
EXPLANATORY NOTE

(This note is not part of the Order)

This Order implements Commission Decision [2002/757/EC](#) of 19th September 2002 (O.J. L 252, 20.9.2002, p.37) in Scotland insofar as it relates to plants other than forest trees. It revokes the Plant Health (*Phytophthora ramorum*) (Scotland) Order 2002 ([S.S.I. 2002/223](#)) (article 15).

The Order prohibits the introduction and spread of the plant pest, *Phytophthora ramorum*, a fungus identified as causing Sudden Oak Death syndrome in certain species of oak in the USA and harm to other plant species, including *Rhododendron* and *Viburnum* (article 3).

It controls the importation of plants of a number of susceptible species from the USA, requiring such material to be accompanied by phytosanitary certificates which may be issued only after specific checks have been carried out during production and before consignment; or alternatively, where the material originates in a part of the USA recognised by plant health authorities as free from the pest, confirming that fact (article 4 and Schedule 1). Material despatched from the USA before 1st November 2002 is not subject to this Order (article 6), but the controls of the revoked *Phytophthora ramorum* Order will continue to apply to susceptible American material (as defined in that Order) which was despatched from the USA before 1st November 2002 and which enters Scotland after 1st November 2002 (article 15).

Imports of *Rhododendron* and *Viburnum* from other countries outside of the European Community (“the EC”) apart from the USA are also controlled in that such material must have a plant passport when it is moved within Scotland or elsewhere in the EC (article 5).

Plants of *Rhododendron* and *Viburnum* produced in Scotland or originating anywhere else in the EC (which includes for these purposes, the Channel Islands and Isle of Man), must be accompanied by a plant passport when they are moved, and are subject to further controls on their movement (article 7 and Schedule 2).

The Order requires producers of *Rhododendron* and *Viburnum* in Scotland wishing to move such material to be registered if they are not already registered under the Plant Health (Great Britain) Order 1993, as amended (“the principal Order”) (article 8). Provisions similar to those in the principal Order apply to authorisations to registered traders to enable them to issue plant passports under the supervision of SEERAD, as the official plant health service in Scotland (article 9).

There are some exceptions to the movement restrictions in the case of persons not acting in the course of a trade, business or undertaking, (article 8(3)) and there is provision (article 12) for licensed importation, movement and keeping of the prohibited pest for research purposes.

Inspectors' enforcement powers are provided for in article 13, and offences similar to those created in the principal Order are created in respect of the production of plant passports pursuant to this Order, and offences are also created in respect of the spread of the pest and compliance with certain provisions of the Order (article 14).

No Regulatory Impact Assessment has been carried out in relation to this Order.