

2001 No. 249

PLANT HEALTH

**The Plant Health (Great Britain) Amendment (Scotland)
Order 2001**

Made 26th June 2001

Laid before the Scottish Parliament 28th June 2001

Coming into force 18th September 2001

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation, commencement and extent

1.—(1) This Order may be cited as the Plant Health (Great Britain) Amendment (Scotland) Order 2001 and shall come into force on 18th September 2001.

(2) This Order extends to Scotland only.

Amendment of the Plant Health (Great Britain) Order 1993

2. The Plant Health (Great Britain) Order 1993(b) is amended in accordance with the following articles.

3. In article 2(1) (interpretation)–

(a) for the definition of “Directive 77/93/EEC” there shall be substituted–

““Directive 2000/29/EC” means Council Directive 2000/29/EC(c) of 8th May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community, as amended by Commission Directive 2001/32(d) and Commission Directive 2001/33/EC(e);”;

(b) in the definition of “protected zone”–

(i) for “Directive 77/93/EEC” in each place where those words occur, there shall be substituted “Directive 2000/29/EC”; and

(ii) for “Article 16a” there shall be substituted “Article 18”.

4. In article 30 (licences) for “Directive 77/93/EEC” there shall be substituted “Directive 2000/29/EC”.

5. In Schedule 1, Part B, section (a) (insects, mites and nematodes, at all stages of their development)–

(a) 1972 c.68; section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3). The function conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(b) S.I. 1993/1320, amended by S.I. 1993/3213, 1995/1358 and 2929, 1996/25, 1165 and 3242, 1997/1145 and 2907, 1998/349 and 1121 and S.S.I. 1999/22.

(c) O.J. No. L 169, 10.7.00, p.1.

(d) O.J. No. L 127, 9.5.01, p.38.

(e) O.J. No. L 127, 9.5.01, p.42.

- (a) in the entry in the second column opposite item number 1 in the first column, “DK,” shall be omitted; and
- (b) for the entry in the second column opposite item number 2 in the first column, there shall be substituted–

“E (Ibiza and Menorca), IRL, P (Azores and Maderia), FI (districts of Åland, Håme, Kymi, Pirkanmaa, Satakunta, Turku, Uusimaa), S (counties of Blekinge, Gotlands, Halland, Kalmar and Skåne), UK”.

6. In Schedule 1, Part B, section (d) (viruses and virus-like organisms), in the entry in the second column opposite item number 2 in the first column, “DK,” shall be omitted.

7. In Schedule 2, Part B, section (a) (insects, mites and nematodes, at all stages of their development)–

- (a) in the entry in the third column opposite item number 5 in the first column, for “EL, P” there shall be substituted–

“EL, P (Azores; district of Beja: all concelhos; district of Castelo Branco: concelhos de Castelo Branco, Fundão and Penamacôr, Idanha-a-Nova; district of Évora with the exception of concelhos de Montemor-o-Novo, Mora and Vendas Novas; district of Faro: all concelhos; district of Portalegre: concelhos de Arronches, Campo Maior, Elvas, Fronteira, Monforte and Sousel)”;

- (b) item number 8 shall be omitted.

8. In Schedule 2, Part B, section (b) (bacteria), for the entry in the third column opposite item number 2 in the first column, there shall be substituted–

“E, F (Corsica), IRL, I (Abruzzi; Basilicata; Calabria; Campania; Emilia-Romagna; provinces of Forlì-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Apulia; Sardinia; Sicily; Tuscany; Trentino-Alto Adige: autonomous provinces of Bolzano and Trento; Umbria; Valle d’Aosta; Veneto), A (Burgenland, Carinthia, Lower Austria, East Tyrol, Styria, Vienna), P, FI, UK (Northern Ireland, Isle of Man and Channel Islands)”.

9. In Schedule 3, Part B (plants, plant products and other objects the introduction of which shall be prohibited in certain protected zones) for the entry in the second column opposite item number 1 in the first column, there shall be substituted–

“E, F (Corsica), IRL, I (Abruzzi; Basilicata; Calabria; Campania; Emilia-Romagna; provinces of Forlì-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Apulia; Sardinia; Sicily; Tuscany; Trentino-Alto Adige: autonomous provinces of Bolzano and Trento; Umbria; Valle d’Aosta; Veneto), A (Burgenland, Carinthia, Lower Austria, East Tyrol, Styria, Vienna), P, FI, UK (Northern Ireland, Isle of Man and Channel Islands)”.

10. In Schedule 4, Part A, Section 1 (plants, plant products and other objects originating outside of the Community)–

- (a) in the entry in the second column–
 - (i) opposite item number 16.2(b) and (c) in the first column;
 - (ii) opposite item number 16.3(b) in the first column;
 - (iii) opposite item number 16.3a(b) in the first column; and
 - (iv) opposite item number 25.4(b) in the first column, for “Directive 77/93/EEC” there shall be substituted “Directive 2000/29/EC”; and
- (b) in the entry in the second column opposite item number 25.4(b) in the first column for “Article 16(a)” there shall be substituted “Article 18”.

