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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**

**45.** In article 39—

- (a) in the heading, omit the words “permitted by [Directive 2008/61/EC](#)”,
- (b) omit paragraphs (1) and (2),
- (c) after paragraph (2) insert—
  - “(2A) The Scottish Ministers must by licence authorise the importation, movement or keeping of any tree pest or relevant material for any activity for trial or scientific purposes or for work on varietal selections in Scotland, where the importation, movement or keeping of the tree pest or relevant material for any such purpose would otherwise be prohibited by this Order, if the Scottish Ministers—
    - (a) have received an application for a licence containing the information set out in Part A of schedule 13B; and
    - (b) are satisfied that the general conditions set out in Part B of schedule 13B are met in relation to the application.
  - (2B) A licence granted under paragraph (2A) must be in writing and include—
    - (a) the conditions specified in Part C of schedule 13B which are relevant to any tree pest or relevant material that is the subject of the activities to which the licence relates;
    - (b) any other conditions as the Scottish Ministers may determine in relation to licence quarantine measures that are appropriate in respect of those activities.”,
- (d) in paragraph (3), for “sub-paragraph (b) or (c) of paragraph (2)” substitute “paragraph (2B) (b)”,
- (e) in paragraph (4), for “paragraph (1)” substitute “paragraph (2A)”,
- (f) in paragraph (5), for “the tree pests listed in this Order” substitute “any regulated tree pest”,
- (g) omit paragraph (6),
- (h) in paragraph (7)—
  - (i) after sub-paragraph (a) insert—
    - “(aa) “licence quarantine measures”, as regards Scotland, means the measures specified in Part D of schedule 13B”,
  - (ii) omit sub-paragraph (b).