
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 421

The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019

PART 12

Miscellaneous

Minor and consequential amendments

48. Schedule 5 has effect and makes provision for minor and consequential amendments to secondary legislation.

Commencement Information

11 Reg. 48 in force at 14.12.2019, see [reg. 1\(1\)](#)

Revocation

49. The instruments listed in column 1 of the table in schedule 6 are revoked to the extent specified in the corresponding entry in column 3 of that schedule.

Commencement Information

12 Reg. 49 in force at 14.12.2019, see [reg. 1\(1\)](#)

Transitional provisions: licences under article 39(1) of the Forestry Order or article 41(1) of the 2005 Order

50.—(1) Any licence granted by the Forestry Commissioners or by the Scottish Ministers under article 39(1) of the Forestry Order or by the Scottish Ministers under article 41(1) of the 2005 Order, which is in force immediately before the commencement date, has effect during the relevant period as if it had been an authorisation granted by the Scottish Ministers in accordance with Article 5 of Commission Delegated Regulation (EU) 2019/829 on the date on which it was granted under the Forestry Order or the 2005 Order.

(2) Nothing in paragraph (1) affects anything carried out prior to the commencement date under, or for the purposes of, the licence.

(3) Any reference in the licence to the Forestry Order, the 2005 Order, Council Directive [2000/29/EC](#) or Commission Directive [2008/61/EC](#) is to be read as a reference to the corresponding provision in or under the EU Plant Health Regulation or these Regulations.

(4) In this regulation—

Status: Point in time view as at 14/12/2019.

Changes to legislation: There are currently no known outstanding effects for the The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019, PART 12. (See end of Document for details)

“Commission Delegated Regulation (EU) 2019/829” means Commission Delegated Regulation (EU) supplementing Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants, authorising Member States to provide for temporary derogations in view of official testing, scientific or educational purposes, trials, varietal selections, or breeding ^{M1},

“Council Directive 2000/29/EC” means Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community ^{M2},

“Commission Directive 2008/61/EC” means Commission Directive 2008/61/EC establishing the conditions under which certain harmful organisms, plants, plant products and other objects listed in Annexes 1 to 5 to Council Directive 2000/29/EC may be introduced into or moved within the Community or certain protected zones thereof, for trial or scientific purposes and for work on varietal selections ^{M3},

“relevant period”, in relation to a licence, means—

- (a) if the licence expires on or after 31 December 2020, the period beginning on the commencement date and ending on 31 December 2020, or
- (b) if the licence expires before 31 December 2020, the period beginning with the commencement date and ending on the date of expiry of the licence specified in the licence.

Commencement Information

I3 Reg. 50 in force at 14.12.2019, see [reg. 1\(1\)](#)

Marginal Citations

M1 OJ L 137, 23.5.2019, p.15.

M2 OJ L 169, 10.7.2000, p.1, as last amended by Commission Implementing Directive (EU) 2019/523 (OJ L 86, 28.3.2019, p.41). Council Directive 2000/29/EC is partially repealed by Regulation (EU) 2016/2031 (OJ L 317, 23.11.2016, p.4) with effect from 14 December 2019.

M3 OJ L 158, 18.6.2008, p.41, repealed by Commission Delegated Regulation (EU) 2019/829 (OJ L 137, 23.5.2019, p.15) with effect from 14 December 2019.

Transitional provisions: other licences under the Forestry Order or the 2005 Order

51.—(1) Any licence granted by the Forestry Commissioners or by the Scottish Ministers under article 38(1)(a) of the Forestry Order or by the Scottish Ministers under article 40(a) of the 2005 Order and which has effect on the commencement date remains in force as if it had been an authorisation granted by the Scottish Ministers under regulation 21(2) on the date on which the licence was granted under the Forestry Order or the 2005 Order.

(2) Nothing in paragraph (1) affects anything carried out before the commencement date under, or for the purposes of, the licence.

(3) Any reference in the licence to the Forestry Order, the 2005 Order or Council Directive 2000/29/EC is to be read as a reference to the corresponding provision in or under the EU Plant Health Regulation or these Regulations.

(4) In paragraph (3), “Council Directive 2000/29/EC” has the same meaning as in regulation 50.

Commencement Information

I4 Reg. 51 in force at 14.12.2019, see [reg. 1\(1\)](#)

Transitional provisions: notices

52.—(1) Any notice given under the Forestry Order, the Plant Health (Wood Packaging Material Marking) (Forestry) Order 2006^{M4} or the 2005 Order and which has effect on the commencement date—

- (a) remains in force and continues to have effect as if it were given under these Regulations for an equivalent purpose on the date on which it was given under the Forestry Order or the 2005 Order, and
- (b) is to be read with such modifications as are necessary for it to do so.

(2) In paragraph (1), the reference to any notice under the Forestry Order or the 2005 Order includes any official approval given for the purposes of the notice.

Commencement Information

I5 Reg. 52 in force at 14.12.2019, see [reg. 1\(1\)](#)

Marginal Citations

M4 [S.I. 2006/2695](#), amended by [S.I. 2013/755](#) (W. 90) and [S.I. 2019/734](#).

Transitional provisions: approvals granted under article 17(1) of the Forestry Order or article 17(1) of the 2005 Order

53.—(1) Any approval granted by the Forestry Commissioners or by the Scottish Ministers under article 17(1) of the Forestry Order or by the Scottish Ministers under article 17(1) of the 2005 Order, which is in force immediately before the commencement date, remains in force and continues to have effect during the relevant period.

(2) In paragraph (1), “relevant period”, in relation to an approval granted under article 17(1) of the Forestry Order or the 2005 Order, means—

- (a) if the approval expires on or after 13 December 2020, the period beginning on the commencement date and ending on 13 December 2020, or
- (b) if the approval expires before 13 December 2020, the period beginning on the commencement date and ending on the date of expiry of the approval specified in the approval.

Commencement Information

I6 Reg. 53 in force at 14.12.2019, see [reg. 1\(1\)](#)

Status:

Point in time view as at 14/12/2019.

Changes to legislation:

There are currently no known outstanding effects for the The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019, PART 12.