
DRAFT SCOTTISH STATUTORY INSTRUMENTS

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 9

Amendment of Part 9

57. In article 42 (notification of the presence or suspected presence of certain plant pests)—

(a) in paragraph (1)(1)—

- (i) for “plant pest to which this article applies” substitute “notifiable plant pest”,
- (ii) for “such plant pest” in both places it occurs, substitute “such notifiable plant pest”,
and

(b) for paragraphs (2), (3)(2) and (4) substitute—

“(2) In this article, “notifiable plant pest” means—

- (a) a plant pest, other than a plant pest of a description specified in Schedule 18, which—
 - (i) is a regulated plant pest,
 - (ii) is of a description specified in column 3 of Part B of the list of prohibited infested material and which is present on, or appears to an inspector to have been in contact with, relevant material of a description specified in the entry in respect of that plant pest in column 2 of Part B of the list of prohibited infested material, or
 - (iii) although not a regulated plant pest, is a plant pest not normally present in Great Britain and is likely to be injurious to plants in Great Britain,
- (b) a plant pest of a description specified in schedule 18 which—
 - (i) is a regulated plant pest,
 - (ii) is a sub-species or strain not normally present in Great Britain and which has been found on any premises, or
 - (iii) is also specified in column 3 of Part A of the list of prohibited infested material and which is present on, or appears to an inspector to have been in contact with, relevant material of a description specified in the entry in respect of that plant pest in column 2 of Part A of that list.”.

(1) Paragraph (1) was partially revoked by [S.S.I. 2006/474](#).

(2) Paragraph (3) was substituted by [S.S.I. 2007/415](#).

58. Omit article 42A (additional requirements on professional operators in respect of *Pseudomonas syringae* pv *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto)(**3**).

59. In article 43(2) (notification of the likely entry into, or presence in, a free zone of plant pests or relevant material)—

(a) for sub-paragraph (a) substitute—

“(a) a regulated plant pest;”,

(b) in sub-paragraph (b) for “specified in Schedule 1 or 2” substitute “a regulated plant pest”, and

(c) in sub-paragraph (c)(**4**)—

(i) for “Schedule 3” substitute “the list of prohibited material”,

(ii) for “that Schedule” substitute “that list”.

60. In article 44 (information to be given)—

(a) in paragraph (2)(b)—

(i) for sub-paragraph (i) substitute—

“(i) a regulated plant pest;”, and

(ii) in sub-paragraph (ii) for “specified in Schedule 1 or 2” substitute “a regulated plant pest”, and

(b) in paragraph (4) before “plant passports” insert “UK”.

(3) Article 42A was inserted by [S.S.I. 2018/112](#).

(4) Sub-paragraph (c) was amended by [S.S.I. 2010/342](#).