
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 350

PLANT HEALTH

The Plant Health (Scotland) Amendment (No. 2) Order 2008

Made - - - - - *29th October 2008*
Laid before the Scottish
Parliament - - - - - *30th October 2008*
Coming into force - - - - - *21st November 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 section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972(3), and all other powers enabling them to do so.

The Order makes provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Scottish Ministers that it is expedient for the references to Commission Directive 2008/61/EC(4) to be construed as references to that instrument as amended from time to time.

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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) and further amended by section 17(1) of the Criminal Justice Act 1991 (c. 53) and the Statute Law (Repeals) Act 1993 (c. 50), section 1(1) and Schedule 1, Part XIV. 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) Section 2(2) was amended by the Scotland Act 1998 (c. 46), Schedule 8, paragraph 15(3) and the Legislative and Regulatory Reform Act 2006 (c. 51), section 27(1)(a). Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006. The functions conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.
- (4) O.J. No L 158, 18.6.2008, p41.