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SCOTTISH STATUTORY INSTRUMENTS

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**2016 No. 83**

**The Plant Health (Scotland) Amendment Order 2016**

**Citation and commencement**

1. This Order may be cited as the Plant Health (Scotland) Amendment Order 2016 and comes into force on 21st March 2016.

**Amendment of the Plant Health (Scotland) Order 2005**

2. The Plant Health (Scotland) Order 2005(1) is amended in accordance with articles 3 to 13.

**Amendment of Part 1**

3. In article 2(1) (general interpretation)—

(a) omit the definition of “[Decision 2007/410/EC](#)”(2);

(b) after the definition of “[Decision 2012/138/EU](#)”(3) insert—

““Decision (EU) 2015/789” means Commission Implementing Decision (EU) 2015/789 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Wells et al.)(4), as amended from time to time;

“Decision (EU) 2015/893” means Commission Implementing Decision (EU) 2015/893 as regards measures to prevent the introduction into and the spread within the Union of *Anoplophora glabripennis* (Motschulsky)(5);”;

(c) in the definition of “ISPMNo. 5”(6) for “as last modified in May 2012” substitute “as last published on 25th June 2015”; and

(d) after the definition of “plant trader” insert—

““plants specified in relation to *Xylella fastidiosa* (Wells et al.)” means any plants for planting, other than seeds, belonging to the genera or species—

(a) listed in Annex I to Decision (EU) 2015/789; or

(b) published in the database of host plants(7) by the European Commission pursuant to Article 1(b) of that Decision;”.

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(1) S.S.I. 2005/613, as amended by S.S.I. 2006/474, S.S.I. 2007/415, S.S.I. 2007/498, S.S.I. 2008/300, S.S.I. 2008/350, S.S.I. 2009/153, S.S.I. 2010/206, S.S.I. 2010/342, S.I. 2011/1043, S.S.I. 2012/266, S.S.I. 2012/326, S.S.I. 2013/5, S.S.I. 2013/187, S.S.I. 2013/366, S.S.I. 2014/140 and S.S.I. 2015/10.

(2) The omitted definition was inserted by S.S.I. 2007/498.

(3) The definition of [Decision 2012/138/EU](#) was inserted by S.S.I. 2012/266.

(4) OJ L 125, 21.5.2015, p.36, as amended by Commission Implementing Decision (EU) 2015/2417 (OJ L 333, 19.12.2015, p.143).

(5) OJ L 146, 11.6.2015, p.16.

(6) The definition was inserted by S.S.I. 2013/187.

(7) “Host plants” are those having been found to be susceptible in the Union territory to *Xylella fastidiosa* (Wells et al.) or, where a member State has demarcated an area with regard to only one or more subspecies of that organism pursuant to the second sub-paragraph of Article 4(1) of Decision (EU) 2015/789, as having been found to be susceptible to that or those subspecies.

**Amendment of Part 2**

4. In article 15 (general provisions relating to certificates) omit paragraph (4).

**Amendment of Part 3**

5.—(1) In article 19A (landing of potatoes in Scotland)(8), in paragraph (2)(b) for “Spain” substitute “any area of Spain which is within the European Union”.

- (2) In article 19B (landing of trees in Scotland)(9)—

- (a) for paragraph (1) substitute—

“(1) Subject to article 22, in respect of plants to which this article applies a person must give written notification to an inspector prior to, or no later than five days after, the landing of those plants.”;

- (b) in paragraph (2)(a) and (b)(10), after “*Platanus L.*,” insert “*Prunus L.*,”; and

- (c) in paragraph (3)—

(i) at the end of sub-paragraph (a) insert “or, as the case may be, the date the plants were landed”; and

(ii) at the end of sub-paragraph (b) insert “or, as the case may be, the destination of those plants”.

- (3) In article 22(3) (exceptions from certain prohibitions and requirements)(11)—

- (a) at the end of sub-paragraph (a) insert “and”;

- (b) at the end of sub-paragraph (b) omit “and”; and

- (c) omit sub-paragraph (c).

