

SCOTTISH STATUTORY INSTRUMENTS

2019 No. 421

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

PART 6

Registration, authorisations and certificates

Applications for registration

19. An application for registration pursuant to Article 66(1) of the ^{F1}... Plant Health Regulation which is to be submitted to the Scottish Ministers must be submitted in the manner and form required by the Scottish Ministers.

Textual Amendments

F1 Word in reg. 19 omitted (31.12.2020) by virtue of [The Plant Health \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/466\)](#), regs. 1(1)(c), **17(1)** (with reg. 32)

Commencement Information

I1 Reg. 19 in force at 14.12.2019, see reg. 1(1)

Other applications

20.—(1) The following applications must be made to the Scottish Ministers in the manner and form required by the Scottish Ministers—

- (a) an application for a temporary authorisation to permit a relevant activity for official testing, scientific or educational purposes, trials, varietal selection or breeding,
- (b) an application for an authorisation referred to in Article 64(2) of the ^{F2}... Plant Health Regulation,
- (c) an application for an authorisation referred to in Article 89(1) of the ^{F3}... Plant Health Regulation,
- (d) an application for an authorisation referred to in Article 98(1) of the ^{F4}... Plant Health Regulation,
- (e) an application for the issue of a phytosanitary certificate for export [^{F5}or a phytosanitary certificate for re-export].

(2) In this regulation—
“relevant activity” means an activity which would otherwise be prohibited under the ^{F6}... Plant Health Regulation or any other ^{F6}... plant health rule involving—

- (a) the introduction of a plant pest or a plant, plant product or other object into Scotland,
- (b) the movement of a plant pest or a plant, plant product or other object within Scotland,

- (c) the holding of a controlled plant pest or a plant, plant product or other object at premises in Scotland,
- (d) the multiplication of a plant pest at premises in Scotland.

Textual Amendments

- F2** Word in reg. 20(1)(b) omitted (31.12.2020) by virtue of [The Plant Health \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/466\)](#), regs. 1(1)(c), **17(2)(a)(i)** (with reg. 32)
- F3** Word in reg. 20(1)(c) omitted (31.12.2020) by virtue of [The Plant Health \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/466\)](#), regs. 1(1)(c), **17(2)(a)(i)** (with reg. 32)
- F4** Word in reg. 20(1)(d) omitted (31.12.2020) by virtue of [The Plant Health \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/466\)](#), regs. 1(1)(c), **17(2)(a)(i)** (with reg. 32)
- F5** Words in reg. 20(1)(e) substituted (31.12.2020) by [The Plant Health \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/466\)](#), regs. 1(1)(c), **17(2)(a)(ii)** (with reg. 32)
- F6** Word in reg. 20(2) omitted (31.12.2020) by virtue of [The Plant Health \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/466\)](#), regs. 1(1)(c), **17(2)(b)** (with reg. 32)

Commencement Information

- I2** Reg. 20 in force at 14.12.2019, see reg. 1(1)

Authorisations for other purposes

- [^{F7}21.—(1) [^{F8}The Scottish Ministers may grant an authorisation to permit—**
- (a) the carrying out of any activity specified in a plant health derogation,
 - (b) the introduction into Scotland, the movement within Scotland or the holding or multiplication in Scotland of a potential quarantine plant pest for official testing, scientific or educational purposes, trials, varietal selection or breeding, or
 - (c) the carrying out of any other activity which requires the approval of the Scottish Ministers under [^{F9}, or by virtue of,] the ^{F10}... Plant Health Regulation, the Official Controls Regulation [^{F11}, any regulations made under the Plant Health Regulation or the Official Controls Regulation] or these Regulations.]
- (2) An application for any such authorisation must be made to the Scottish Ministers in the manner and form required by the Scottish Ministers.
- (3) [^{F12}In paragraph (1)—
- ^{F13}“plant health derogation” means a derogation from provisions of the Plant Health Regulation which is set out in [^{F14}assimilated] law or regulations made under the Plant Health Regulation or the Official Controls Regulation,]
- “potential quarantine plant pest” means a plant pest which is not a [^{F15}GB quarantine pest or a provisional GB quarantine pest], but which, in the opinion of the Scottish Ministers, fulfils the criteria set out in Subsection 1 of Section 3 of Annex 1 to that Regulation or may fulfil the criteria in Subsection 2 of that Section.]]

Textual Amendments

- F7** Reg. 21 substituted (27.6.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/176\)](#), regs. 1(1), **10**
- F8** Reg. 21(1) substituted (31.12.2020) by [The Plant Health \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/466\)](#), regs. 1(1)(a), **5(4)(a)** (with reg. 32)

- F9** Words in reg. 21(1)(c) inserted (31.12.2020) by virtue of The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **17(3)(a)(i)** (with reg. 32)
- F10** Word in reg. 21(1)(c) omitted (31.12.2020) by virtue of The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **17(3)(a)(ii)** (with reg. 32)
- F11** Words in reg. 21(1)(c) inserted (31.12.2020) by virtue of The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **17(3)(a)(iii)** (with reg. 32)
- F12** Reg. 21(3) substituted (31.12.2020) by The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(a), **5(4)(b)** (with reg. 32)
- F13** Words in reg. 21(3) substituted (31.12.2020) by The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **17(3)(b)(i)** (with reg. 32)
- F14** Word in reg. 21(3) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendments) (Scotland) Regulations 2023 (S.S.I. 2023/374), reg. 1(1), **sch. 2 para. 35(2)**
- F15** Words in reg. 21(3) substituted (31.12.2020) by The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **17(3)(b)(ii)** (with reg. 32)

Authorisations granted by the Scottish Ministers

22.—^{F16}(1) An authorisation granted by the Scottish Ministers for the purposes of the ^{F17}... Plant Health Regulation ^{F18}, the Official Controls Regulation or for the purposes of, or under, these Regulations] must be in writing and may be granted—

- (a) subject to conditions,
- (b) for an indefinite period or a specified period.

(2) An authorisation granted by the Scottish Ministers may be modified, suspended or revoked at any time by the Scottish Ministers by notice in writing.

Textual Amendments

- F16** Words in reg. 22(1) renumbered as reg. 22(1) (31.12.2020) by The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(a), **5(5)(a)** (with reg. 32)
- F17** Word in reg. 22(1) omitted (31.12.2020) by virtue of The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **17(4)** (with reg. 32)
- F18** Words in reg. 22(1) substituted (31.12.2020) by The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(a), **5(5)(b)** (with reg. 32)

Commencement Information

- I3** Reg. 22 in force at 14.12.2019, see reg. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019, PART 6.