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SCOTTISH STATUTORY INSTRUMENTS

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**2019 No. 130**

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

**PART 2**

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

27. After article 19 insert—

**“Prevention of the spread of tree pests: Scotland**

**19B.**—(1) This article applies to Scotland.

(2) No person may knowingly keep, store, sell, plant or move or knowingly cause or permit to be kept, stored, sold, planted or moved—

- (a) any tree pest of a description specified in the list of prohibited tree pests;
- (b) any relevant material of a description specified in column 2 of Part A, B or D of the list of prohibited infested material which is carrying or infected with a plant pest of a description specified in the corresponding entry in column 3;
- (c) any tree pest which, although not specified in the list of prohibited tree pests, or in column 3 of Part A, B or D of the list of prohibited infested material, is not normally present in Great Britain and which is likely to be injurious to trees in Great Britain;
- (d) any relevant material of a description specified in column 2 of Part E of the list of regulated material which originates in the United Kingdom or a CD territory unless the requirements specified in the corresponding entries in respect of that description of relevant material in column 3 are complied with;

any relevant material originating in a third country which is brought into Scotland in contravention of article 5(1B)(d) or (e).

(3) No person may knowingly keep, store, plant, sell or move within a pest free area or knowingly cause or permit to be kept, stored, planted, sold or moved within such an area—

- (a) any tree pest of a description specified in column 2 of Part B of the list of prohibited tree pests which relates to the pest free area;
- (b) in the case of any pest free area which is, or is included in, a UK pest free area specified in column 4 of Part C of the list of prohibited infested material, any relevant material of a description specified in the corresponding entry in column 2 of that Part which is carrying or infested with a tree pest of a description specified in the corresponding entry in column 3;
- (c) any relevant material originating in a third country which is brought into a pest free area in contravention of article 5(1B)(h);
- (d) in the case of any pest free area which is, or is included in, a UK pest free area specified in column 4 of Part C of the list of regulated material, any relevant

material of a description specified in the corresponding entry in column 2 of that Part which originates in the United Kingdom or a CD territory, unless the requirements specified in the corresponding entries in respect of that relevant material in column 3 are complied with.

(4) The prohibitions in paragraphs (2) and (3) do not apply to any tree pest or relevant material which is required to be kept, stored or moved in compliance with a requirement imposed by an inspector under Part 6 or 7.

(5) In this article, “move” means “move or otherwise dispose of”, and “moved” is to be construed accordingly.”.