**Amendment of Part 4**

6. After article 28 (conditions for maintaining registration as a plant trader) insert—

**“Duties of professional operators in relation to *Xylella fastidiosa* (Wells et al.)**

**28A.**—(1) Paragraphs (2) and (3) apply to any plants specified in relation to *Xylella fastidiosa* (Wells et al.) which have been grown for at least part of their lives in an area demarcated under a legislative or administrative procedure in an EU member State in accordance with Article 4 of Decision (EU) 2015/789.

- (2) A professional operator who supplies plants to which this paragraph applies must—

(a) keep a record of each lot supplied and the name of the professional operator to whom it was supplied, for a period of 3 years beginning with the date on which the lot was supplied; and

(b) immediately following the dispatch of a lot, notify the Scottish Ministers in writing of the matters mentioned in paragraph (4).

- (3) A professional operator who is supplied with plants to which this paragraph applies must—

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(8) Article 19A was substituted by [S.S.I. 2013/5](#).

(9) Article 19B was inserted by [S.S.I. 2013/187](#).

(10) Article 19B(2) was substituted by [S.S.I. 2014/140](#).

(11) Article 22(3) was inserted by [S.S.I. 2015/10](#).

- (a) keep a record of each lot received and the name of the professional operator who supplied it, for a period of 3 years beginning with the date on which the lot was supplied; and
  - (b) immediately following the receipt of a lot, notify the Scottish Ministers in writing of the matters mentioned in paragraph (4).
- (4) The matters in relation to the lot concerned are—
- (a) its origin;
  - (b) the consigner;
  - (c) the consignee;
  - (d) the place of destination;
  - (e) the individual serial, week or batch number of the plant passport;
  - (f) the invoice number or delivery note; and
  - (g) the quantity of plants within the lot.
- (5) In this article “professional operator” has the meaning given to it by Article 1(d) of Decision (EU) 2015/789.”.

#### **Amendment of Part 10**

7. In article 45(1) (offences) after sub-paragraph (a)(xi) insert—
- “(xia) article 28A(2) or (3);”.

#### **Amendment of Schedule 1**

8. In Schedule 1 (plant pests which shall not be landed in or spread within Scotland), in Part B (plant pests known to occur in the European Union) under the heading “**Bacteria**”, for item 4 substitute—

“4. *Xylella fastidiosa* (Wells et al.)(12)

#### **Amendment of Schedule 3**

9. In Schedule 3 (relevant material which may not be landed in Scotland if that material originates in certain third countries)—

- (a) in item 8, after “Algeria,” insert “Bosnia and Herzegovina,”; and
- (b) after item 15 insert—

“16.	Plants intended for planting, other than seeds, of <i>Coffea</i> .	Costa Rica, Honduras
17.	Plants other than seeds and roots of <i>Colocasia</i> Schott and plants other than seeds of <i>Momordica</i> L., <i>Solanum melongena</i> L. and <i>Trichosanthes</i> L.	India

(12) Item 4 was inserted by [S.S.I. 2015/10](#). It referred to *Xylella fastidiosa* (Well and Raju). This reference was consistent with the nomenclature in Council [Directive 2000/29/EC](#) (OJ L 169, 10.7.2000, p.1), Annex I, Part A, Section 1(b), item 1 and in Commission Implementing [Decision 2014/497/EU](#) (OJ L 219, 25.7.2014, p.56). In contrast, Commission Implementing Decision (EU) 2015/789 (OJ L 125, 21.5.2015, p.36) which repeals Commission Implementing [Decision 2014/497/EU](#) refers to the bacteria as *Xylella fastidiosa* (Wells et al.). This substitution reflects the recent change in terminology.

