
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

65. After schedule 13, insert—

“SCHEDULE 13B

Article 39

Licences for trial or scientific purposes or for work on varietal selections

1. In this schedule, “specified activity” means any activity for trial or scientific purposes or for work on varietal selections.

PART A

Information to be included in an application for a scientific licence

- 2.** The name and address of the person responsible for the proposed specified activity.
- 3.** The following details in relation to the relevant material and plant pests to be used in the specified activity—
 - (a) their scientific name or names;
 - (b) the type of relevant material;
 - (c) the quantity of relevant material;
 - (d) the place of origin of the relevant material;
 - (e) the place at which the relevant material is to be first stored or planted after its official release (where relevant);
 - (f) the proposed method of destruction or treatment of the relevant material on completion of the specified activity (where relevant);
 - (g) in the case of any relevant material or plant pest which is to be imported from a third country, its proposed point of entry into the United Kingdom.
- 4.** In the case of any relevant material to be used in the specified activity, appropriate documentary evidence to confirm its place of origin.
- 5.** The duration, nature and objectives of the proposed specified activity, including a summary and a specification of the work to be conducted.
- 6.** The address and description of the specific site or sites at which the proposed specified activity is to be carried out.

PART B

General conditions to be met in relation to an application for a scientific licence

7. The nature and objectives of the specified activity comply with the concept of trial or scientific purposes or for work on varietal selections.
8. The premises and the facilities at the site or sites at which the specified activity is to be carried out meet any relevant quarantine containment conditions.
9. The personnel carrying out the specified activity have appropriate scientific and technical qualifications.

PART C

Licence conditions relating to any plant pest or relevant material to be used in a specified activity

10. For the purposes of article 39(2B)(a), the conditions are that—
 - (a) in the case of any relevant material, the material is accompanied on its entry into the United Kingdom by a letter of authority which has been issued by the relevant national plant protection organisation on the basis of appropriate documentary evidence as regards the place of origin of the material;
 - (b) in the case of any relevant material of a description specified in schedule 5, the material is, wherever possible, accompanied on its entry into the United Kingdom by a phytosanitary certificate issued in the country of origin which—
 - (i) confirms that the material is free from any regulated plant pest, other than any plant pest whose importation is authorised by the licence;
 - (ii) includes the statement under the heading ‘Additional declaration’, ‘This material is imported under Article 39 of the Plant Health (Forestry) Order 2005’; and
 - (iii) includes the name of any authorised plant pest; and
 - (c) the relevant material is held under quarantine containment conditions and on arrival is directly and immediately moved to the site or sites specified in the licence.

PART D

Licence quarantine measures

11. The licence quarantine measures are—
 - (a) in the case of the premises, facilities and working procedures which relate to the specified activity:
 - (i) the physical isolation of any plant pests or relevant material being used in the specified activity from all other plant pest and relevant material, including the control of vegetation in surrounding areas, where appropriate;
 - (ii) the designation of a contact person responsible for the specified activity;
 - (iii) the implementation of restrictions on access to the premises and facilities being used in relation to the specified activity and, where appropriate, to the area surrounding those premises and facilities, to named personnel only;

- (iv) the appropriate identification of the premises and facilities being used, indicating the type of activities and the personnel responsible;
- (v) the maintenance of a register of the activities performed and a manual of operating procedures, including procedures in the event of an escape of plant pests from containment;
- (vi) the maintenance of appropriate security and alarm systems; and
- (vii) the implementation of—
 - (aa) appropriate control measures to prevent the introduction into and the spread of plant pests within the premises being used;
 - (bb) controlled procedures for sampling, and for the transfer of any relevant material between the premises and facilities being used;
 - (cc) controls for the disposal of waste, soil and water, as appropriate;
 - (dd) appropriate hygiene and disinfection procedures and facilities for personnel, structures and equipment;
 - (ee) appropriate measures and facilities for the disposal of experimental material;
 - (ff) appropriate indexing (including testing) facilities and procedures; and
- (b) other appropriate quarantine measures according to the specific biology and epidemiology of the type of material involved and the activities approved, including—
 - (i) the maintenance of facilities accessible to authorised personnel via a separate room with two interlocking doors;
 - (ii) the maintenance of facilities under negative air pressure,
 - (iii) the use of escape-proof containers with appropriate mesh size and other barriers;
 - (iv) the maintenance of the material in isolation from other plant pests and material;
 - (v) the maintenance of any material for breeding in breeding cages with manipulation devices;
 - (vi) the prohibition on any interbreeding of the plant pest with indigenous strains or species;
 - (vii) the implementation of controls on the continuous culture of the plant pest;
 - (viii) the maintenance of the plant pest under conditions that strictly control the multiplication of the plant pest;
 - (ix) the implementation of procedures to check the purity of cultures of the plant pest for freedom from parasites and other plant pests;
 - (x) the implementation of appropriate control programmes in respect of the material to eliminate possible vectors;
 - (xi) in the case of *in vitro* activities, the implementation of controls on the handling of the material under sterile conditions;
 - (xii) the maintenance of the plant pest in conditions to ensure that it cannot spread via any vector; and
 - (xiii) the seasonal isolation of the material to ensure that the activities are done during periods of low plant health risk.”.