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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2019 No.**

**EXITING THE EUROPEAN UNION  
PLANT HEALTH**

The Plant Health (EU Exit) (Scotland)  
(Amendment etc.) Regulations 2019

Made - - - - 2019

Coming into force in accordance with regulation 1

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

PART 1

Introductory

1. Citation, commencement and extent

PART 2

Miscellaneous provision

2. Amendment of the Plant Health (Scotland) Order 2005
3. In article 2(1) (general interpretation)— (a) for the definition of...
4. After article 31, insert— Duty to perform official surveys (*Phytophthora*...
5. In article 39 (Miscellaneous provisions for certain solanaceous species)—
6. In schedule 1 (Plant pests which shall not be landed...
7. (1) In schedule 4 (Restrictions on the landing in and...
8. In schedule 5 (Relevant material from a third country for...
9. In schedule 6 (Prohibitions on landing in and movement within...
10. In schedule 7 (Prohibitions on the consignment of relevant material...
11. In schedule 8 (Swiss plant passports), in Part A (Relevant...
12. In schedule 14 (Special measures for the control of Potato...
13. In schedule 15 (Special measures for the control of Potato...
14. In schedule 16 (Special measures for the control of Potato...
15. (1) In schedule 17 (*Ralstonia solanacearum*), in Part A, (Special...
16. Revocation of the Plant Health (*Phytophthora ramorum*) (Scotland) Order 2004

**Draft Legislation:** This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 ISBN 978-0-11-104137-6

17. Consequential amendment to the Plant Health Fees (Scotland) Regulations 2008

### PART 3

#### Amendment of the Plant Health (Scotland) Order 2005: exiting the European Union

18. The Plant Health (Scotland) Order 2005 is amended in accordance...

### CHAPTER 1

#### Amendment of Part 1

19. In article 1 (title, commencement and extent), in paragraph (3),...
20. (1) In article 2 (general interpretation), paragraph (1)—
21. After article 2 insert— Emergency measures Schedules 8A to 8I have effect and make provision for...

### CHAPTER 2

#### Amendment of Part 2

22. In article 3 (interpretation of part 2)—
23. For article 4 (application of Part 2) substitute— Application of...
24. In article 5 (prohibitions and restrictions on landing plant pests...
25. For article 6 (advance notification of landing) substitute— Advance notification...
26. After article 6, insert— EU transit material (1) No person may bring any EU transit material into...
27. For article 7 (requirements for certificates) substitute— Requirements for phytosanitary...
28. In article 8 (exceptions from certain prohibitions and requirements)—
29. (1) In article 9 (presentation and display of documents)—...
30. For article 10 (prohibition on removal of relevant material...
31. In article 11 (exceptions from prohibition on removal of relevant...
32. (1) In article 12 (plant health discharge)—
33. After article 12, insert— Requirements applicable to notified EU material...
34. In article 14(1) (power of an officer for Revenue and...
35. In article 15 (general provisions relating to certificates)—
36. In article 16 (requirements to be met by relevant material...
37. In article 17 (approved places of inspection) —
38. Omit article 18 (requirement for plant health movement document).

### CHAPTER 3

#### Amendment of Part 3

39. Omit articles 19 (prohibitions on landing plant pests and relevant...
40. For article 20 (prevention of the spread of plant pests)...
41. For article 21 (requirements for plant passports) substitute— Requirements for...
42. In article 22 (exceptions from certain prohibitions and requirements)—
43. In article 23 (validity of plant passports for Scotland)—
44. In article 24 (general provisions relating to plant passports)—

## CHAPTER 4

### Amendment of Part 4

45. In article 25 (register of plant traders), omit paragraph (2)....
46. In article 28A (duties of professional operators in relation to...
47. In article 29 (authority to issue plant passports)—

## CHAPTER 5

### Revocation of Part 5

48. Omit Part 5 (Swiss trade and Swiss plant passports).

## CHAPTER 6

### Amendment of Part 6

49. In article 31 (examination, sampling and marking)—
50. For article 31A ( duty to perform official surveys (Phytophthora...
51. In article 32 (actions which may be required by an...
52. In article 33 (actions which may be taken by an...
53. In article 37 (failure to comply with a notice), in...

