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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 613**

**The Plant Health (Scotland) Order 2005**

**PART 3**

**INTERNAL COMMUNITY CONTROLS ON MOVEMENT**

**Prohibitions on landing plant pests and relevant material**

**19.**—(1) Subject to paragraph (2), the landing in Scotland of plant pests or relevant material of the following descriptions which are introduced into Scotland from another part of the European Community, whether as country of origin or country of transit, is prohibited—

- (a) any plant pest of a description specified in Schedule 1;
- (b) any relevant material of a description specified in column 2 of Schedule 2 carrying or infected with a plant pest of a description specified in column 3 of that Schedule opposite the reference to that relevant material;
- (c) any plant pest which, although not specified in Schedule 1 or in column 3 of Schedule 2, is not normally present in Great Britain and which is likely to be injurious to plants in Great Britain;
- (d) any relevant material of a description specified in column 2 of Schedule 3 which originates in a third country specified in column 3 opposite the reference to that relevant material;
- (e) subject to article 22, any relevant material not prohibited under sub paragraph (d) which is of a description specified in column 2 of Part A of Schedule 4, unless the requirements specified in column 3 of that Part opposite the reference to that relevant material have been complied with.
- (f) subject to article 22, any relevant material not prohibited under sub paragraph (d) which is of a description specified in column 2 of Part B of Schedule 4, unless the requirements specified in column 3 of that Part opposite the reference to that relevant material have been complied with; and
- (g) subject to article 22 and without prejudice to any requirements specified in column 3 of Part A of Schedule 4 relating to the relevant material, any relevant material which is of a description specified in column 2 of Part C of Schedule 4, unless the requirements specified in column 3 of that Part opposite the reference to that relevant material have been complied with.

(2) Paragraph (1) shall not apply to relevant material prohibited from landing in Scotland by article 5(1)(e) or (f).

**Prevention of the spread of plant pests**

**20.**—(1) No person shall knowingly keep, store, sell, plant, move or otherwise dispose of or knowingly cause or permit to be kept, stored, sold, planted, moved or otherwise disposed of—

- (a) any plant pest of a description specified in Schedule 1;

- (b) any relevant material of a description specified in column 2 of Schedule 2 carrying or infected with a plant pest of a description specified in column 3 of that Schedule opposite the reference to that relevant material;
- (c) any plant pest which, although not specified in Schedule 1 or in column 3 of Schedule 2, is not normally present in Great Britain and which is likely to be injurious to plants in Great Britain;
- (d) any relevant material landed in contravention of article 5(1)(d), (e) or (f) or article 19(1)(d),(e), (f) or (g);
- (e) subject to article 22, any relevant material of a description specified in column 2 of Part B of Schedule 4 which originates in Great Britain, unless the requirements specified in column 3 of that Part opposite the reference to that relevant material have been complied with;
- (f) subject to article 22 and without prejudice to any requirements specified in column 3 of Part B of Schedule 4 relating to the relevant material, any relevant material of a description specified in column 2 of Part C of Schedule 4 which originates in Great Britain, unless the requirements specified in column 3 of that Part opposite the reference to that relevant material have been complied with; or
- (g) any relevant material introduced into Scotland from England or Wales which, if it had been introduced from a third country or from another part of the European Community, would have contravened article 5(1)(d), (e) or (f) or article 19(1)(d), (e), (f) or (g).

(2) Nothing in paragraph (1) shall prohibit the keeping, storing, moving or otherwise disposing of any plant pest or relevant material referred to in that paragraph in compliance with any requirement imposed by an inspector under Part 6 in respect of that plant pest or relevant material.

### **Requirements for plant passports**

**21.**—(1) Subject to paragraph (7) and article 22, the landing in or movement within Scotland by any person of any relevant material of a description specified in Part A of Schedule 6 comprising EC transit goods or material originating in Scotland or elsewhere in the European Community is prohibited, unless that relevant material is accompanied by a plant passport and, if originating in Scotland, has been the subject of a satisfactory inspection at the place of production.

(2) Subject to paragraph (7) and articles 22 and 23, the landing in or movement within Scotland by any person of any relevant material of a description specified in Part B of Schedule 6 comprising EC transit goods or material originating in Scotland or elsewhere in the European Community is prohibited, unless that relevant material is accompanied by a plant passport which is valid for Scotland as a protected zone and, if originating in Scotland, has been the subject of a satisfactory inspection at the place of production.

