

SCHEDULE 3

Regulation 37(1)(e) to (g)

Offences: relevant provisions in the [^{F1}Plant Health Regulation, Official Controls Regulation and other [^{F2}assimilated] legislation]

Textual Amendments

- F1** Words in sch. 3 heading substituted (31.12.2020) by [The Plant Health \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/466\)](#), regs. 1(1)(c), **29(1)** (with reg. 32)
- F2** Word in sch. 3 heading 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(5)**

PART 1

The ^{F3}... Plant Health Regulation

Textual Amendments

- F3** Word in sch. 3 Pt. 1 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), **29(2)(a)** (with reg. 32)

Commencement Information

- I1** Sch. 3 Pt. 1 in force at 14.12.2019, see [reg. 1\(1\)](#)

Provision of the

^{F4}

... Plant Health Regulation

Article 5(1) (as read with Article 8(1))

Article 9(3) (as read with Article 33(1))

Article 14(1) (as read with Articles 16 and 33(1))

Subject matter

Prohibits the introduction of a [^{F5}GB quarantine] pest into [^{F6}Great Britain], the movement of a [^{F5}GB quarantine] pest within [^{F6}Great Britain] or the holding, multiplication or the release of [^{F5}GB quarantine] pest in [^{F6}Great Britain]

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Requires professional operators immediately to notify competent authorities of any evidence they may have concerning an imminent danger of the entry of:

–a [^{F7}GB] quarantine pest or a [^{F8}provisional GB quarantine pest] into [^{F9}Great Britain] or into a part of [^{F9}Great Britain] where it is not yet present, or

–a [^{F10}PFA] quarantine pest into the [^{F11}GB pest-free area established in respect of that pest]^{M2}.

Requires a professional operator who suspects or becomes aware that:

Changes to legislation: There are currently no known outstanding effects for the *The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019, SCHEDULE 3.* (See end of Document for details)

- a [^{F12}GB quarantine pest or provisional GB quarantine pest] is present in plants, plant products or other objects which are under the operator's control,

–a [^{F13}PFA] quarantine pest is present in plants, plant products or other objects which are under the operator's control in the [^{F14}GB pest-free area established in respect of that pest], immediately to notify the competent authority and take precautionary measures to prevent the establishment and spread of the pest.
- Article 14(3) (as read with Article 33(1)) Requires a professional operator:
 - to consult the competent authority where the professional operator has received an official confirmation concerning the presence of a [^{F15}GB] quarantine pest in plants, plant products or other objects which are under the operator's control, and
 - where applicable, proceed with the actions required under Article 14(4) to (7).
- Article 15(1) (as read with Articles 15(2), 16 and 33(1)) Requires a person who is not a professional operator immediately to notify the competent authority where the person becomes aware of, or has reason to suspect:
 - the presence of a [^{F16}GB] quarantine pest,
 - the presence of a [^{F17}PFA] quarantine pest in the [^{F18}GB pest-free area established in respect of that pest].
- Article 32(2) Prohibits the introduction of a [^{F19}PFA quarantine] pest into the [^{F20}GB pest-free area established in respect of that pest], the movement of a [^{F19}PFA quarantine] pest within the [^{F20}GB pest-free area established in respect of that pest] or the holding, multiplication or the release of a [^{F19}PFA quarantine] pest in the [^{F20}GB pest-free area established in respect of that pest].
- Article 37(1) (as read with Article 39 and Article 17 of [^{F21}the Phytosanitary Conditions Regulation]) Prohibits the introduction into [^{F22}Great Britain] by a professional operator of a [^{F23}GB] regulated non-quarantine pest on plants for planting through which it is transmitted, or the movement of a [^{F23}GB] regulated non-quarantine pest within [^{F22}Great Britain] by a professional operator on plants for planting through which it is transmitted
- [^{F24}Article 41(1) (as read with Articles 47 and 48(1)) Prohibits the introduction into Great Britain of certain plants, plant products or other

	objects from third countries unless the special requirements in respect of those plants, plant products or other objects are fulfilled.
Article 41(1A) (as read with Article 48(1))	Prohibits the introduction into Great Britain of certain plants, plant products or other objects from CD territories unless the special requirements in respect of those plants, plant products or other objects are fulfilled.
Article 41(1B) (as read with Article 48(1))	Prohibits the movement within Great Britain of certain plants, plant products or other objects unless the special requirements in respect of those plants, plant products or other objects are fulfilled.]
Article 41(1) (as read with Articles 47 and 48(1) [F25 and paragraphs 2B(3), and 4 (read with entry 2 in Table 1) of schedule 1])	Prohibits: –the introduction into the Union territory of certain plants, plant products or other objects from third countries unless the special requirements in respect of those plants, plant products or other objects are fulfilled M4, –the movement within the Union territory of certain plants, plant products or other objects from third countries or within the Union territory unless the special requirements in respect of those plants, plant products or other objects are fulfilled.
Article 42(2) (as read with Articles 47 and 48(1))	Prohibits the introduction into [F26Great Britain] of high-risk plants, plant products or other objects from third countries M5 .
Article 43(1)	Prohibits the introduction into [F27Great Britain] of wood packaging material, whether or not actually in use in the transport of objects of all kinds, unless it fulfils the specified requirements or is subject to the exemptions provided for in ISPM 15.
Article [F2845(3)] (as read with Article 55)	Requires postal services and professional operators involved in sales through distance contracts to make specified information available to their clients through the internet.
Article 53(1) (as read with Articles 57 and 58)	Prohibits: –the introduction of certain plants, plant products or other objects originating from third countries into [F29GB pest-free areas], –the introduction of certain plants, plant products or other objects originating [F30in Great Britain or a CD territory into GB pest-free areas]M6.

