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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 6**

**Amendment of Part 6**

- 49.** In article 31 (examination, sampling and marking)—
- (a) in paragraph (1)(b) for “plant passport” substitute “UK plant passport”, and
  - (b) in paragraph (7) omit “including representatives of the European Commission,”.
- 50.** For article 31A ( duty to perform official surveys (Phytophthora ramorum))(1) substitute—

**“Emergency measures**

**31A.—(1)** Where a regulated plant pest is found to be present in Scotland, the Scottish Ministers may by notice—

- (a) demarcate an area in relation to that infestation for the purpose of eradicating or containing that plant pest, and
  - (b) specify the prohibitions and restrictions which are to apply in the demarcated area for that purpose.
- (2) A notice under paragraph (1)—
- (a) must be in writing,
  - (b) must describe the extent of the demarcated area,
  - (c) must specify the date on which any such prohibitions or restrictions are to commence,
  - (d) must be published in a manner appropriate to bring it to the attention of the public, and
  - (e) may be amended or revoked, in whole or in part, by further notice.”.
- 51.** In article 32 (actions which may be required by an inspector)—
- (a) in paragraph (1) for “landed in” substitute “brought into”,
  - (b) in paragraphs 2(a) and (b) for “landed” substitute “brought”,
  - (c) in paragraph 3—
    - (i) in sub-paragraph (a) for “landing” substitute “bringing into Scotland”,

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(1) Article 31A was inserted by Part 2 of these Regulations. See schedule 8A (emergency measures: miscellaneous), which is inserted by regulation 64 of these Regulations, which makes provision for official surveys.

(ii) for sub-paragraph (b) substitute—

“(b) specify the manner in which any plant pest or relevant material is to be brought into Scotland and the precautions which are to be taken during and subsequent to its entry;”.

(d) in paragraph (5)—

(i) for sub-paragraph (a) substitute—

“(a) a regulated plant pest;”.

(ii) omit sub-paragraph (c) and the preceding “and”.

(e) in paragraph (6)(b) omit “or 19”.

**52.** In article 33 (actions which may be taken by an inspector)—

(a) in paragraph (2) for sub-paragraph (a) substitute—

“(a) a regulated plant pest;”, and

(b) in paragraph (4) omit “including representatives of the European Commission;”.

**53.** In article 37 (failure to comply with a notice), in paragraph (2) omit “including representatives of the European Commission;”.