18.	Plants, other than seeds, of <i>Capsicum</i> L., <i>Lagenaria</i> Ser., <i>Luffa</i> Mill., <i>Momordica</i> L. and <i>Solanum</i> L., other than <i>Solanum lycopersicum</i> L.	Ghana.”
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#### Amendment of Schedule 4

**10.**—(1) In Schedule 4 (restrictions on the landing in and movement within Scotland of relevant material), in Part A (relevant material, from third countries, which may only be landed in Scotland if special requirements are satisfied)—

(a) after item 7b(**13**)insert—

“7c.	Plants, other than fruit or seeds, but including cut branches with or without foliage, of <i>Fraxinus</i> L., <i>Juglans ailantifolia</i> Carr., <i>Juglans mandshurica</i> Maxim., <i>Ulmus davidiana</i> Planch. or <i>Pterocarya rhoifolia</i> Siebold & Zucc., originating in Canada, China, the Democratic People’s Republic of Korea, Japan, Mongolia, the Republic of Korea, Russia, Taiwan or the USA	Without prejudice to the requirement in item 7b, the plants must be accompanied by an official statement that they originate in an area recognised as being free from <i>Agrilus planipennis</i> Fairmaire for the purposes of point 11.4 of Annex IV, Part A, Section I of <a href="#">Directive 2000/29/EC</a> and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export.”
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(b) omit item 37a(**14**);

(c) after item 85(**15**) insert—

“85a.	Plants, other than fruit but including seeds of <i>Aegle</i> Corrêa, <i>Aeglopsis</i> Swingle, <i>Afraegle</i> Engl, <i>Atalantia</i> Corrêa, <i>Balsamocitrus</i> Stapf, <i>Burkillanthus</i> Swingle, <i>Calodendrum</i> Thunb., <i>Choisya</i> Kunth, <i>Clausena</i> Burm. f., <i>Limonia</i> L., <i>Microcitrus</i> Swingle., <i>Murraya</i> J. Koenig ex L., <i>Pamburus</i> Swingle, <i>Severinia</i> Ten., <i>Swinglea</i> Merr., <i>Triphasia</i> Lour. and <i>Vepris</i> Comm. and seeds of <i>Citrus</i> L., <i>Fortunella</i> Swingle and <i>Poncirus</i> Raf., originating in any third country	Without the prejudice to the requirements in items 84 and 85, the plants must be accompanied by an official statement that they originate in a country recognised as being free from <i>Candidatus Liberibacter</i> spp., a causal agent of Huanglongbing disease of citrus/citrus greening.”
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; and

(d) for item 86(**16**) substitute—

“86.	Plants specified in relation to <i>Xylella fastidiosa</i> (Wells et al.), originating in any third country where the national plant	The plants must be accompanied by a phytosanitary certificate or phytosanitary certificate for re-export which contains,
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(13) Item 7b was inserted by [S.S.I. 2012/326](#).

(14) Item 37a was inserted by [S.S.I. 2007/498](#).

(15) Item 85 was inserted by [S.S.I. 2015/10](#).

(16) Item 86 was inserted by [S.S.I. 2015/10](#).

	protection organisation of that country has confirmed in writing to the European Commission that <i>Xylella fastidiosa</i> (Wells et al.) is not present in that country	under the rubric “Additional declaration”, an official statement that the plants originate in a country known to be free from <i>Xylella fastidiosa</i> (Wells et al.).
87.	Plants specified in relation to <i>Xylella fastidiosa</i> (Wells et al.), originating in any third country where <i>Xylella fastidiosa</i> (Wells et al.) is known to be present	<p>The plants must be accompanied by a phytosanitary certificate or phytosanitary certificate for re-export which includes—</p> <ul style="list-style-type: none"> <li>(a) in the case of plants originating in an area which has been established as free from <i>Xylella fastidiosa</i> (Wells et al.) in accordance with ISPM No. 10 and which has been notified to the European Commission as a pest-free area by the relevant national plant protection organisation, the name of the pest-free area under the rubric “place of origin”; or</li> <li>(b) in the case of plants which originate in an area in which <i>Xylella fastidiosa</i> (Wells et al.) is known to be present— <ul style="list-style-type: none"> <li>(i) an official statement under the rubric “Additional declaration”, that the plants and the site in which they were produced meet the requirements of Article 17(3) and (4) of Decision (EU) 2015/789; and</li> <li>(ii) the name of the site from which they originate, under the rubric “place of origin”.</li> </ul> </li> </ul>
88.	Plants intended for planting that have a stem diameter of 1 centimetre or more at their thickest point, other than seeds of <i>Acer</i> spp., <i>Aesculus</i> spp., <i>Alnus</i> spp., <i>Betula</i> spp., <i>Carpinus</i> spp., <i>Cercidiphyllum</i> spp., <i>Corylus</i> spp., <i>Fagus</i> spp., <i>Fraxinus</i> spp., <i>Koelreuteria</i> spp., <i>Platanus</i> spp., <i>Populus</i> spp., <i>Salix</i> spp., <i>Tilia</i> spp. and <i>Ulmus</i> spp., originating in any third country where <i>Anoplophora glabripennis</i> (Motschulsky) is known to be present.	<p>The plants must be accompanied by a phytosanitary certificate or phytosanitary certificate for re-export which includes, under the rubric “Additional declaration”, an official statement—</p> <ul style="list-style-type: none"> <li>(a) that the plants have been grown throughout their life in a place of production which is registered and supervised by the national plant protection organisation in the country of origin and situated in a pest-free area established in accordance with ISPM No. 4 (the name of the pest-free area to be included on the certificate under the rubric “place of origin”); or</li> <li>(b) that—</li> </ul>