Changes to legislation: There are currently no known outstanding effects for the *The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019, SCHEDULE 3.* (See end of Document for details)

- Article 54(1) (as read with Articles 57 and 58) Prohibits:
- the introduction of certain plants, plant products or other objects into [^{F31}GB pest-free areas] unless the special requirements in respect of [^{F32}GB pest-free areas] are fulfilled,
 - the movement of certain plants, plant products or other objects within [^{F31}GB pest-free areas] unless the special requirements in respect of [^{F32}GB pest-free areas] are fulfilled ^{M7}.
- Article 59 Requires vehicles, machinery or packaging material used for:
- specified plants, plant products or other objects moving into or within [^{F33}Great Britain], or through [^{F33}Great Britain], to be free from [^{F34}GB quarantine pests or provisional GB quarantine pests],
 - specified plants, plant products or other objects moving into or within [^{F35}GB pest-free areas], or [^{F36}through GB pest-free areas], to be free from the [^{F37}PFA] quarantine pests [^{F38}relating to those areas].
- Article 62(1) Requires a person responsible for a quarantine station or confinement facility to monitor the station or facility and its immediate vicinity for the unintended presence of [^{F39}GB quarantine pests or provisional GB quarantine pests].
- Article 62(2) Requires a person responsible for a quarantine station or confinement facility to, when an unintended presence of a pest referred to in Article 62(1) is found or suspected, take appropriate action based on the contingency plan referred to in point (e) of Article 61(1) and to comply with the obligations of professional operators in Article 14.
- Article 64(1) (as read with Article 64(2)) Prohibits the release of plants, plant products and other objects from quarantine stations or confinement facilities unless authorised by the competent authorities.
- Article 66(1) [^{F25}(as read with Article 65(3))] Requires certain professional operators to submit an application for registration to the competent authorities.
- Article 66(5) [^{F25}(as read with Article 65(3))] Requires registered operators, where relevant:
- to submit an annual update concerning any changes in the data referred to in points (d) and (e) of Article 66(2) or in the statements referred to in points (b) and (c) of Article 66(2),

	–to submit an application to update the data referred to in point (a) of Article 66(2) no later than 30 days after the change in that data.
Article 69(1) [^{F25} (as read with Articles 65(3) and 69(3))]	Requires a professional operator to whom plants, plant products or other objects are supplied that are subject to the specified requirements or conditions to keep a record allowing the operator to identify the professional operator who supplied each trade unit.
Article 69(2) [^{F25} (as read with Article 69(3))]	Requires a professional operator who is supplying plants, plant products or other objects that are subject to the specified requirements or conditions to keep a record allowing the operator to identify the professional operator to whom each trade unit was supplied.
Article 69(4)	Requires professional operators to keep the records required pursuant to Article 69(1) to (3) for at least three years.
Article 70(1)	Requires professional operators who are supplied with, or supply, the plants, plant products or other objects referred to in Article 69(1) and (2) to have in place traceability systems or procedures to allow identification of the movements of those plants, plant products and other objects within and between their own premises.
Articles 72(1) and 73 ^{F40} ...	Prohibits the introduction into [^{F41} Great Britain] of certain plants, plant products and other objects from third countries unless they are accompanied by a phytosanitary certificate ^{M8} .
Article 74(1)	Prohibits the introduction of certain plants, plant products and other objects from certain third countries into certain [^{F42} GB pest-free areas] unless accompanied by a phytosanitary certificate ^{M9} .
Article 79(1) (as read with Articles 81, 82 [^{F43} , 83 [^{F44} , 92a and 95a(2)]])	Prohibits the movement of certain plants, plant products and other objects within [^{F45} Great Britain or the introduction of certain plants, plant products and other objects into Great Britain from a CD territory without a UK plant passport] ^{M10} .
Article 80(1) (as read with Articles 81, 82 [^{F46} , 83 [^{F47} , 92a and 95a(2)]])	Prohibits the introduction of certain plants, plant products and other objects into [^{F48} GB pest-free

