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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 2**

Miscellaneous provision

**Amendment of the Plant Health (Scotland) Order 2005**

7.—(1) In schedule 4 (Restrictions on the landing in and movement within Scotland of relevant material)(1), in Part A (relevant material, from third countries, which may only be landed in Scotland if special requirements are satisfied), after item 3 insert—

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“3a. Plants, other than fruit and seeds, of the following genera and species originating in the USA—  <i>Acer macrophyllum</i> Pursh, <i>Acer pseudoplatanus</i> L., <i>Adiantum aleuticum</i> (Rupr.) Paris,  <i>Adiantum jordanii</i> C. Muell., <i>Aesculus californica</i> (Spach) Nutt.,  <i>Aesculus hippocastanum</i> L., <i>Arbutus menziesii</i> Pursch., <i>Arbutus unedo</i> L., <i>Arctostaphylos</i> spp. Adans, <i>Calluna vulgaris</i> (L.) Hull, <i>Camellia</i> spp. L.,  <i>Castanea sativa</i> Mill.,  <i>Fagus sylvatica</i> L., <i>Frangula californica</i> (Eschsch.) Gray, <i>Frangula purshiana</i> (DC.) Cooper,  <i>Fraxinus excelsior</i> L., <i>Griselinia littoralis</i> (Raoul), <i>Hamamelis virginiana</i> L., <i>Heteromeles arbutifolia</i> (Lindley) M. Roemer,  <i>Kalmia latifolia</i> L., <i>Laurus nobilis</i> L.,  <i>Leucothoe</i> spp. D. Don, <i>Lithocarpus densiflorus</i> (Hook. & Arn.) Rehd., <i>Lonicera hispidula</i> (Lindl.) Dougl. ex Torr.&Gray, <i>Magnolia</i> spp. L.,	The plants must be accompanied by an official statement:  (a) either—  (i) under the heading “Additional declaration” that the material originates in an area recognised by the official plant health service of the country from which the material originates (“the relevant plant health service”) as being free from non-European isolates of <i>Phytophthora ramorum</i> , in which case the name of the area from where the material originates must be specified under the heading “place of origin”; or  (ii) that the phytosanitary certificate was issued only after official verification by the relevant plant health service that no signs of non-European isolates of <i>Phytophthora ramorum</i> have been observed on any susceptible material, (except fruit and seeds), at the place of production during
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(1) Schedule 4 is substituted by Part 3 of these Regulations.

<p><i>Michelia doltsopa</i> Buch.-Ham. ex DC,  <i>Nothofagus obliqua</i> (Mirbel) Blume,  <i>Osmanthus heterophyllus</i> (G. Don) P. S. Green,  <i>Parrotia persica</i> (DC) C.A. Meyer,  <i>Photinia x fraseri</i> Dress, <i>Pieris</i> spp. D. Don,  <i>Pseudotsuga menziesii</i> (Mirbel) Franco,  <i>Quercus</i> spp. L., <i>Rhododendron</i> spp. L., other than <i>Rhododendron simsii</i> Planch.,  <i>Rosa gymnocarpa</i> Nutt.,  <i>Salix caprea</i> L.,  <i>Sequoia sempervirens</i> (Lamb. ex D. Don) Endl.,  <i>Syringa vulgaris</i> L.,  <i>Taxus</i> spp. L.,  <i>Trientalis latifolia</i> (Hook), <i>Umbellularia californica</i> (Hook. &amp; Arn.) Nutt., <i>Vaccinium ovatum</i> Pursh and <i>Viburnum</i> spp. L. (for the purposes of column 3 of this item, “susceptible material”)</p>	<p>official inspections, including during laboratory testing of any suspicious symptoms carried out since the beginning of the last complete cycle of vegetation, and</p> <p>(b) the phytosanitary certificate must be issued only after representative samples of the plants have been taken before shipment, and have been tested and found free from non-European isolates of <i>Phytophthora ramorum</i> in these tests, in which case the phytosanitary certificate must be endorsed by the relevant plant health service under the heading “additional declaration” with the statement “tested and found free from non-European isolates of <i>Phytophthora ramorum</i> Werres, De Cock &amp; Man in’t Veld sp. nov.”.”</p>
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(2) In schedule 4, in Part B (Relevant material, from another part of the European Union, which may only be landed in or moved within Scotland if special requirements are satisfied), after item 41 insert—

<p>“42. Plants, other than seeds, of <i>Viburnum</i> spp. L, <i>Camellia</i> spp. or <i>Rhododendron</i> spp. L., other than <i>Rhododendron simsii</i> Planch, intended for planting (for the purposes of column 3, “susceptible material”).</p>	<p>The plants must be accompanied by an official statement either that:</p> <p>(a) they originate in areas in which <i>Phytophthora ramorum</i> is known not to occur,</p> <p>(b) upon official inspection at the place of production, carried out at least twice at an appropriate time when the susceptible material is in active growth, or upon laboratory testing of apparent symptoms of <i>Phytophthora ramorum</i>, no signs of <i>Phytophthora ramorum</i> have been found on the material during the last complete cycle of vegetation, or</p>
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- (c) where signs of *Phytophthora ramorum* have been found on the susceptible material at the place of production, appropriate procedures aimed at eradicating *Phytophthora ramorum* have been implemented which include at least the following measures:
  - (i) the destruction of susceptible material found to be infected by *Phytophthora ramorum* (“infected material”) and any other susceptible material, including associated growing media and plant debris, within a radius of two metres of the infected material,
  - (ii) susceptible material within a radius of ten metres of the infected material and all other susceptible material from the same lot as the infected material have been retained at the place of production and, in the three months following the finding of infection referred to in sub- paragraph (i), have not been subject to any treatments that may suppress symptoms of *Phytophthora ramorum* and have been found free from *Phytophthora ramorum* after additional inspections carried out at least twice,
  - (iii) all other susceptible material at the place of production has been inspected frequently following the finding of infection referred to in sub-paragraph (i) and found on such inspection to be free from *Phytophthora ramorum*, and
  - (iv) appropriate phytosanitary measures have been taken within a radius of two metres from where infected plants have been standing.”.