- (i) the plants have been grown during a period of at least 2 years prior to export (or in the case of plants which are younger than 2 years, throughout their life) in a place of production which is registered and supervised by the national plant protection organisation in the country of origin, which is established as free from *Anoplophora glabripennis* (Motschulsky) in accordance with ISPM No. 10 and which has been subjected annually to at least 2 meticulous official inspections, carried out at appropriate times for any sign of *Anoplophora glabripennis* (Motschulsky) and no sign of the organism has been found;
- (ii) the plants have been grown in a site—
  - (aa) with complete physical protection against the introduction of *Anoplophora glabripennis* (Motschulsky); or
  - (bb) with the application of appropriate preventive treatments and surrounded by a buffer zone with a radius of at least 2 kilometres in which official surveys for the presence or signs of *Anoplophora glabripennis* (Motschulsky) are carried out annually at appropriate times and, where the presence or signs of the organism have been found, eradication measures are taken immediately to restore the pest freedom of the buffer zone; and
- (iii) immediately prior to export, consignments of the plants have been subjected to a meticulous official inspection for the presence of *Anoplophora glabripennis* (Motschulsky), in particular in the stems and branches of the plants, and such inspection has included targeted destructive sampling which, in the case of plants originating in sites which were at the time of production located in a buffer zone where the presence or signs of *Anoplophora glabripennis*

		<p>(Motschulsky) were found has been carried out at the level set out in the following table—</p> <table border="1"> <thead> <tr> <th>Number of plants in lot</th> <th>Level of destructive sampling (number of plants to be destroyed)</th> </tr> </thead> <tbody> <tr> <td>1 - 4500</td> <td>10% of lot size</td> </tr> <tr> <td>&gt; 4500</td> <td>450</td> </tr> </tbody> </table> <p>; or</p> <p>(c) that the plants have been grown from rootstocks which meet the requirements of sub-paragraph (b), grafted with scions which meet the following requirements—</p> <p>(i) at the time of export, the grafted scions are no more than 1 centimetre in diameter at their thickest point; and</p> <p>(ii) the grafted plants have been inspected in accordance with sub-paragraph (b)(iii).</p>	Number of plants in lot	Level of destructive sampling (number of plants to be destroyed)	1 - 4500	10% of lot size	> 4500	450
Number of plants in lot	Level of destructive sampling (number of plants to be destroyed)							
1 - 4500	10% of lot size							
> 4500	450							
89.	Plants of <i>Mangifera</i> L., other than seeds, originating in India	The plants must be accompanied by a phytosanitary certificate which includes an official statement under the heading “Additional declaration” describing the appropriate measures taken to ensure freedom from harmful organisms.”						

