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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 4**

Fees: EU withdrawal

**Amendment of the Plant Health (Import Inspection Fees) (Scotland) Regulations 2014**

**72.** In the Plant Health (Import Inspection Fees) (Scotland) Regulations 2014(1)—

(a) for regulation 2(1)(interpretation) substitute—

“(1) In these Regulations—

“applicable checks” means the documentary check, identity check and plant health check which may be performed on a consignment;

“brought into Scotland” means introduced into Scotland by any means, including by post;

“consignment” means a quantity of goods covered by a single document required for customs or other formalities;

“documentary check” means an inspection to determine whether the consignment or lot is accompanied by the required documents;

“identity check” means an inspection to determine whether in its entirety or on one or more representative samples, the consignment or lot consists of or contains the plants, plant products or other objects, as declared on the required documents;

“intended for planting” means plants which are—

- (a) already planted and which are intended to remain planted or to be replanted after they are brought into Scotland; or
- (b) not planted at the time they are brought into Scotland but which are intended to be planted thereafter;

“lot” means a number of units of a single commodity, identifiable by its homogeneity of composition and origin and forming part of a consignment;

“normal working hours” means any time between the hours of 6 a.m. to 5 p.m. on any day except—

- (a) a Saturday;
- (b) a Sunday;
- (c) Easter Monday;
- (d) 26th December, if it is not a Saturday or Sunday;

- (e) 27th December, in a year in which 25th or 26th December is a Sunday; or
- (f) a day which is a bank holiday in Scotland under the Banking and Financial Dealings Act 1971<sup>(2)</sup>;

“plants” has the same meaning as in the principal Order;

“plant health check” means an inspection to determine whether in its entirety or on one more representative samples, including the packaging and, where appropriate, the transport vehicles, the consignment or lot comply with the requirements laid down in the principal Order;

“plant products” has the same meaning as in the principal Order;

“Potato brown rot” has the same meaning as in the principal Order;

“principal Order” means the Plant Health (Scotland) Order 2005<sup>(3)</sup>;

“required documents” means the phytosanitary certificate or, as the case may be, the phytosanitary certificate for re-export, required by article 7 of the principal Order; and

“third country” means—

- (a) a country or territory outside the European Union, other than a territory within the British Islands; or
- (b) the European Union;”,

(b) in regulation 3(2) (application of the import inspection fee)—

- (i) in sub-paragraph (a)(i) for “the second column of Schedule 1” to the end, substitute “schedule 5 or schedule 7 of the principal Order”,
- (ii) for sub-paragraph (b) substitute—

“(b) is brought into Scotland from a third country.”,

(c) in regulation 4(2) (fees), in the words before sub-paragraph (a) omit “, or which, but for Article 13a(2) of the Directive (providing for checks to be carried out at reduced frequency), would have been required to be carried out”,

(d) in regulation 5 (additional fees in respect of Potatoes Originating in Egypt and Lebanon)—

- (i) in the heading, omit “and Lebanon”,
- (ii) in paragraph (1), omit “or (3)”,
- (iii) for paragraph (2) substitute—

“(2) This paragraph applies where potatoes originating in Egypt are brought into Scotland and a sample of those potatoes is taken in order to ascertain whether, for the purposes of item 6 of Part D of schedule 4 of the principal Order those potatoes are infected with Potato brown rot.”,

(iv) omit paragraph (3),

(e) in schedule 3 (additional fees)<sup>(4)</sup> in column 2, omit “or Lebanon”.

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<sup>(2)</sup> 1971 c.80.

<sup>(3)</sup> S.S.I. 2005/613, as last amended by S.S.I. 2019/XX.

<sup>(4)</sup> Schedule 3 was substituted by S.S.I. 2015/392.