
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2019 No.

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

PART 2

Amendment of the Plant Health (Forestry) Order 2005

29. After article 20 insert—

“Requirements for UK plant passports: Scotland

20B.—(1) No person may move any of the following relevant material into or within Scotland unless it is accompanied by a UK plant passport—

- (a) any relevant material of a description specified in the list of controlled material which originates in the United Kingdom or a CD territory;
- (b) any relevant material that has been discharged by the Scottish Ministers under article 12(2B) or by another appropriate UK plant health authority in an equivalent manner;
- (c) in the case of any notifiable relevant material originating in the European Union or Switzerland which was brought into a point of entry in the United Kingdom, any relevant material specified in the list of controlled material which originates in the European Union or Switzerland and was notified to the Scottish Ministers in accordance with article 6(2B), or to the appropriate UK plant health authority in accordance with equivalent requirements under the relevant Plant Health Order.

(2) No person may move any of the following relevant material into or within a pest free area unless it is accompanied by a UK plant passport which is valid for that pest free area or the UK pest free area of which it is a part—

- (a) any relevant material of a description, specified in the list of pest free area controlled material in respect of the relevant UK pest free area, which originates in the United Kingdom or a CD territory;
- (b) any relevant material of a description specified in the list of pest free area controlled material in respect of the relevant UK pest free area that has been discharged by the Scottish Ministers under article 12(2B) or by another appropriate UK plant health authority in an equivalent manner;
- (c) in the case of any notifiable relevant material originating in the European Union or Switzerland which was brought into a point of entry in the United Kingdom, any relevant material specified in the list of pest free area controlled material in respect of the relevant UK pest free area which—

- (i) originates in the European Union or Switzerland; and

- (ii) was notified to the Scottish Ministers in accordance with article 6(2B), or to the appropriate UK plant health authority in accordance with equivalent requirements under the relevant Plant Health Order.
- (3) No person may consign from Scotland to another UK territory or a CD territory any of the following relevant material originating in Scotland unless it is accompanied by a UK plant passport—
- (a) in the case of relevant material destined for England, any relevant material of a description specified in Part A of schedule 6;
 - (b) in the case of relevant material destined for a place in England which is within a UK pest free area, any relevant material of a description specified in Part B of schedule 6 in respect of that UK pest free area;
 - (c) in the case of relevant material destined for Northern Ireland or Wales, any relevant material of a description specified in the list of controlled material;
 - (d) in the case of relevant material destined for a place in Northern Ireland or Wales which is within a UK pest free area, any relevant material of a description, specified in the list of pest free area controlled material in respect of that UK pest free area;
 - (e) in the case of relevant material destined for a CD territory, any relevant material of a description specified for the purposes of this paragraph in the applicable plant health legislation of that CD territory.
- (4) In the case of any relevant material originating in a place of production in Scotland, a UK plant passport may only be issued in respect of that material if the material has been subjected to a satisfactory inspection at the place of production.
- (5) The requirements in paragraphs (1)(b) and (2)(b) do not apply to any notified EU material moving from its point of entry to its first destination in the United Kingdom if it is accompanied by a copy of the phytosanitary certificate or phytosanitary certificate for re-export which accompanied the material on its entry into the United Kingdom.
- (6) In this Article, “notifiable relevant material” and “notified EU material” have the same meanings as in Part 2 (see article 3).”.