

2014 No. 140

PLANT HEALTH

The Plant Health (Scotland) Amendment Order 2014

Made - - - - 27th May 2014

Laid before the Scottish Parliament 29th May 2014

Coming into force - - 27th June 2014

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(a) and section 20 of the Agriculture (Miscellaneous Provisions) Act 1972(b) and all other powers enabling them to do so.

This Order makes provision which the Scottish Ministers think expedient for preventing the introduction and spread of pests in Scotland, in particular *Candidatus* Phytoplasma ulmi (Elm yellows), and is in part called for by EU obligations contained in Commission Implementing Directive 2014/19/EU(c) amending Annex I to Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community.

Citation and commencement

1. This Order may be cited as the Plant Health (Scotland) Amendment Order 2014 and comes into force on 27th June 2014.

Amendment of the Plant Health (Scotland) Order 2005

2. The Plant Health (Scotland) Order 2005(d) is amended in accordance with articles 3 and 4.

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- (a) 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 and further amended by S.I. 2011/1043. Section 3(4) was substituted by the Criminal Justice Act 1982 (c.48), section 42 and the Statute Law (Repeals) Act 1993 (c.50), section 1(1) and Schedule 1, Part XIV. There are other amendments which are not relevant to this Order. The functions of the Secretary of State, so far as exercisable within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).
- (b) 1972 c.62.
- (c) OJ L 38 7.2.2014 p.30.
- (d) S.S.I. 2005/613 as amended by S.S.I. 2006/474, S.S.I. 2007/415, S.S.I. 2007/498, S.S.I. 2008/300, S.S.I. 2008/350, S.S.I. 2009/153, S.S.I. 2010/206, S.S.I. 2010/342, S.I. 2011/1043, S.S.I. 2012/266, S.S.I. 2012/326, S.S.I. 2013/5, S.S.I. 2013/187 and S.S.I. 2013/366.

Amendment of article 19B (landing of trees in Scotland)

3. In article 19B, for paragraphs (2) and (3)(a) substitute—

“(2) This article applies to—

- (a) plants of *Castanea* Mill., *Fraxinus* L., *Pinus* L., *Platanus* L., *Quercus* L. or *Ulmus* L. intended for planting, which have been grown in another member State; or
- (b) plants of *Castanea* Mill., *Fraxinus* L., *Pinus* L., *Platanus* L., *Quercus* L. or *Ulmus* L. intended for planting, which have been grown in Switzerland and to which the requirements of article 6 do not apply.

(3) The notification shall contain—

- (a) the proposed date of landing of the plants;
- (b) the proposed destination;
- (c) the quantity;
- (d) the genus and species;
- (e) the producer’s identification number; and
- (f) the country from which the plants have been consigned.”.

Amendment of Schedule 1 (plant pests which shall not be landed in or spread within Scotland)

4. In Schedule 1, in Part B (plant pests known to occur in the European Union), under the heading “Insects, mites and nematodes” omit item 1a(b).

PAUL WHEELHOUSE

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
27th May 2014

(a) Article 19B was inserted by S.S.I. 2013/187.
(b) Item 1a was inserted by S.S.I. 2009/153.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Plant Health (Scotland) Order 2005 (S.S.I. 2005/613) (“the principal Order”).

Article 3 amends article 19B of the principal Order to prohibit a person from landing in Scotland plants of *Ulmus* L. intended for planting, which have been grown in another member State or in Switzerland, unless prior written notification of certain information has been given to an authorised inspector.

Article 4 amends Schedule 1, Part B of the principal Order to remove the entry in relation to the organism *Diabrotica virgifera virgifera* Le Conte so as to implement Commission Implementing Directive 2014/19/EU amending Annex I to Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ L 38, 7.2.2014, p.30).

No business and regulatory impact assessment has been prepared for these Regulations as no impact upon business, charities or voluntary bodies is foreseen.

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