(3) No person shall move within Scotland any relevant material, which if comprised of EC transit goods or material consigned to Scotland from another part of the European Community would be subject to paragraph (1), after the phytosanitary certificate accompanying it has been officially stamped in accordance with article 12(7)(a) unless it is accompanied by a plant passport.

(4) Subject to article 23, no person shall move within Scotland any relevant material, which if comprised of EC transit goods or material consigned to Scotland from another part of the European Community would be subject to paragraph (2), after the phytosanitary certificate accompanying it has been officially stamped in accordance with article 12(7)(a) unless it is accompanied by a plant passport which is valid for Scotland as a protected zone.

(5) Subject to article 22, no person shall consign from Scotland to another part of the European Community any relevant material of a description specified in Part A of Schedule 7 unless that relevant material is accompanied by a plant passport.

(6) Subject to article 22, no person shall consign from Scotland to a protected zone in another part of the European Community any relevant material of a description specified in Part B of Schedule 7 unless that relevant material is accompanied by a plant passport which is valid for that protected zone.

(7) The prohibitions imposed on landing by paragraphs (1) and (2) shall not apply to relevant material in respect of which the Scottish Ministers have agreed, pursuant to an agreement described in article 12(6), to carry out a plant health check.

### **Exceptions from certain prohibitions and requirements**

**22.**—(1) The prohibitions on landing in article 19(1)(e), (f) and (g) and on movement in article 20(1)(e) and (f) and the requirements in article 21(1), (2), (5) and (6) for certain relevant material to be accompanied by a plant passport shall not apply to small quantities of any relevant material, not showing any signs of the presence of any plant pest, which—

- (a) is not intended for use in the course of a trade or business; and
- (b) is intended for household use.

(2) The prohibitions on movement in article 21(1) and (2) shall not apply to movement of material, which originates in Great Britain, made locally by small producers or processors whose entire production and sale of such material is intended for final usage by persons on the local market who are not professionally involved in plant production.

### **Validity of plant passports for Scotland**

**23.**—(1) Where a person moves relevant material of a description specified in Part B of Schedule 6 through Scotland to a destination outside Scotland, that person shall not be required to produce a plant passport which is valid for Scotland as a protected zone, if paragraph (2) or (3) applies.

(2) A plant passport shall not be required in respect of relevant material described in paragraph (1) if that material originates in Great Britain.

(3) A plant passport shall not be required in respect of relevant material described in paragraph (1)—

- (a) which during transit through Scotland is accompanied by a document of a type normally used for trade purposes which certifies that the material originates outside Scotland and is in transit to a final destination outside Scotland; and
- (b) whose packaging and any vehicle used in connection with its transit through Scotland is—
  - (i) free from soil and plant debris;
  - (ii) free from any relevant plant pest in relation to which Scotland is a protected zone;
  - (iii) of such a nature or construction as to ensure that, if any relevant plant pest is present in the relevant material, there is no risk of its spreading from the packaging or the vehicle as the case may be; and
  - (iv) sealed immediately after packaging or where appropriate after loading, and remains sealed during transit through Scotland.

### **General provisions relating to plant passports**

**24.**—(1) Any alteration or erasure in a plant passport shall automatically invalidate that plant passport unless the alteration or erasure is certified by the authorised officer or the plant trader authorised under article 29 to issue the plant passport placing the hand written initials of the authorised officer or the plant trader next to the alteration or erasure.

(2) A plant passport relating to any relevant material shall be treated as accompanying that relevant material only if the plant passport is affixed to–

- (a) the relevant material,
- (b) the packaging of that material, or
- (c) the vehicle transporting that material,

by an authorised officer, the plant trader authorised to issue it or an inspector.

(3) A plant passport, insofar as it comprises an official label, shall be affixed in such a way that it cannot be re used.

(4) A person may only issue a replacement plant passport–

- (a) to replace a plant passport issued in respect of a consignment–
  - (i) that has been divided up;
  - (ii) that has been combined, or part of which has been combined, with another consignment; or
  - (iii) whose plant health status has been changed; and
- (b) if that person is satisfied that the relevant material to which the replacement plant passport will relate–
  - (i) can be identified; and
  - (ii) is free from any risk of infestation by a plant pest specified in either Schedule 1 or 2.