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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2019 No.**

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

**PART 2**

**Amendment of the Plant Health (Forestry) Order 2005**

**8.** In article 5—

- (a) in the heading, for “landing” substitute “bringing in”,
- (b) omit paragraphs (1) and (1A),
- (c) after paragraph (1A) insert—
  - “(1B) No person may bring any of the following into Scotland—
    - (a) any tree pest of a description specified in the list of prohibited tree pests;
    - (b) any relevant material of a description specified in column 2 of Part A, B or D of the list of prohibited infested material which is carrying or infected with a tree pest of a description specified in the corresponding entry in respect of that description of relevant material in column 3;
    - (c) any tree pest which, although not specified in the list of prohibited tree pests, or in column 3 of Part A, B or D of the list of prohibited infested material, is not normally present in Great Britain and which is likely to be injurious to trees in Great Britain;
    - (d) any relevant material of a description specified in column 2 of Part A or B of the list of prohibited imported material which originates in a third country specified in the corresponding entry in respect of that description of relevant material in column 3;
    - (e) any relevant material of a description specified in column 2 of Part A or D of the list of regulated material, unless the requirements specified in the corresponding entries in respect of that description of relevant material in column 3 are complied with;
    - (f) in the case of any relevant material which is destined for a pest free area, any tree pest of a description specified in column 2 of Part B of the list of prohibited tree pests which relates to that pest free area;
    - (g) in the case of any relevant material which is destined for a UK pest free area specified in column 4 of Part C of the list of prohibited infested material, any relevant material of a description specified in the corresponding entry in column 2 of Part C of that list which is carrying or infested with a tree pest of a description specified in the corresponding entry in column 3;
    - (h) in the case of any relevant material which is destined for a UK pest free area specified in column 4 of Part C of the list of regulated material, any relevant material of a description specified in the corresponding entry in column 2 of that

Part, unless the requirements specified in the corresponding entries in respect of that relevant material in column 3 are complied with.”,

- (d) in paragraph (2), for “paragraph (1)(d)” substitute “paragraph (1B)(d)”,
- (e) after paragraph (2) insert—

“(4) The prohibitions in paragraph (1B)(b) to (h) do not apply to relevant material which enters a point of entry that is located in another UK territory and is discharged in that territory in accordance with article 3 of the Plant Health (Wood and Bark) (*Phytophthora ramorum*) Order (Northern Ireland) 2005(1), article 11 of the Plant Health (Wood and Bark) Order (Northern Ireland) 2006(2) or article 12 of any other relevant Plant Health Order.”.

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(1) S.R. 2005 No. 252.  
(2) S.R. 2006 No. 66.