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SCOTTISH STATUTORY INSTRUMENTS

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**2019 No. 124**

**The Plant Health (EU Exit) (Scotland)  
(Amendment etc.) Regulations 2019**

**PART 3**

**CHAPTER 4**

**Amendment of Part 4**

**46.** In article 28A (duties of professional operators in relation to *Xylella fastidiosa* (Wells et al.)(1)—

- (a) in paragraph (1)(2) in sub-paragraph (a) for “an area demarcated” to the end of that sub-paragraph substitute “a demarcated area”,
- (b) in paragraph (4)(e) for “plant passport” substitute “UK plant passport”, and
- (c) for paragraph (5) substitute—

“(5) In this article—

- (a) “demarcated area” means—
  - (i) an area demarcated under paragraph 5 of schedule 8G or, in relation to England, Wales and Northern Ireland under paragraph 5 of schedule 15 of the Plant Health Regulations; or
  - (ii) a CD territory in which *Xylella fastidiosa* (Wells et al.) has been confirmed to be present;
- (b) “plants specified in relation to *Xylella fastidiosa* (Wells et al.)” means plants specified in items 11 and 12 of Part E of the list of regulated material,
- (c) “professional operator” means any person who, in the course of a trade, business or profession, is involved in planting, breeding, producing, importing, marketing or distributing plants.”.

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(1) Article 28A was inserted by [S.S.I. 2016/83](#).

(2) Paragraph 1 was substituted by [S.S.I. 2018/112](#).