
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are principally made in exercise of the powers conferred by paragraph 1(1) and (3) of schedule 2 and by paragraph 21 of schedule 7 of the European Union (Withdrawal) Act 2018 (c.16) (“the 2018 Act”) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular, the deficiencies mentioned in section 8(2)(a), (b), (c), (d) and (g)) arising from the withdrawal of the United Kingdom from the European Union.

Part 2 (regulations 2 to 17) is made in exercise of powers under the European Communities Act 1972 (c.68), and makes provision:

- to amend the Plant Health (Scotland) Order 2005 (“the 2005 Order”), in order to expressly transpose certain obligations of the member State contained in Council Directive 93/85/EEC on the control of potato ring rot (OJ L 259, 18.10.1993, p.1), Council Directive 98/57/EC on the control of *Ralstonia solanacearum* (Smith) Yabuuchi et al (OJ L. 235, 21.8.1998, p.1) and Council Directive 2007/33/EC on the control of potato cyst nematodes and repealing Directive 69/465/EEC (OJ L 156, 16.6.2007, p.12) to ensure that those provisions become “retained EU law” at exit day, for the purposes of the 2018 Act;
- to amend the 2005 Order to implement Commission Implementing Decision 2002/757/EC on provisional emergency phytosanitary measures to prevent the introduction into and the spread within the Community of *Phytophthora ramorum* Werres, De Cock & Man in ‘t Veld sp. nov. (OJ L 252 20.9.2002, p.37) and to revoke S.S.I. 2004/488, which currently implements that Implementing Decision;
- to make consequential amendment to the Plant Health Fees (Scotland) Regulations 2008 (S.S.I. 2008/153), following the revocation of S.S.I. 2004/488.

Part 3 (regulations 19 to 71) makes amendments to the 2005 Order, consequential on the United Kingdom’s withdrawal from the European Union.

Part 4 (regulations 72 to 75) amends, with savings, the Plant Health (Import Inspection Fees) (Scotland) Regulations 2014 (S.S.I. 2014/338), the Plant Health (Export Certification) (Scotland) Order 2018 (S.S.I. 2018/132) and the Plant Health Fees (Scotland) Regulations 2008, consequential on the United Kingdom’s withdrawal from the European Union and in consequence of the amendments made by Parts 2 and 6.

Part 5 (regulation 76) revokes the Potatoes Originating in Egypt (Scotland) Regulations 2004, which implements Commission Implementing Decision 2011/787/EU (OJ L 319, 2.12.2011, p.112), consequential on the United Kingdom’s withdrawal from the European Union and in consequence of the amendments made by Part 2.

Part 6 and schedule 6 (regulation 77) revokes a number of EU instruments, consequential on the United Kingdom’s withdrawal from the European Union and in consequence of the amendments made by Part 2.

A business and regulatory impact assessment has not been produced for this instrument as no, or no significant, impact upon business, charities or voluntary bodies is foreseen.