
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2020 No.

**The Plant Health (EU Exit) (Scotland)
(Amendment etc.) Regulations 2020**

PART 3

Amendment of secondary legislation relating to withdrawal from the European Union

Schedule 3

29.—(1) In schedule 3 (offences: relevant provisions in the EU Regulations), in the heading, for “EU Regulations”, substitute “Plant Health Regulation, Official Controls Regulation and other retained direct EU legislation”.

(2) In Part 1 (the EU Plant Health Regulation)—

(a) in the heading omit “EU”,

(b) in the table—

(i) in the heading to the first column omit “EU”,

(ii) in the entry relating to Article 5(1), in the second column—

(aa) for “Union quarantine” in each place it occurs substitute “GB quarantine”,

(bb) for “the Union territory” in each place it occurs substitute “Great Britain”,

(iii) in the entry relating to Article 9(3), in the second column—

(aa) for “Union” in the first place it occurs substitute “GB”,

(bb) for “pest subject to measures adopted pursuant to Article 30(1)” substitute “provisional GB quarantine pest”,

(cc) for “the Union territory” in both places it occurs substitute “Great Britain”,

(dd) for “protected zone” substitute “PFA”,

(ee) for “respective protected zone” substitute “GB pest-free area established in respect of that pest”,

(iv) in the entry relating to Article 14(1), in the second column—

(aa) for “Union” to “Article 30(1)” substitute “GB quarantine pest or provisional GB quarantine pest”,

(bb) for “protected zone” substitute “PFA”,

(cc) for “respective protected zone” substitute “GB pest-free area established in respect of that pest”,

(v) in the entry relating to Article 14(3), in the second column for “Union” substitute “GB”;

(vi) in the entry relating to Article 15(1), in the second column—

(aa) for “Union” substitute “GB”,

- (bb) for “protected zone” in the first place it occurs substitute “PFA”,
- (cc) for “respective protected zone” substitute “GB pest-free area established in respect of that pest”,
- (vii) in the entry relating to Article 32(2), in the second column—
 - (aa) for “protected zone quarantine” in each place it occurs substitute “PFA quarantine”,
 - (bb) for “respective protected zone” in each place it occurs substitute “GB pest-free area established in respect of that pest”,
- (viii) in the entry relating to Article 37(1),—
 - (aa) for “Regulation 2019/2072” substitute “the Phytosanitary Conditions Regulation”,
 - (bb) for “the Union territory” in both places it occurs substitute “Great Britain”,
 - (cc) for “Union” in the second and third places it occurs substitute “GB”,
- (ix) in the entry relating to Article 40(1), in the second column, for “the Union territory” substitute “Great Britain”,
- (x) for the entry relating to Article 41(1) substitute—

“Article 41(1) (as read with Articles 47 and 48(1))	Prohibits the introduction into Great Britain of certain plants, plant products or other objects from third countries unless the special requirements in respect of those plants, plant products or other objects are fulfilled.
Article 41(1A) (as read with Article 48(1))	Prohibits the introduction into Great Britain of certain plants, plant products or other objects from CD territories unless the special requirements in respect of those plants, plant products or other objects are fulfilled.
Article 41(1B) (as read with Article 48(1))	Prohibits the movement within Great Britain of certain plants, plant products or other objects unless the special requirements in respect of those plants, plant products or other objects are fulfilled.”,

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- (xi) in the entry relating to Article 42(2), in the second column, for “the Union territory” substitute “Great Britain”,
 - (xii) in the entry relating to Article 43(1), in the second column, for “the Union territory” substitute “Great Britain”,
 - (xiii) in the entry relating to Article 45(1), in the first column for “45(1), third paragraph” substitute “45(3)”,
 - (xiv) in the entry relating to Article 53(1), in the second column—
 - (aa) for “certain protected zones” in the first place it occurs substitute “GB pest-free areas”,
 - (bb) for “within the Union territory into certain protected zones” substitute “in Great Britain or a CD territory into GB pest-free areas”,
 - (xv) in the entry relating to Article 54(1), in the second column—

