

SCOTTISH STATUTORY INSTRUMENTS

2019 No. 421

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

PART 1

Introduction

Article 82 of the ^{F1}... Plant Health Regulation: meaning of “close proximity”

4.—(1) For the purposes of Article 82 of the ^{F2}... Plant Health Regulation, the premises of a registered operator are to be regarded as being in “close proximity” to other premises of that operator if any point on the boundary of its operative area, or of any of its operative areas, is within ten miles of any point on the boundary of the operative area, or of any of the operative areas, of the other premises.

(2) In paragraph (1), “operative area”, in relation to the premises of a registered operator means—

- (a) in the case of premises which are used entirely by the registered operator to carry out one or more of the activities mentioned in Article 65(1) of the ^{F3}... Plant Health Regulation, the area comprising those premises,
- (b) in the case of any other premises used by the registered operator to carry out one or more of the activities mentioned in Article 65(1) of the ^{F3}... Plant Health Regulation applies, an area within the premises which is used by the registered operator to carry out any of those activities.

Textual Amendments

- F1** Word in [reg. 4 heading](#) 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), [12\(4\)\(a\)](#) (with [reg. 32](#))
- F2** Word in [reg. 4\(1\)](#) 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), [12\(4\)\(b\)](#) (with [reg. 32](#))
- F3** Word in [reg. 4\(2\)](#) 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), [12\(4\)\(b\)](#) (with [reg. 32](#))

Commencement Information

- I1** Reg. 4 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, Section 4.