
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

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.”.

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

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