

Scottish Statutory Instrument 1999 No. 129

The Plant Health (Scotland) Amendment (No. 2) Order 1999

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SCOTTISH STATUTORY INSTRUMENTS

1999 No. 129

PLANT HEALTH

The Plant Health (Scotland) Amendment (No. 2) Order 1999

<i>Made</i>	<i>21st October 1999</i>
<i>Laid before the Scottish Parliament</i>	<i>27th October 1999</i>
<i>Coming into force</i>	<i>1st December 1999</i>

The Scottish Ministers in exercise of the powers conferred on them by section 2(2) of the European Communities Act 1972[1] hereby makes the following Order:

Citation, commencement and extent

1. - (1) This Order may be cited as the Plant Health (Scotland) Amendment (No. 2) Order 1999 and shall come into force on 1 December 1999.
- (2) This Order extends to Scotland only.

Interpretation

2. In this Order "the principal Order" means the Plant Health (Great Britain) Order 1993[2].

Amendment of the principal Order

3. For article 8(2) of the principal Order (general provisions relating to protected zones)

there shall be substituted-

" (2) Without prejudice to article 6, there shall not be moved within a protected zone described in Part B of Schedule 4-

(a) any plant, plant product or other object originating within that zone which is specified opposite the reference to that zone and is of a description specified in item 1.6, 1.7 or 1.8 of Part AII of Schedule 5 unless that plant, plant product or other object-

(i) can reasonably be taken to be free from the plant pest in respect of which that zone has been recognised on the basis of a survey carried out under paragraph (1) above; and

(ii) is accompanied by a plant passport valid for that zone;

(b) any plant originating within that zone which is specified opposite the reference to that zone and is of a description specified in any item of Part AII of Schedule 5 other than item 1.6, 1.7 or 1.8, unless that plant has been the subject of a satisfactory plant health inspection at the place of production and is accompanied by a plant passport valid for that zone."

4. For article 17(2) of the principal Order (authorised persons) there shall be substituted-

" (2) The authority to issue passports conferred on a business, individual or other organisation listed in the official register shall be conferred pursuant to-

(a) a satisfactory inspection by an inspector of the place of production, any plant thereof or any other premises handling any plant, plant product or other object which may require a plant passport, as appropriate, for the purpose of ascertaining for the purposes of this Order the plant health status of such plants, plant products or other objects at the place of production, any part thereof or any other premises; or

(b) in the case of any plant, plant product or other object of a description specified in article 8(2)(a) which is intended to be moved within a protected zone, the satisfactory outcome of a survey carried out under article 8(1), showing that the plant, plant product or other object can reasonably be taken to be free from the plant pest in respect of which the zone was recognised."

ROSS FINNIE
A member of the Scottish Executive

St Andrew's House, Edinburgh

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Plant Health (Great Britain) Order 1993 ("the principal Order"). This

Order extends to Scotland only. It adjusts the requirements which apply to certain plants originating and moving within a protected zone, within the scope permitted by Commission Directive 93/51/EEC establishing rules for movements of certain plants, plant products or other objects through a protected zone, and for movements of such plants, plant products or other objects originating in and moving within such a protected zone (O.J. L205, 17.8.93 p.24).

The principal changes introduced by this Order, which comes into force on 1st December 1999, are as follows-

- (a) certain plants originating and moving within specified protected zones are required to be accompanied by a plant passport (article 3);
- (b) the exemption applicable to certain plants specified in Part B of Schedule 4 from relevant special requirements is ended (article 3);
- (c) the authority to issue plant passports may be conferred on the basis of a satisfactory inspection or survey (article 4).

The requirement for a plant passport imposed by this Order is consistent with the Community passporting regime which was implemented in the principal Order.

Notes:

[1] 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3). The function conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 Act.[back](#)

[2] S.I. 1993/1320, to which there are amendments not relevant to this Order[back](#)

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