## CHAPTER 7

### Amendment of Part 7

54. In article 39 (miscellaneous provisions for certain solanaceous species)—

## CHAPTER 8

### Amendment of Part 8

55. In article 40 (licences to carry out activities prohibited by...
56. In article 41 (licences for trial or scientific purposes and...

## CHAPTER 9

### Amendment of Part 9

57. In article 42 (notification of the presence or suspected presence...
58. Omit article 42A (additional requirements on professional operators in respect...
59. In article 43(2) (notification of the likely entry into, or...
60. In article 44 (information to be given)—

## CHAPTER 10

### Amendment of Part 10

61. In article 45 (offences)— (a) in paragraph (1)(a)—

## CHAPTER 11

### Amendment of Part 11

62. In the heading to Part 11 (The Customs Act and...
63. After article 48 (revocation), insert— Transitional provision: UK plant passports...

## CHAPTER 12

### Amendment of the schedules

#### SECTION 1

##### *The Plant Health Lists*

64. For schedules 1 to 8 substitute the schedules set out...

#### SECTION 2

##### *Emergency measures*

65. After schedule 8, insert the schedules set out in schedule...

#### SECTION 3

##### *UK plant passports*

66. (1) Schedule 9 (requirements for plant passports) is amended in...

#### SECTION 4

##### *Plant health movement document*

67. Omit schedule 13 (plant health movement document).

#### SECTION 5

##### *Potato Cyst Nematode*

68. For schedule 15 (special measures for the control of Potato...

#### SECTION 6

##### *Potato Ring Rot*

69. In schedule 16 (special measures for the control of Potato...

#### SECTION 7

##### *Potato Brown Rot*

70. For schedule 17 (*Ralstonia solanacearum*) substitute the schedule set out...

## SECTION 8

### *Licences for trial or scientific purposes or for work on varietal selection*

71. After schedule 17, insert the schedule set out in schedule...

#### PART 4

##### Fees: EU withdrawal

72. Amendment of the Plant Health (Import Inspection Fees) (Scotland) Regulations 2014  
73. Amendment of the Plant Health (Export Certification) (Scotland) Order 2018  
74. Amendment of the Plant Health Fees (Scotland) Regulations 2008  
75. Savings provision in relation to fees amendments

#### PART 5

##### Revocation of secondary legislation: EU withdrawal

76. The Potatoes Originating in Egypt (Scotland) Regulations 2004 are revoked....

#### PART 6

##### Revocation of retained direct EU legislation

77. The retained direct EU legislation listed in schedule 6 is...  
Signature

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SCHEDULE 1 —

SCHEDULE 2 —

SCHEDULE 3 —

SCHEDULE 4 —

SCHEDULE 5 —

SCHEDULE 6 — Revocation of retained direct EU legislation

1. EU regulations
2. Commission Regulation (EC) No 1756/2004 specifying the detailed conditions for...
3. EU decisions
4. Commission Decision 98/109/EC authorising Member States temporarily to take emergency...
5. Commission Decision 2002/499/EC authorising derogations from certain provisions of Council...
6. Commission Decision 2002/887/EC authorising derogations from certain provisions of Council...
7. Commission Decision 2003/248/EC authorising Member States to provide for temporary...

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8. Commission Decision 2003/249/EC authorising Member States to provide for temporary...
9. Commission Decision 2004/200/EC on measures to prevent the introduction into...
10. Commission Decision 2005/51/EC authorising Member States temporarily to provide for...
11. Commission Implementing Decision 2011/787/EU authorising Member States temporarily to take...
12. Commission Implementing Decision (EU) 2015/1199 recognising Bosnia and Herzegovina as...
13. Commission Implementing Decision 2018/638 establishing emergency measures to prevent the...

Explanatory Note