(2) In Schedule 4, 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)—

- (a) in column 3 of item 15, for “19a and 19b” substitute “19a, 19b and 19c”;
- (b) in column 3 of item 15a(17), for “19a, and 19b” substitute “19a, 19b and 19c”;
- (c) in column 3 of item 19(18), for “19a and 19b” substitute “19a, 19b and 19c”;
- (d) in column 3 of item 19a(19) re-number sub-paragraphs (c), (d) and (e) as sub-paragraphs (b), (c) and (d) respectively;
- (e) for item 19b(20) substitute—

“19b.	Tubers of <i>Solanum tuberosum</i> L. which originate in Spain, other than those which originate in:	Without prejudice to the requirements in items 15 to 19 the tubers shall have been washed so that there is no
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(17) Item 15a was inserted by S.S.I. 2015/10.

(18) Item 19 was substituted by S.S.I. 2015/10.

(19) Item 19a was substituted by S.S.I. 2015/10.

(20) Item 19b was inserted by S.S.I. 2013/5.

**Status:** This is the original version (as it was originally made).

	<ul style="list-style-type: none"> <li>— a demarcated area mentioned in column 2 of item 19a; or</li> <li>— the Balearic Islands</li> </ul>	more than 0.1 per cent of soil remaining in order to remove <i>Epitrix cucumeris</i> (Harris), <i>Epitrix similaris</i> (Gentner), <i>Epitrix subcrinita</i> (Lec.) or <i>Epitrix tuberis</i> (Gentner) and to ensure that there is no risk of spreading those organisms.
19c.	Tubers of <i>Solanum tuberosum</i> L. which originate in Poland, other than those mentioned in column 2 of items 16 to 18	Without prejudice to the requirements of items 19 and 19a the tubers shall be accompanied by a certificate issued by the responsible official body in Poland confirming that they have been found to be free from <i>Clavibacter michiganensis</i> ssp. <i>sepedonicus</i> (Spieckerman and Kotthoff) Davis et al. in official laboratory tests.”

- (f) omit item 20a**(21)**;
- (g) in column 3 of item 33, in sub-paragraph (c)**(22)**, for “*Ditylenchus dipsaci*” substitute “*Ditylenchus dipsaci*”;
- (h) for item 40**(23)** substitute—

“40.	Plants specified in relation to <i>Xylella fastidiosa</i> (Wells et al.), which have been grown for at least part of their life in an area demarcated under a legislative or administrative procedure in a member State in accordance with Article 4 of Decision (EU) 2015/789	<p>The plants must be accompanied by an official statement that they—</p> <ul style="list-style-type: none"> <li>(a) have been grown in a site which meets the requirements of Article 9(2) and (3) of Decision (EU) 2015/789; and</li> <li>(b) meet the requirements of Article 9(4) and (5) of that Decision; or</li> <li>(c) in the case of dormant plants of <i>Vitis</i>, intended for planting (other than seeds)— <ul style="list-style-type: none"> <li>(i) have been grown in a site which meets the requirements of Article 9(2)(a) of that Decision; and</li> <li>(ii) have, as close to the time of movement as is practically possible, undergone an appropriate thermotherapy treatment in a treatment facility authorised and supervised by the responsible official body for that</li> </ul> </li> </ul>
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**(21)** Item 20a was inserted by [S.S.I. 2007/498](#).

