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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 3

Amendment of the Plant Health (Scotland) Order 2005: exiting the European Union

CHAPTER 12

Amendment of the schedules

SECTION 3

*UK plant passports*

- 66.**—(1) Schedule 9 (requirements for plant passports) is amended in accordance with this article.
- (2) In the heading, for “plant passports” substitute “UK plant passports”.
- (3) In Part A (requirements for plants passports for any relevant material in Schedule 6 or 7)—
- (a) for the heading substitute “Requirements for UK plant passports”,
  - (b) in paragraphs 1 and 2, for “plant passport” substitute “UK plant passport”,
  - (c) in paragraph 3(b) for “authority with responsibility” to the end of the sub-paragraph substitute “appropriate UK plant health authority”,
  - (d) for paragraph 4(1)(a)(1) substitute—
    - “(a) given in English; and”,
  - (e) in paragraph 5 for “plant passport” substitute “UK plant passport”,
  - (f) in paragraph 6 in sub-paragraph (b) for “any other information relevant” to the end of the sub-paragraph, substitute “the additional information specified in paragraph 6A,”,
  - (g) after paragraph 6, insert—
    - “**6A.** The additional information is any information relevant for the purposes of labelling the relevant material to which it relates—
      - (a) in relation to vegetable plant material—
        - (i) produced in Great Britain, which is set out in Part B of schedule 2 to the Marketing of Vegetable Plant Material Regulations 1995(2),
        - (ii) produced in Northern Ireland, which is set out in Part B of schedule 2 to the Marketing of Vegetable Plant Material Regulations (Northern Ireland) 1995(3),

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(1) Paragraph 4(1)(a) was amended by [S.I. 2011/1043](#).

(2) [S.I. 1995/2652](#), to which there are amendments not relevant to these Regulations.

(3) [S.R. 1995 No. 415](#), to which there are amendments not relevant to these Regulations.

- (b) in relation to ornamental plant propagating material—
  - (i) produced in Scotland, which is set out in schedule 1 to the Marketing of Ornamental Plant Propagating Material Regulations 1999<sup>(4)</sup>,
  - (ii) produced in England or Wales, which is set out in the schedule to the Marketing of Ornamental Plant Propagating Material Regulations 1999<sup>(5)</sup>,
  - (iii) produced in Northern Ireland, which is set out in the schedule to the Marketing of Ornamental Plant Propagating Material Regulations (Northern Ireland) 1999<sup>(6)</sup>;
- (c) in relation to fruit plant propagating material and fruit plants—
  - (i) produced in England, which is set out in Part 2 of schedule 2 to the Fruit Plant and Propagating Material (England) Regulations 2017<sup>(7)</sup>;
  - (ii) produced in Wales, which is set out in Part 2 of schedule 2 to the Fruit Plant and Propagating Material (Wales) Regulations 2017<sup>(8)</sup>;
  - (iii) produced in Scotland, which is set out in Part 2 of schedule 5 to the Fruit Plant and Propagating Material (Scotland) Regulations 2017<sup>(9)</sup>;
  - (iv) produced in Northern Ireland, which is set out in Part 2 of schedule 2 to the Fruit Plant and Propagating Material Regulations (Northern Ireland) 2017<sup>(10)</sup>;
- (h) in paragraph 7—
  - (i) in sub-paragraph (a) for “EU plant passport”<sup>(11)</sup> to the end substitute “UK plant passport”,
  - (ii) omit sub-paragraph (b),
  - (iii) in sub-paragraph (c) for “responsible official body” to the end substitute “appropriate UK plant health authority”,
  - (iv) in sub-paragraphs (e), (f) and (g) for “plant passport” substitute “UK plant passport”,
  - (v) in sub-paragraph (h)—
    - (aa) for “protected zone” in both places where it occurs, substitute “UK pest free area”, and
    - (bb) for “ZP” substitute “PFA”,
  - (i) in sub-paragraph (i) for “plant passport” in both places where it occurs, substitute “UK plant passport”, and
  - (j) in sub-paragraph (j) for “Scotland” substitute “United Kingdom or a CD territory”,
- (4) In Part B (requirements for plant passports permitted for certain material in Schedule 6 or 7)—
  - (a) for the heading, substitute “Requirements for UK plant passports permitted for certain material”,
  - (b) in paragraph 1, for “plant passport” substitute “UK plant passport”,
  - (c) in paragraph 2—

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<sup>(4)</sup> S.I. 1999/1801, amended by S.S.I. 2018/284; there are other amending instruments but none are relevant.

