
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 421

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

PART 1

Introduction

Interpretation: general

2.—(1) In these Regulations—

“the 2005 Order” means the Plant Health (Scotland) Order 2005 ^{M1},

“commencement date” means the date on which these Regulations come into force,

“controlled consignment” means a consignment containing any plant, plant product or other object—

- (a) which may not be brought into the Union territory without a phytosanitary certificate pursuant to—
 - (i) Article 72 or 74 of the EU Plant Health Regulation,
 - (ii) an EU emergency decision, or
 - (iii) any other EU plant health rule, other than Article 73 of the EU Plant Health Regulation,
- (b) which was exported from the Union territory to a third country and is returning to the Union territory following the refusal by that third country to allow its entry into the country,

“controlled plant pest” means—

- (a) a plant pest of a description specified in Annexes 2, 3 or 4 to Regulation (EU) 2019/2072,
- (b) a plant pest of a description specified in an EU emergency decision, or
- (c) a plant pest subject to any other EU plant health rule,

“EU emergency decision” means an instrument referred to in regulation 3(1),

“EU Plant Health Regulation” means Regulation (EU) 2016/2031 of the European Parliament of the Council on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives [69/464/EEC](#), [74/647/EEC](#), [93/85/EEC](#), [98/57/EC](#), [2000/29/EC](#), [2006/91/EC](#) and [2007/33/EC](#) ^{M2},

“EU plant health rule” means a rule within the meaning given in Article 1(2)(g) of the Official Controls Regulation,

^{F1}“forestry material” means—

- (a) wood which retains part or all of its natural round surface, with or without bark,
- (b) wood in the form of chips, particles, shavings, sawdust, wood waste or scrap,

Status: Point in time view as at 27/06/2020. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019, Section 2. (See end of Document for details)

- (c) conifer trees over 3m in height,
- (d) bark which has been removed or become detached from a living, felled or fallen tree or from part of a living, felled or fallen tree.]

“the Forestry Order” means the Plant Health (Forestry) Order 2005 ^{M3},

[^{F2}“ISPM 15” means International Standard for Phytosanitary Measures No. 15 of March 2002 on Guidelines for regulating wood packaging material in international trade, prepared by the Secretariat of the International Plant Protection Convention established by the Food and Agriculture Organisation of the United Nations]

“Official Controls Regulation” means Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC, insofar as it applies to EU plant health rules ^{M4},

“plant health inspector” means an official plant health officer appointed by the Scottish Ministers,

“plant pest” means a pest within the meaning given in Article 1(1) and (2) of the EU Plant Health Regulation,

“regulated item” means—

- (a) any plant, plant product or other object to which an EU plant health rule applies, other than any plant, plant product or other object which is part of a controlled consignment, or
- (b) a controlled plant pest,

“Regulation (EU) 2019/2072” means Commission Implementing Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants, and repealing Commission Regulation (EC) No 690/2008 and amending Commission Implementing Regulation (EU) 2018/2019 ^{M5},

“working day” means any day, other than—

- (a) a Saturday or a Sunday,
- (b) Easter Monday,
- (c) 26 December if it is not a Saturday or a Sunday,
- (d) 27 December in a year in which 25 or 26 December is a Sunday, or
- (e) a bank holiday in Scotland under the Banking and Financial Dealings Act 1971 ^{M6},

“working hour” means a period of one hour during a working day.

(2) Unless the context otherwise requires, words and expressions which are not defined in these Regulations and which appear in both these Regulations and in the EU Plant Health Regulation or the Official Controls Regulation have the same meaning in these Regulations as in the EU Plant Health Regulation or, as the case may be, in the Official Controls Regulation.

Textual Amendments

- F1** Words in reg. 2 inserted (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), **3(a)**
- F2** Words in reg. 2 inserted (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), **3(b)**

Commencement Information

- I1** Reg. 2 in force at 14.12.2019, see reg. 1(1)

Marginal Citations

- M1** [S.S.I. 2005/613](#), as last amended by [S.S.I. 2019/290](#). [S.S.I. 2005/613](#) is revoked by these Regulations.
- M2** OJ L 317, 23.11.2016, p.4, as last amended by Regulation (EU) 2017/625 (OJ L 95, 7.4.2017, p.1) with effect from 14 December 2019.
- M3** [S.I. 2005/2517](#), as last amended by [S.S.I. 2019/278](#). [S.S.I. 2005/2517](#) is revoked by these Regulations.
- M4** OJ L 95, 7.4.2017, p.1, as last amended by Commission Delegated Regulation (EU) 2019/478 (OJ L 82, 25.3.2019, p.4) with effect from 14 December 2019.
- M5** OJ L 319, 10.12.2019, p.1.
- M6** [1971 c.80](#). Schedule 1, paragraph 2 sets out the Scottish bank holidays; it is amended by the [St Andrew's Day Bank Holiday \(Scotland\) Act 2007 \(asp 2\)](#), **section 1**.

Status:

Point in time view as at 27/06/2020. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019, Section 2.