
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2019 No.

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

PART 3

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

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 *Xylella fastidiosa* (Wells et al.))(1)—
- (a) in paragraph (1)(2) in sub-paragraph (a) for “an area demarcated” to the end of that sub-paragraph substitute “a demarcated area”,
 - (b) in paragraph (4)(e) for “plant passport” substitute “UK plant passport”, and
 - (c) for paragraph (5) substitute—
 - “(5) In this article—
 - (a) “demarcated area” means—
 - (i) an area demarcated under paragraph 5 of schedule 8G or, in relation to England, Wales and Northern Ireland under paragraph 5 of schedule 15 of the Plant Health Regulations; or
 - (ii) a CD territory in which *Xylella fastidiosa* (Wells et al.) has been confirmed to be present;
 - (b) “plants specified in relation to *Xylella fastidiosa* (Wells et al.)” means plants specified in items 11 and 12 of Part E of the list of regulated material,
 - (c) “professional operator” means any person who, in the course of a trade, business or profession, is involved in planting, breeding, producing, importing, marketing or distributing plants.”.
- 47.** In article 29 (authority to issue plant passports)—
- (a) in the heading and in paragraphs (1)(3), (4), (5) and (6) for “plant passports” in each place where it occurs, substitute “UK plant passports”,
 - (b) in paragraphs (3)(a) and (5)(a) for “relevant organisms” substitute “regulated plant pests”, and
 - (c) omit paragraph (7).

(1) Article 28A was inserted by [S.S.I. 2016/83](#).

(2) Paragraph 1 was substituted by [S.S.I. 2018/112](#).

(3) Paragraph (1) was amended by [S.S.I. 2006/474](#).

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 This draft has been replaced by a new draft, The Plant Health (EU Exit) (Scotland) (Amendment etc.)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