**(22)** Sub-paragraph (c) was inserted by [S.S.I. 2015/10](#).

**(23)** Item 40 was inserted by [S.S.I. 2015/10](#).



		purpose, whereby the dormant plants are submerged for 45 minutes in water heated to 50 degrees Celsius, in accordance with the European and Mediterranean Plant Protection Organisation standard: Hot water treatment of grapevine to control <i>Grapevine flavescence dorée</i> phytoplasma(24).
41.	Plants intended for planting that have a stem diameter of 1 centimetre or more at their thickest point, other than seeds of <i>Acer</i> spp., <i>Aesculus</i> spp., <i>Alnus</i> spp., <i>Betula</i> spp., <i>Carpinus</i> spp., <i>Cercidiphyllum</i> spp., <i>Corylus</i> spp., <i>Fagus</i> spp., <i>Fraxinus</i> spp., <i>Koelreuteria</i> spp., <i>Platanus</i> spp., <i>Populus</i> spp., <i>Salix</i> spp., <i>Tilia</i> spp. and <i>Ulmus</i> spp., which originate in an area demarcated under a legislative or administrative procedure in a member State in accordance with Article 7 of Decision (EU) 2015/893 or which were introduced into a place of production in such an area	<p>The plants must be accompanied by an official statement—</p> <p>(a) in the case of plants which originate in an area demarcated in accordance with Article 7 of Decision (EU) 2015/893, that they have been grown during a period of at least 2 years prior to movement, or in the case of plants which are younger than 2 years, throughout their life in a place of production—</p> <p>(i) which is registered in accordance with <a href="#">Directive 92/90/EEC</a>; and</p> <p>(ii) which has been subjected annually to at least 2 meticulous official inspections, carried out at appropriate times, for any sign of <i>Anoplophora glabripennis</i> (Motschulsky) and no signs of the organism have been found and such inspection has, where appropriate, included targeted destructive sampling of the stems and branches of the plants; and</p> <p>(b) in the case of plants which originate in an area mentioned in subparagraph (a) or which were introduced into a place of production in such an area, that the plants have been grown in a site—</p> <p>(i) with complete physical protection against the introduction of <i>Anoplophora glabripennis</i> (Motschulsky); or</p> <p>(ii) with the application of appropriate preventive treatments or where targeted destructive sampling is carried out on each lot of specified</p>

	<p>plants prior to movement at the level set out in the table below and, in any case, where official surveys for the presence or signs of <i>Anoplophora glabripennis</i> (Motschulsky) are carried out annually, at appropriate times, within a radius of at least 1 kilometre around the site and the presence, or signs, of <i>Anoplophora glabripennis</i> (Motschulsky) have not been found.</p> <table border="1"> <thead> <tr> <th>Number of plants in lot</th> <th>Level of destructive sampling (number of plants to be destroyed)</th> </tr> </thead> <tbody> <tr> <td>1 – 4500</td> <td>10% of lot size</td> </tr> <tr> <td>&gt; 4500</td> <td>450</td> </tr> </tbody> </table> <p>; and</p> <p>(c) in the case of plants grown from rootstocks that comply with sub-paragraphs (a) and (b) but which have been grafted with scions which do not comply with those sub-paragraphs, that the rootstocks have been grafted with scions which are no more than 1 centimetre in diameter at their thickest point.”</p>	Number of plants in lot	Level of destructive sampling (number of plants to be destroyed)	1 – 4500	10% of lot size	> 4500	450
Number of plants in lot	Level of destructive sampling (number of plants to be destroyed)						
1 – 4500	10% of lot size						
> 4500	450						

(3) In Schedule 4, in Part C (relevant material which may only be landed in or moved within Scotland (as a protected zone) if special requirements are satisfied), in column 3 of item 4(25) re-number sub-paragraphs (c) and (d) as sub-paragraphs (b) and (c) respectively.

#### Amendment of Schedule 5

11. In Schedule 5 (relevant material from a third country for which a phytosanitary certificate may be required), in Part A (relevant material which may only be landed in Scotland if accompanied by a phytosanitary certificate) after paragraph 8(26) insert—

“9. Plants of *Mangifera* L., other than seeds, originating in India.”.

#### Amendment of Schedule 6

12. In Schedule 6 (prohibitions on the landing in and movement within Scotland of relevant material without a plant passport), in 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)—

(a) omit paragraph 3a(27);

(25) Item 4 was inserted by [S.S.I. 2015/10](#).

(26) Paragraph 8 was inserted by [S.S.I. 2013/187](#).

(27) Paragraph 3a was inserted by [S.S.I. 2007/498](#).

- (b) in paragraph 7(b)(28), for “items 3 and 3a” substitute “paragraph 3”; and
- (c) for paragraph 12(29) substitute—

“12.—(1) Subject to sub-paragraph (2)—

- (a) plants specified in relation to *Xylella fastidiosa* (Wells et al.) which have been grown for at least part of their life in an area demarcated under a legislative or administrative procedure in a member State in accordance with Article 4 of Decision (EU) 2015/789; and
- (b) host plants which have never been grown in such a demarcated area.

(2) Without prejudice to any requirement imposed elsewhere in this Schedule, no plant passport is required in respect of the movement of host plants to a person for that person’s own use and for purposes which are outside of that person’s trade, business or profession.