- (aa) for “certain protected zones” in both places it occurs substitute “GB pest-free areas”,
- (bb) for “those protected zones” in both places it occurs substitute “GB pest-free areas”,
- (xvi) in the entry relating to Article 59, in the second column—
 - (aa) for “the Union territory” in both places it occurs substitute “Great Britain”,
 - (bb) for “Union quarantine” to “Article 30(1)” substitute “GB quarantine pests or provisional GB quarantine pests”,
 - (cc) for “the protected zones” substitute “GB pest-free areas”,
 - (dd) for “through protected zones” substitute “through GB pest-free areas”,
 - (ee) for “respective protected zone” substitute “PFA”;
 - (ff) at the end insert “relating to those areas”,
- (xvii) in the entry relating to Article 62(1), in the second column—
 - (aa) for “Union quarantine” to “Article 30(1)” substitute “GB quarantine pests or provisional GB quarantine pests”,
- (xviii) in the entry relating to Articles 72(1) and 73—
 - (aa) in the first column omit “(as read with paragraph 2B(3) of Part 2 of schedule 1)”,
 - (bb) in the second column, for “the Union territory” replace “Great Britain”,
- (xix) in the entry relating to Article 74(1), in the second column, for “protected zones” substitute “GB pest-free areas”,
- (xx) in the entry relating to Article 79(1)—
 - (aa) in the first column, for “and 83” substitute “, 83 and 92a”,
 - (bb) in the second column, for “the Union territory without a plant passport” substitute “Great Britain or the introduction of certain plants, plant products and other objects into Great Britain from a CD territory without a UK plant passport”,
- (xxi) in the entry relating to Article 80(1)—
 - (aa) in the first column, for “and 83” substitute “, 83 and 92a”,
 - (bb) in the second column, for “certain protected zones” in both places it occurs substitute “GB pest-free areas” and after “a” insert “UK”,
- (xxii) in the entry relating to Article 84(1), in the second column, in both places it occurs, after “issuing”, insert “UK”,
- (xxiii) in the entry relating to Article 85, in the second column, after “issuing” insert “UK”,
- (xxiv) in the entry relating to Article 86(1), in the second column—
 - (aa) after “issuing” insert “UK”,
 - (bb) for “protected zone” substitute “GB pest-free area”,
- (xxv) after the entry relating to Article 86(1) insert—

“Article 86a

Prohibits authorised professional operators from issuing UK plant passports for plants, plant products or other objects to be introduced into a CD territory unless the specified requirements are fulfilled in respect

of those plants, plant products or other
objects.”,

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- (xxvi) in the entry relating to Article 88, in the second column, after “attach” insert “UK”,
 - (xxvii) in the entry relating to Article 90(1), in the second column, after “a” insert “UK”,
 - (xxviii) in the entry relating to Article 93(1), in the second column, after “replacement” insert “UK”,
 - (xxix) in the entry relating to Article 93(5), in the second column, after “replaced” insert “UK”,
 - (xxx) in the entry relating to Article 96(1), in the second column, for “the Union territory” substitute “Great Britain”.
- (3) In Part 2, (the Official Controls Regulation), in the table—
- (a) in the entry relating to Article 47(5), in the second column, in both places it occurs, for “the Union” substitute “Great Britain”,
 - (b) in the entry relating to Article 56(4), in the second column, for “the Union” substitute “Great Britain”.
- (4) In Part 3, (other EU legislation)—
- (a) in the heading, before “EU” insert the word “retained”,
 - (b) in the heading to the first column of the table, before the word “EU” insert the word “retained”,
 - (c) in the entry in the table for Article 22(4) of Commission Delegated Regulation (EU) 2019/2124, in the second column, for “the Union territory” substitute “Great Britain”.