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SCOTTISH STATUTORY INSTRUMENTS

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**2019 No. 130**

**EXITING THE EUROPEAN UNION  
FORESTRY  
PLANT HEALTH**

The Forestry (EU Exit) (Scotland)  
(Amendment etc.) Regulations 2019

*Made - - - - 28th March 2019*

*Coming into force in accordance with regulation 1*

**THE FORESTRY (EU EXIT) (SCOTLAND)  
(AMENDMENT ETC.) REGULATIONS 2019**

PART 1

Introductory

1. Citation, commencement and extent

PART 2

Amendment of the Plant Health (Forestry) Order 2005

2. The Plant Health (Forestry) Order 2005 is amended as follows...
3. In article 2— (a) in paragraph (1)—
4. In article 2A— (a) in paragraph (1), omit sub-paragraphs (a)...
5. In article 3— (a) at the appropriate places insert— “correct...
6. Omit article 4.
7. After article 4 insert— Application of Part 2: Scotland This Part applies to tree pests and relevant material which...
8. In article 5— (a) in the heading, for “landing” substitute...
9. In article 6— (a) in the heading, for “landing” substitute...
10. After article 6 insert— EU transit material: Scotland (1) No person may bring any EU transit material into...
11. In article 7— (a) omit paragraph (1),
12. In article 8— (a) omit paragraph (1),
13. In article 9— (a) omit paragraphs (1) and (2),
14. Omit article 10.

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15. After article 10 insert— Prohibitions applying to notifiable relevant material...
16. In article 11— (a) in the words before paragraph (a),...
17. In article 12— (a) omit paragraphs (1) and (2),
18. After article 12 insert— Requirements applicable to notified EU material:...
19. In article 14(1), for the words from “under customs” to...
20. In article 15— (a) omit paragraph (2),
21. Omit article 16.
22. After article 16 insert— Requirements to be met by relevant...
23. Omit article 17.
24. After article 17 insert— Approved places of inspection: Scotland (1) The Scottish Ministers may approve premises which are not...
25. In Part 3, in the heading, omit “Community”.
26. Omit articles 18 and 19.
27. After article 19 insert— Prevention of the spread of tree...
28. Omit article 20.
29. After article 20 insert— Requirements for UK plant passports: Scotland...
30. In article 21— (a) in paragraph (1), for the words...
31. Omit article 22.
32. After article 22 insert— Validity of UK plant passports: Scotland...
33. In article 23— (a) in the heading, for “plant passports”...
34. In Part 4, in the heading, for “PLANT PASSPORTS” substitute...
35. In article 24, omit paragraph (4).
36. In article 28— (a) in the heading and paragraphs (1),...
37. Omit Part 5.
38. In article 30— (a) in paragraph (1)(b), for “plant passport”...
39. After article 30 insert— Emergency measures: Scotland (1) Where a regulated tree pest is found to be...
40. In article 31— (a) in paragraph (1), for “landed” substitute...
41. In article 32— (a) for paragraph (2)(a) substitute—
42. In article 36(2), omit “, including representatives of the European...
43. After article 37 insert— Further emergency measures: Scotland (1) The following schedules make provision about emergency measures.
44. In article 38— (a) in paragraph (1)—
45. In article 39— (a) in the heading, omit the words...
46. In article 40— (a) omit paragraph (2),
47. Omit article 41.
48. After article 41 insert— Notification of the likely entry into,...
49. In article 42— (a) in paragraph (2)(b)—
50. In article 43(1)— (a) in sub-paragraph (a), after head (i)...
51. After article 45 insert— Transitional provision: UK plant passports (1) An authorisation to issue plant passports which has been...
52. For schedules 1 and 1A substitute— SCHEDULE 1 Prohibited tree pests...
53. For schedule 2 substitute— SCHEDULE 2 Prohibited infested material Article 2(1)...
54. For schedule 3 substitute— SCHEDULE 3 Prohibited imported material Article 2(1)...
55. For schedule 4 substitute— SCHEDULE 4 Regulated material Article 2(1) Interpretation...
56. For schedule 5 substitute— SCHEDULE 5 Article 3 PART A Notifiable material...
57. For schedule 6 substitute— SCHEDULE 6 Article 2(1) PART A Relevant material...

58. For schedule 7 substitute— SCHEDULE 7 Notifiable relevant material destined for...
59. After schedule 7 insert— SCHEDULE 7A Derogations from specific prohibitions and...
60. Omit schedule 8.
61. In schedule 9— (a) in the heading, for “plant passports”...
62. In schedule 12, in Part A— (a) in paragraph 1—...
63. After schedule 12 insert— SCHEDULE 12A Emergency measures: miscellaneous Article...
64. Omit schedule 13.
65. After schedule 13, insert— SCHEDULE 13B Licences for trial or scientific...

### PART 3

#### Amendment of the Forest Reproductive Material (Great Britain) Regulations 2002

66. (1) The Forest Reproductive Material (Great Britain) Regulations 2002 are...

### PART 4

#### Amendment of the Plant Health (Fees) (Forestry) (England and Scotland) Regulations 2015

67. The Plant Health (Fees) (Forestry) (England and Scotland) Regulations 2015...
68. In regulation 2(1)— (a) at the appropriate place insert— “controlled...

### PART 5

#### Amendments to the Forestry (Environmental Impact Assessment) (Scotland) Regulations 2017

69. The Forestry (Environmental Impact Assessment) (Scotland) Regulations 2017 are amended...
70. In regulation 2(1), in the definition of “Union legislation”, for...
71. In regulation 5(1)(b), for “Parts 4, 5, 6 and, where...
72. In regulation 7(3), for “, 19(1)(b) or, where relevant, regulation...
73. In regulation 18(2)(b), omit “ and, where relevant, state that...
74. In regulation 24(2)(e)(ii), omit— (a) “and, where relevant, Part 7”,...
75. In regulation 26, omit paragraph (3).
76. Omit Part 7.
77. In regulation 32— (a) in paragraph (3), omit “(except in...
78. In schedule 3— (a) in paragraph 6, for the words...

### PART 6

#### Revocations

79. The following instruments are revoked.
80. EU regulations
81. EU decisions
82. Commission Decision 93/365/EEC authorising the Member States to provide for...
83. Commission Decision 93/422/EEC authorising the Member States to provide for...
84. Commission Decision 93/423/EEC authorising the Member States to provide for...

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85. Commission Decision 2002/757/EC on provisional emergency phytosanitary measures to prevent...
86. Commission Decision 2005/359/EC providing for a derogation from certain provisions...
87. Commission Implementing Decision 2013/780/EU providing for a derogation from Article...
88. Commission Implementing Decision 2014/917/EU setting out detailed rules for the...
89. Commission Implementing Decision (EU) 2015/179 authorising Member States to provide...
90. Commission Implementing Decision 2017/198/EU as regards measures to prevent the...  
Signature  
Explanatory Note

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