(3) In this paragraph, “host plants” has the meaning given to it by Article 1(b) of Decision (EU) 2015/789.

**13.** Plants intended for planting that have a stem diameter of 1 centimetre or more at their thickest point, other than seeds, of *Acer* spp., *Aesculus* spp., *Alnus* spp., *Betula* spp., *Carpinus* spp., *Cercidiphyllum* spp., *Corylus* spp., *Fagus* spp., *Fraxinus* spp., *Koelreuteria* spp., *Platanus* spp., *Populus* spp., *Salix* spp., *Tilia* spp. and *Ulmus* spp. which—

- (a) originate in any third country where *Anoplophora glabripennis* (Motschulsky) is known to be present;
- (b) originate in an area demarcated under a legislative or administrative procedure in a member State in accordance with Article 7 of Decision (EU) 2015/893; or
- (c) have not been grown in, but are introduced into, such a demarcated area.”.

#### Amendment of Schedule 7

**13.** In Schedule 7 (prohibitions on the consignment of relevant material to another part of the European Union without a plant passport), in Part A (relevant material which may only be consigned to another part of the European Union if accompanied by a plant passport)—

- (a) omit paragraph 3a(30);
- (b) in paragraph 7(b)(31), for “items 3 and 3a” substitute “paragraph 3”; and
- (c) for paragraph 12(32) substitute—

“12.—(1) Subject to sub-paragraph (2)—

- (a) plants specified in relation to *Xylella fastidiosa* (Wells et al.) which have been grown for at least part of their life in an area demarcated under a legislative or administrative procedure in a member State in accordance with Article 4 of Decision (EU) 2015/789; and
- (b) host plants which have never been grown in such a demarcated area.

(2) Without prejudice to any requirement imposed elsewhere in this Schedule, no plant passport is required in respect of the movement of host plants to a person for that person’s own use and for purposes which are outside of that person’s trade, business or profession.

(28) Paragraph 7(b) was substituted by S.S.I. 2007/498.

(29) Paragraph 12 was inserted by S.S.I. 2015/10.

(30) Paragraph 3a was inserted by S.S.I. 2007/498.

(31) Paragraph 7(b) was substituted by S.S.I. 2007/498.

(32) Paragraph 12 was inserted by S.S.I. 2015/10.

(3) In this paragraph, “host plants” has the meaning given to it by Article 1(b) of Decision (EU) 2015/789.

**13.** Plants intended for planting that have a stem diameter of 1 centimetre or more at their thickest point, other than seeds, of *Acer* spp., *Aesculus* spp., *Alnus* spp., *Betula* spp., *Carpinus* spp., *Cercidiphyllum* spp., *Corylus* spp., *Fagus* spp., *Fraxinus* spp., *Koelreuteria* spp., *Platanus* spp., *Populus* spp., *Salix* spp., *Tilia* spp. and *Ulmus* spp. which—

- (a) originate in any third country where *Anoplophora glabripennis* (Motschulsky) is known to be present;
- (b) originate in an area demarcated under a legislative or administrative procedure in a member State in accordance with Article 7 of Decision (EU) 2015/893; or
- (c) have not been grown in, but are introduced into, such a demarcated area.”.

### **Revocations**

**14.** The following articles are revoked—

- (a) articles 5(1), (2), (3) and (4)(a) of the Plant Health (Scotland) Amendment (No. 2) Order 2007(**33**); and
- (b) articles 9(2)(o), 11(1)(c) and 12(1)(c) of the Plant Health (Scotland) Amendment Order 2015(**34**).

### **Amendment of the Plant Health (Scotland) Amendment Order 2015**

**15.** In article 13(c) (revocations) of the Plant Health (Scotland) Amendment Order 2015(**35**), after “Amendment” insert “Order”.

St Andrew’s House,  
Edinburgh  
2nd February 2016

*AILEEN MCLEOD*  
Authorised to sign by the Scottish Ministers

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(33) S.S.I. 2007/498.

(34) S.S.I. 2015/10.

(35) S.S.I. 2015/10.