

2021 No. 87

EXITING THE EUROPEAN UNION

PLANT HEALTH

SEEDS

The Plant Health and Plant Propagating Material (Miscellaneous Amendments) (Scotland) Regulations 2021

Made - - - - - *18th February 2021*

Laid before the Scottish Parliament *22nd February 2021*

Coming into force - - - *1st April 2021*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by paragraph 11M(1) of schedule 2 of the European Union (Withdrawal) Act 2018^(a), Articles 22 and 144 of Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products^(b) (“the Official Controls Regulation”) and all other powers enabling them to do so.

In accordance with Article 144(7) of the Official Controls Regulation, before making these Regulations the Scottish Ministers have consulted such bodies and persons as appear to them to be representative of the interests likely to be substantially affected by these Regulations and other such bodies or persons as they consider appropriate.

PART 1

Introduction

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Plant Health and Plant Propagating Material (Miscellaneous Amendments) (Scotland) Regulations 2021 and come into force on 1 April 2021.

(2) These Regulations extend to Scotland only.

^(a) 2018 c.16. Paragraph 11M was inserted by section 22 of the European Union (Withdrawal Agreement) Act 2020 (c.1).
^(b) EUR 2017/625, amended by S.I. 2020/1481, there are other amending instruments but none is relevant.

PART 2

Plant Material

The Marketing of Vegetable Plant Material Regulations 1995

2.—(1) The Marketing of Vegetable Plant Material Regulations 1995(a) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 3(2)(a) (plant material to which these Regulations apply), for “the United Kingdom” substitute “Great Britain”.

(3) In schedule 2 (content of supplier’s document)—

- (a) in Part A (information to appear on a supplier’s document), in paragraph 1, for “UK” substitute “GB”,
- (b) in Part B (information to accompany a plant passport which constitutes a supplier’s document), in paragraph 1, for “UK” substitute “GB”.

The Marketing of Ornamental Plant Propagating Material Regulations 1999

3. In regulation 3(2)(a) (marketing requirements and exceptions) of the Marketing of Ornamental Plant Propagating Material Regulations 1999(b), for “the United Kingdom” substitute “Great Britain”.

PART 3

Plant Health

The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019

4.—(1) The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019(c) have effect in relation to specified goods entering Great Britain from a relevant third country during the transitional staging period, subject to the following modifications.

(2) In regulation 2 (interpretation: general), after the definition of “the Phytosanitary Conditions Regulation”, insert—

““place of destination” in relation to any specified goods, means the first place where the goods are delivered for unloading in Great Britain, and for this purpose “specified goods” means plants, plants products and other objects specified in the schedule to the Official Controls and Phytosanitary Conditions (Amendment) Regulations 2021(d).”.

(3) In schedule 3 (offences in retained direct EU legislation), Part 2 (the Official Controls Regulation)—

- (a) in the entry relating to Article 47(5), in the second column, at the end insert “or place of destination or, where required, any other place specified in Article 44(3)”,
- (b) in the entry relating to Article 50(1), in the second column, at the end insert “or place of destination or, where required, any other place specified in Article 44(3)”,
- (c) after the entry relating to Article 56(4)—
 - (i) in the first column, insert “Article 56A”,

(a) S.I. 1995/2652, as relevantly amended by S.S.I. 2007/133, S.I. 2011/1043, S.S.I. 2014/111, S.S.I. 2018/391 and S.S.I. 2019/59.

(b) S.S.I. 1999/1801, as relevantly amended by S.S.I. 2019/59.

(c) S.S.I. 2019/421, as amended by S.S.I. 2020/176 and S.S.I. 2020/466.

(d) S.I. 2021/136.

(ii) in the second column, insert—

“During the transitional staging period, requires the operators of relevant goods from a relevant third country, to give prior notification to the relevant competent authority before the expected time of arrival of the goods at a point of entry in Great Britain.”.

(4) In this regulation—

“Official Controls Regulation” means Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products,

“relevant third country” has the meaning set out in Annex 6 to the Official Controls Regulation, and

“transitional staging period” has the meaning set out in Annex 6 to the Official Controls Regulation.

BEN MACPHERSON

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
18th February 2021

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made by the Scottish Ministers in exercise of powers conferred by, in relation to regulations 2 and 3, paragraph 11M(1) of schedule 2 of the European Union (Withdrawal) Act 2018 (“the 2018 Act”), and in relation to regulation 4, Articles 22 and 144 of Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products (“the Official Controls Regulation”).

Regulations 2 and 3 make amendments to the legislation on plant propagating material for vegetable and ornamental plants, as a consequence of changes to the Northern Ireland Protocol following Decision 03/2020 of the Joint Committee amending the Protocol on Ireland and Northern Ireland. The regulations change existing references to the United Kingdom to Great Britain so that Northern Ireland is subject to relevant EU rules.

Regulation 4 makes provision in the field of plant health relating to the conduct of official controls on certain goods at the place of destination where the transitional derogations and modifications set out in Annex 6 of the Official Controls Regulation apply. Specifically, these Regulations amend provisions relating to offences in the Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019.

A business and regulatory impact assessment has not been prepared in relation to these Regulations as no, or no significant, impact upon businesses, charities or voluntary bodies is foreseen.

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