
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

41. For article 21 (requirements for plant passports) substitute—

“Requirements for UK plant passports

21.—(1) No person may move any of the following relevant material into or within Scotland unless it is accompanied by a UK plant passport—

- (a) any relevant material of a description specified in the list of controlled material which originates in the United Kingdom or a CD territory;
- (b) any relevant material of a description specified in the list of controlled material that has been discharged by the Scottish Ministers under article 12(1) or by another appropriate UK plant health authority in an equivalent manner;
- (c) in the case of any notifiable relevant material originating in the European Union or Switzerland which was brought into a point of entry in the United Kingdom, any relevant material specified in the list of controlled material which originates in the European Union or Switzerland and was notified to the Scottish Ministers in accordance with article 6(1), or to the appropriate UK plant health authority in accordance with equivalent requirements under the relevant Plant Health Order.

(2) No person may move any of the following relevant material into or within a pest free area unless it is accompanied by a UK plant passport which is valid for that pest free area—

- (a) any relevant material of a description, specified in the list of pest free area controlled material in respect of the relevant pest free area, which originates in the United Kingdom or a CD territory;
- (b) any relevant material of a description specified in the list of pest free area controlled material in respect of the relevant UK pest free area that has been discharged by the Scottish Ministers under article 12(1) or by another appropriate UK plant health authority in an equivalent manner;
- (c) in the case of any notifiable relevant material originating in the European Union or Switzerland which was brought into a point of entry in the United Kingdom, any relevant material specified in the list of pest free area controlled material in respect of the relevant UK pest free area which—

- (i) originates in the European Union or Switzerland; and

- (ii) was notified to the Scottish Ministers in accordance with article 6(1), or to the appropriate UK plant health authority in accordance with equivalent requirements under the relevant Plant Health Order.
- (3) No person may consign from Scotland to another UK territory or a CD territory any of the following relevant material originating in Scotland, unless it is accompanied by a UK plant passport—
 - (a) any relevant material of a description specified in the list of controlled material;
 - (b) in the case of relevant material destined for a place in England, Wales or Northern Ireland which is within a UK pest free area, any relevant material of a description specified in the list of pest free area controlled material in respect of that UK pest free area,
 - (c) in the case of relevant material destined for a CD territory, any relevant material of a description specified for the purposes of this paragraph in the applicable plant health legislation of that CD territory.
- (4) In the case of any relevant material originating in a place of production in Scotland, a UK plant passport may only be issued in respect of that material if the material has been subject to a satisfactory inspection at the place of production.
- (5) The requirements in paragraphs (1)(b) and (2)(b) do not apply to any notified EU material moving from its point of entry to its first destination in the United Kingdom if it is accompanied by a copy of the phytosanitary certificate or phytosanitary certificate for re-export which accompanied the material on its entry into the United Kingdom.
- (6) Paragraphs (1)(a), (2)(a), and 3 are subject to article 22.
- (7) Paragraph (2) is subject to article 23.
- (8) In paragraphs (1) and (2), “relevant Plant Health Order” has the same meaning as in Part 2 (see article 3).”.