
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 2

Amendment of Part 2

22. In article 3 (interpretation of part 2)—

- (a) omit the definitions of “approved place of inspection”, “Customs Code” and “customs document” and substitute—

““approved place of inspection means a place of destination of relevant material approved by the Scottish Ministers under article 17 or, in relation to other UK territories, by the appropriate UK plant health authority under equivalent provisions of the relevant Plant Health Order,

“correct phytosanitary certificate”, in relation to notifiable relevant material, means the phytosanitary certificate or phytosanitary certificate for re-export which has been issued—

(a) in the manner specified in article 7(2) to (5), and

(b) in respect of the requirements prescribed by article 5,

“designated area of plant health control” means a place close to a point of entry which has been designated as an area of plant health control by the Scottish Ministers and the Commissioners for Her Majesty’s Revenue and Customs,

“EU transit material” means any notifiable relevant material from a third country, other than country or territory within the European Union, which is brought to the United Kingdom via the European Union and which, on its entry into the European Union, was not subject to—

(a) the formalities described in Article 13a of [Directive 2000/29/EC](#), or

(b) other similar official controls under Regulation (EU) 2017/625 of the European Parliament and of the Council⁽¹⁾, as it has effect in EU law;

“notified EU material” means any notifiable relevant material originating in the European Union or Switzerland which is intended to be, or has been, consigned to the United Kingdom from the European Union or Switzerland via a point of entry in Scotland and the arrival of which in Scotland has been notified to the Scottish Ministers in accordance with article 6(1),”

- (b) after the definition of “identity check” insert—

(1) OJ L 095 7.4.2017, p.1.

““point of entry” means—

- (a) in the case of relevant material which arrives by air, the airport at which the material first arrives in the United Kingdom,
- (b) in the case of relevant material which arrives by maritime or fluvial transport, the port at which the material first arrives in the United Kingdom, or
- (c) in the case of relevant material which arrives by rail, the rail freight terminal at which the material first arrives in the United Kingdom,
- (d) in the case of relevant material which arrives by road, the initial destination of the material after its arrival in the United Kingdom,

“trade documents” in relation to a consignment of notifiable relevant material, means the invoice, delivery note, consignment note or similar document which accompanies the consignment,”

- (c) in the definition of “working day” for “6(3)(b)” substitute “6(2)(c)(ii)”.