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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2019 No.**

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

**PART 3**

Amendment of the Plant Health (Scotland) Order 2005: exiting the European Union

CHAPTER 4

Amendment of Part 4

- 45.** In article 25 (register of plant traders), omit paragraph (2).
- 46.** In article 28A (duties of professional operators in relation to *Xylella fastidiosa* (Wells et al.))(1)—
- (a) in paragraph (1)(2) in sub-paragraph (a) for “an area demarcated” to the end of that sub-paragraph substitute “a demarcated area”,
  - (b) in paragraph (4)(e) for “plant passport” substitute “UK plant passport”, and
  - (c) for paragraph (5) substitute—
    - “(5) In this article—
    - (a) “demarcated area” means—
      - (i) an area demarcated under paragraph 5 of schedule 8G or, in relation to England, Wales and Northern Ireland under paragraph 5 of schedule 15 of the Plant Health Regulations; or
      - (ii) a CD territory in which *Xylella fastidiosa* (Wells et al.) has been confirmed to be present;
    - (b) “plants specified in relation to *Xylella fastidiosa* (Wells et al.)” means plants specified in items 11 and 12 of Part E of the list of regulated material,
    - (c) “professional operator” means any person who, in the course of a trade, business or profession, is involved in planting, breeding, producing, importing, marketing or distributing plants.”.
- 47.** In article 29 (authority to issue plant passports)—
- (a) in the heading and in paragraphs (1)(3), (4), (5) and (6) for “plant passports” in each place where it occurs, substitute “UK plant passports”,
  - (b) in paragraphs (3)(a) and (5)(a) for “relevant organisms” substitute “regulated plant pests”, and
  - (c) omit paragraph (7).

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(1) Article 28A was inserted by [S.S.I. 2016/83](#).

(2) Paragraph 1 was substituted by [S.S.I. 2018/112](#).

(3) Paragraph (1) was amended by [S.S.I. 2006/474](#).

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**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: *The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 (revoked) No. 124*

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