

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 3

Amendment of Part 3

40. For article 20 (prevention of the spread of plant pests) substitute—

“Prevention of the spread of plant pests

20.—(1) No person may knowingly keep, store, plant, sell or move or knowingly cause or permit to be kept, stored, planted, sold or moved—

- (a) any plant pest of a description specified in Part A, B or D of the list of prohibited plant pests,
- (b) any relevant material of a description specified in column 2 of Part A, B or D of the list of prohibited infested material which is carrying or infected with a plant pest of a description specified in the corresponding entry in column 3,
- (c) any plant pest which, although not specified in Part A, B or D of the list of prohibited plant pests, or in column 3 of Part A, B or D of the list of prohibited infested material, is not normally present in Great Britain and which is likely to be injurious to plants in Great Britain,
- (d) any relevant material originating in a third country which is brought into Scotland in contravention of article 5(1)(d) or (e),
- (e) any relevant material of a description specified in column 2 of Part B or E of the list of regulated material which originates in the United Kingdom or a CD territory unless the requirements specified in the corresponding entries in respect of that description of relevant material in column 3 are complied with,
- (f) any relevant material originating in a third country and consigned from another part of the United Kingdom or a CD territory which, if it had been brought into a point of entry located in Scotland, would have contravened article 5(1)(d) or (e).

(2) Paragraph (3) applies to pest free areas.

(3) No person may knowingly keep, store, plant, sell or move or knowingly cause or permit to be kept, stored, planted, sold or moved—

- (a) any plant pest of a description specified in column 2 of Part C of the list of prohibited plant pests which relates to a pest free area,
- (b) in the case of any pest free area which is or, or is included within a UK pest free area specified in column 4 of Part C of the list of prohibited infested material, any

relevant material of a description specified in the corresponding entry in column 2 of that Part which is carrying or infested with a plant pest of a description specified in the corresponding entry in column 3,

- (c) any relevant material originating in a third country which is brought into a pest free area in contravention of article 5(1)(h),
- (d) in the case of any pest free area specified in column 4 of Part C of the list of regulated material, any relevant material of a description specified in the corresponding entry in column 2 of that Part which originates in the United Kingdom or a CD territory, unless the requirements specified in the corresponding entries in respect of that relevant material in column 3 are complied with,
- (e) any relevant material originating in a third country and consigned from another part of the United Kingdom or a CD territory which, if it had been brought into a point of entry located in Scotland, would have contravened article 5(1)(h).

(4) The prohibitions in paragraphs (1) and (3) do not apply to any plant pest or relevant material which is required to be kept, stored or moved in compliance with a requirement imposed by an inspector under Part 6 or 7.

(5) Paragraphs (1)(e) and (3)(d) are subject to article 22.

(6) In this article, “move” means move or otherwise dispose of, and “moved” is to be construed accordingly.”.