<sup>(5)</sup> S.I. 1999/1801.

<sup>(6)</sup> S.R. 1999 No. 502.

<sup>(7)</sup> S.I. 2017/595.

<sup>(8)</sup> S.I. 2017/691 (W.163).

<sup>(9)</sup> S.S.I. 2017/177.

<sup>(10)</sup> S.R. 2017 No. 119.

<sup>(11)</sup> The words “EU plant passport” were substituted by S.S.I. 2013/366.

- (i) in sub-paragraph (a) for “in Article 13(1)(a) of Council [Directive 2002/56/EC](#) on the marketing of seed potatoes” substitute—
- “—
- (i) in the case of seed potatoes produced in Scotland, in schedule 5 of the Seed Potatoes (Scotland) Regulations 2015(12),
  - (ii) in the case of seed potatoes produced in England, in Part 1 of schedule 2 of the Seed Potatoes (England) Regulations 2015(13),
  - (iii) in the case of seed potatoes produced in Wales, in Part 1 of schedule 2 of the Seed Potatoes (Wales) Regulations 2016(14),
  - (iv) in the case of seed potatoes produced in Northern Ireland, in Part 1 of schedule 2 of the Seed Potatoes Regulations (Northern Ireland) 2016(15),”
- (ii) in sub-paragraph (b) for “EU plant passport”(16) substitute “UK plant passport”,
- (iii) in sub-paragraph (c)—
- (aa) for “European Union” substitute “United Kingdom”,
  - (bb) for “item 18.1 of Section II of Part A of Annex IV to [Directive 2000/29/EC](#)” substitute “specified in item 5 of Part B of the list of regulated material”,
- (d) omit paragraphs 3 and 4,
- (e) in paragraph 5—
- (i) in sub-paragraph (a) for “in Article 10(1)(a) of Council [Directive 66/401/EEC](#) on the marketing of fodder plant seed” substitute—
- “—
- (i) in the case of seeds produced in Scotland, in Parts 2 and 3 of schedule 6 of the Oil and Fibre Plant Seed (Scotland) Regulations 2004(17),
  - (ii) in the case of seeds produced in England, in Parts 2 and 3 of schedule 3 of the Seed Marketing Regulations 2011(18),
  - (iii) in the case of seeds produced in Wales, in Parts 2 and 3 of schedule 3 of the Seed Marketing (Wales) Regulations 2012(19),
  - (iv) in the case of seeds produced in Northern Ireland, in Parts 2 and 3 of schedule 3 of the Seed Marketing Regulations (Northern Ireland) 2016(20),”
- (ii) in sub-paragraph (b) for “EU plant passport”(21) substitute “UK plant passport”,
- (iii) in sub-paragraph (c)—
- (aa) for “EC” substitute “United Kingdom”,
  - (bb) for “items 28.1 and 28.1 of Section II of Part A of Annex IV to [Directive 2000/29/EC](#)” substitute “specified in items 21 and 22 of Part B of the list of regulated material”.

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(12) S.S.I. 2015/395.

(13) S.I. 2015/1953.

(14) S.I. 2016/106 (W.52).

(15) S.R. 2016 No. 190.

(16) These words were substituted in sub-paragraph (b) by S.S.I. 2013/366.

(17) S.S.I. 2004/317.

(18) S.I. 2011/463.

(19) S.I. 2012/245 (W.39).

(20) S.R. 2016 No. 244.

(21) These words were substituted in sub-paragraph (b) by S.S.I. 2013/366.

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**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: *The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 (revoked) No. 124*

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