eating or processing).

Article 5 revokes both the Potatoes Originating in Germany (Notification) (Scotland) Order 2001 and the Potatoes Originating in the Netherlands (Notification) (Scotland) Order 2005. The effect of these revocations is to remove the requirement for notification of ware potatoes imported from these countries.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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(6) S.S.I. 2005/613; amended by S.S.I. 2006/474, 2007/415 and 2007/498.