11. In Schedule 4, Part B (special requirements which shall be laid down for the introduction and movement of plants, plant products and other objects into and within certain protected zones)–

- (a) item number 13 shall be omitted;
- (b) for the entry in the third column opposite item number 19 in the first column there shall be substituted–

“EL, P (Azores; district of Beja: all concelhos; district of Castelo Branco: concelhos de Castelo Branco, Fundão and Penamacôr, Idanha-a-Nova; district of Évora with the exception of concelhos de Montemor-o-Novo, Mora and Vendas Novas; district of

- Faro: all concelhos; district of Portalegre: concelhos de Arronches, Campo Maior, Elvas, Fronteira, Monforte and Sousel”);
- (c) in the entry in the third column opposite item number 21 in the first column, there shall be substituted—
- “E, F (Corsica), IRL, I (Abruzzi; Basilicata; Calabria; Campania; Emilia-Romagna; provinces of Forlì-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Apulia; Sardinia; Sicily; Tuscany; Trentino-Alto Adige: autonomous provinces of Bolzano and Trento; Umbria; Valle d’Aosta; Veneto), A (Burgenland, Carinthia, Lower Austria, East Tyrol, Styria, Vienna), P, FI, UK (Northern Ireland, Isle of Man and Channel Islands)”); and
- (d) in the entry in the third column opposite item number 24 in the first column, “DK,” shall be omitted.
- 12.** In Schedule 8, section (a) (insects, mites and nematodes, at all stages of their development)—
- (a) in the entry in the second column opposite item number 2 in the first column, “Denmark,” shall be omitted;
- (b) for the entry in the second column opposite item number 6 in the first column, there shall be substituted—
- “Greece, Portugal (Azores; district of Beja: all concelhos; district of Castelo Branco: concelhos de Castelo Branco, Fundão and Penamacôr, Idanha-a-Nova; district of Évora with the exception of concelhos de Montemor-o-Novo, Mora and Vendas Novas; district of Faro: all concelhos; district of Portalegre: concelhos de Arronches, Campo Maior, Elvas, Fronteira, Monforte and Sousel)”);
- (c) for the entry in the second column opposite item number 12 in the first column, there shall be substituted—
- “Spain (Ibiza and Menorca), Ireland, Portugal (Azores and Madeira), Finland (districts of Åland, Håme, Kymi, Pirkanmaa, Satakunta, Turku, Uusimaa), Sweden (counties of Blekinge, Gotlands, Halland, Kalmar and Skåne), United Kingdom”); and
- (d) item number 14 shall be omitted.
- 13.** In Schedule 8, section (b) (bacteria) in the entry in the second column opposite item number 2 in the first column, there shall be substituted—
- “Spain, France (Corsica), Ireland, Italy (Abruzzi; Basilicata; Calabria; Campania; Emilia-Romagna; provinces of Forlì-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Apulia, Sardinia; Sicily; Tuscany; Trentino-Alto Adige: autonomous provinces of Bolzano and Trento; Umbria; Valle d’Aosta; Veneto), Austria (Burgenland, Carinthia, Lower Austria, East Tyrol, Styria, Vienna), Portugal, Finland, United Kingdom (Northern Ireland, Isle of Man and Channel Islands)”.
- 14.** In Schedule 8, section (d) (viruses and virus-like organisms) in the entry in the second column opposite item number 2 in the first column “Denmark,” shall be omitted.
- 15.** In Schedule 13, paragraph 9(1)(a) (special measures for the control of potato ring rot) for “Directive 77/93/EEC” there shall be substituted “Directive 2000/29/EC”.
- 16.** Schedule 16 (instruments amending and supplementing Council Directive 77/93/EEC) shall be omitted.

ROSS FINNIE
A member of the Scottish Executive

Pentland House,
Edinburgh
26th June 2001

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Plant Health (Great Britain) Order 1993 (“the principal Order”), in relation to Scotland, so as to implement—

- (a) Commission Directive 2001/32/EC, which recognises protected zones exposed to particular plant health risks in the Community, and
- (b) Commission Directive 2001/33/EC, which amends certain annexes to Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community.

The Order amends the geographical definitions of various protected zones (articles 5 to 9 and 11 to 14) in the principal Order. It also updates the references in the principal Order to Council Directive 77/93/EC (O.J. No. L 26, 31.1.97, p.20) with Council Directive 2000/29/EC (articles 3, 4, 10(a) and 15). Council Directive 79/93/EC has now been repealed and is consolidated in Council Directive 2000/29/EC.

Articles 12 to 14 of the Order implement Commission Directive 2001/32/EC and articles 5 to 9 and 11 of the Order implement Commission Directive 2001/33/EC.

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