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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**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 8**

**Amendment of Part 8**

- 55.** In article 40 (licences to carry out activities prohibited by this Order)**(1)**—
- (a) for “landed” substitute “brought into”,
  - (b) for “licence” substitute “written licence”,
  - (c) for the words “Scottish Ministers” to the end of the article, substitute “Scottish Ministers in exercise of any derogation permitted by schedule 8.”.
- 56.** In article 41 (licences for trial or scientific purposes and for work on varietal selections)—
- (a) in paragraph (1)**(2)**—
    - (i) for “Article 1(2) of [Directive 2008/61/EC](#) of 17 June 2008” substitute “Part A of schedule 17A”,
    - (ii) for “Annex I to that Directive” substitute “Part B of that schedule”,
    - (iii) for “landing” in both places it occurs, substitute “importation”,
  - (b) in paragraph (2)**(3)**—
    - (i) in sub-paragraph (a) for “laid down in Article 2(2) of [Directive 2008/61/EC](#)” substitute “specified in Part C of schedule 17A”, and
    - (ii) for sub-paragraphs (b) and (c) substitute—
      - “(b) any other conditions as the Scottish Ministers may determine in relation to the licence quarantine measures that are appropriate in respect of those activities.”,
  - (c) in paragraph (3), for “under sub-paragraph (b) or (c) of paragraph (2) imposed on a licence” substitute “imposed on a licence under paragraph (2)”,
  - (d) in paragraph (4)—
    - (i) for “activities to which a licence granted under paragraph (1) relates” substitute “licensed activity”,
    - (ii) in sub-paragraph (a) for “activities” substitute “licensed activity”, and
    - (iii) in sub-paragraph (b) for “activities were” substitute “licensed activity was”,

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**(1)** Article 40 was substituted by [S.S.I. 2012/266](#) and words in article 40(b) were further substituted by [S.S.I. 2013/187](#).

**(2)** Words in paragraph (1) were substituted by [S.S.I. 2008/300](#).

**(3)** Words in paragraph (2) were substituted by [S.S.I. 2008/300](#).

- (e) in paragraph (5) for “the plant pests listed in this Order” substitute “regulated plant pests”,
- (f) omit paragraph (6), and
- (g) for paragraph (7) substitute—

“(7) In this article—

- (a) “appropriate quarantine measures” means—
  - (i) where applicable, quarantine measures which are equivalent to those specified in Part A of Annex 3 to Commission [Directive 2008/61/EC](#) establishing the conditions under which certain harmful organisms, plants, plant products and other objects listed in Annexes I to V to Council [Directive 2000/29/EC](#) may be introduced into or moved within the Community or certain protected zones thereof, for trial or scientific purposes or for work on varietal selections<sup>(4)</sup>,
  - (ii) in any other case, any quarantine measures, including testing, as may be specified by the Scottish Ministers,
- (b) “licence quarantine measures” means the measures specified in Part D of schedule 17A,
- (c) “licensed activity” means any activity for trial or scientific purposes or for work on varietal selections which is authorised by a single licence under paragraph (1).”.

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(4) OJ L 158, 18.6.2008, p.41.