

2018 No. 283

PLANT HEALTH

The Plant Health (Scotland) Amendment (No. 2) Order 2018

Made - - - - *19th September 2018*

Laid before the Scottish Parliament *21st September 2018*

Coming into force - - *17th November 2018*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 2, 3 and 4(1) of the Plant Health Act 1967(a), as read with section 20 of the Agriculture (Miscellaneous Provisions) Act 1972(b), and all other powers enabling them to do so.

Citation and commencement

1. This Order may be cited as the Plant Health (Scotland) Amendment (No. 2) Order 2018 and comes into force on 17th November 2018.

Amendment of the Plant Health (Scotland) Order 2005

2.—(1) The Plant Health (Scotland) Order 2005(c) is amended as follows—

(2) In regulation 2(1) (general interpretation) omit the definition of “Decision 2007/365/EC”.

(3) In schedule 1 (plant pests which shall not be landed in or spread within Scotland), Part A (plant pests not known to occur in any part of the European Union), under the heading of “Insects, mites and nematodes” omit item 35(d).

(4) In schedule 4 (restrictions on the landing in and movement within Scotland of relevant material)—

(a) in Part A (relevant material, from third countries, which may only be landed in Scotland if special requirements are satisfied)—

(i) omit item 57a(e); and

(ii) in column 3 (requirements of landing) of item 57b, for “items 57 and 57a” substitute “item 57”; and

(b) 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), omit item 6a(f).

(a) 1967 c.8. Sections 2(1), 3(1) and 4(1) were amended by the European Communities Act 1972 (c. 68), section 4(1) and schedule 4, paragraph 8 and further amended by S.I. 2011/1043. Section 3(4) was substituted by section 42 of the Criminal Justice Act 1982 (c.48) and further amended by the Statute Law (Repeals) Act 1993 (c.50), section 1(1) and schedule 1, Part XIV. The functions of the Secretary of State, so far as exercised within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) 1972 c.62.

(c) S.S.I. 2005/613, as relevantly amended by S.S.I. 2007/498.

(d) Item 35 was inserted by S.S.I. 2007/498, article 3(2).

(e) Item 57a was inserted by S.S.I. 2007/498, article 3(3).

(f) Item 6a was inserted by S.S.I. 2007/498, article 3(4).

(5) In schedule 5 (relevant material from a third country for which a phytosanitary certificate may be required), Part A (relevant material which may only be landed in Scotland if accompanied by a phytosanitary certificate), in schedule 6 (prohibitions on the landing in and movement within Scotland of relevant material without a plant passport), Part A (relevant material, from Scotland or elsewhere in the European Union, which may only be landed in or moved within Scotland if accompanied by a plant passport) and in schedule 7 (prohibitions on the consignment of relevant material to another part of the European Union without a plant passport), Part A (relevant material which may only be consigned to another part of the European Union if accompanied by a plant passport), omit item 1a(a).

Revocation

3. Article 3 (prevention of the introduction into and spread within the European Union of *Rhynchophorus ferrugineus* (Olivier)) of the Plant Health (Scotland) Amendment (No. 2) Order 2007(b) is revoked.

St Andrew's House,
Edinburgh
19th September 2018

MAIRI GOUGEON
A member of the Scottish Government

(a) Item 1a was inserted to schedules 5, 6 and 7 by S.S.I. 2007/498, article 3(5).
(b) S.S.I. 2007/498.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Plant Health (Scotland) Order 2005 (S.S.I. 2005/613). It implements Commission Implementing Decision 2018/490 repealing Decision 2007/365/EC on emergency measures to prevent the introduction into and spread within the Community of *Rhynchophorus ferrugineus* (Olivier) (OJ L 81, 23.3.2018, p.22). Decision 2007/365/EC (OJ L 139, 31.5.2007, p.24) provided for measures to prevent the introduction of *Rhynchophorus ferrugineus* (Olivier), however, despite those measures, that organism is nonetheless widespread throughout the European Union. Therefore, that Commission Decision has been repealed.

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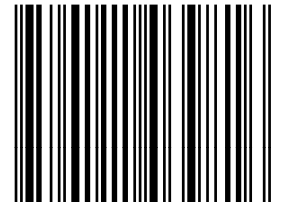
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