Changes to legislation: There are currently no known outstanding effects for the *The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019, SCHEDULE 3. (See end of Document for details)*

	areas], or the movement of certain plants, plant products and other objects within [F48GB pest-free areas], without a [F49UK] plant passport
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Article 84(1)	Prohibits professional operators from issuing [F50UK] plant passports unless they are authorised and from issuing [F50UK] plant passports for plants, plant products or other objects for which they are not responsible.
Article 84(3)	Prohibits authorised professional operators from issuing plant passports except at specified premises, collective warehouses or dispatching centres, unless Article 94(1) applies.
Article 85 (as read with Article 87 [F25and paragraph 4 (read with entry 2 in Table 1) of schedule 1])	Prohibits authorised professional operators from issuing [F51UK] plant passports for the movement within the Union of plants, plant products or other objects unless the specified requirements are fulfilled in respect of those plants, plant products or other objects.
Article 86(1) (as read with Articles 86(2) and 87)	Prohibits authorised professional operators from issuing [F52UK] plant passports for plants, plant products or other objects to be introduced into, or moved within, a [F53GB pest-free area] unless the specified requirements are fulfilled in respect of those plants, plant products or other objects.
[F54Article 86a	Prohibits authorised professional operators from issuing UK plant passports for plants, plant products or other objects to be introduced into a CD territory unless the specified requirements are fulfilled in respect of those plants, plant products or other objects.]
Article 88	Requires professional operators to attach [F55UK] plant passports to the trade unit of the plants, plant products or other objects concerned, or where the plants, plant products or other objects are moved in a package, bundle or container, to that package, bundle or container.
Article 90(1)	Requires an authorised operator to: <ul style="list-style-type: none"> –identify and monitor the points in its production process and certain other points concerning the movement of plants, plant products and other objects where the authorised operator intends to issue a [F56UK] plant passport in respect of those plants, plant products and other objects, and –keep records concerning the identification and monitoring of those points for at least three years.

Article 90(2)	Requires authorised operators to ensure that appropriate training is given to its personnel involved in the examinations referred to in Article 87.
Article 93(1)	Prohibits authorised operators from issuing replacement [^{F57} UK] plant passports unless certain conditions are fulfilled.
Article 93(5)	Requires professional operators to retain [^{F58} certain] plant passports or their contents for at least three years.
[^{F59} Article 95a(1)	Prohibits the introduction of a relevant NI trade unit into Great Britain from Northern Ireland unless it is accompanied by the plant passport which was required for its movement within Northern Ireland.]
Article 96(1)	Prohibits the marking of wood packaging material, wood or other objects in [^{F60} Great Britain] by any person who is not authorised in accordance with Article 98 or in any manner other than the manner required.
Article 97(1)	Prohibits the repairing of wood packaging material by any person who is not authorised in accordance with Article 98 or in any manner other than the manner required.

Textual Amendments

- F4** Word in sch. 3 Pt. 1 Table 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), **29(2)(b)(i)** (with reg. 32)
- F5** Words in sch. 3 Pt. 1 Table substituted (31.12.2020) by [The Plant Health \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/466\)](#), regs. 1(1)(c), **29(2)(b)(ii)(aa)** (with reg. 32)
- F6** Words in sch. 3 Pt. 1 Table substituted (31.12.2020) by [The Plant Health \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/466\)](#), regs. 1(1)(c), **29(2)(b)(ii)(bb)** (with reg. 32)
- F7** Word in sch. 3 Pt. 1 Table substituted (31.12.2020) by [The Plant Health \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/466\)](#), regs. 1(1)(c), **29(2)(b)(iii)(aa)** (with reg. 32)
- F8** Words in sch. 3 Pt. 1 Table substituted (31.12.2020) by [The Plant Health \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/466\)](#), regs. 1(1)(c), **29(2)(b)(iii)(bb)** (with reg. 32)
- F9** Words in sch. 3 Pt. 1 Table substituted (31.12.2020) by [The Plant Health \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/466\)](#), regs. 1(1)(c), **29(2)(b)(iii)(cc)** (with reg. 32)
- F10** Word in sch. 3 Pt. 1 Table substituted (31.12.2020) by [The Plant Health \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/466\)](#), regs. 1(1)(c), **29(2)(b)(iii)(dd)** (with reg. 32)
- F11** Words in sch. 3 Pt. 1 Table substituted (31.12.2020) by [The Plant Health \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/466\)](#), regs. 1(1)(c), **29(2)(b)(iii)(ee)** (with reg. 32)
- F12** Words in sch. 3 Pt. 1 Table substituted (31.12.2020) by [The Plant Health \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/466\)](#), regs. 1(1)(c), **29(2)(b)(iv)(aa)** (with reg. 32)
- F13** Word in sch. 3 Pt. 1 Table substituted (31.12.2020) by [The Plant Health \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/466\)](#), regs. 1(1)(c), **29(2)(b)(iv)(bb)** (with reg. 32)
- F14** Words in sch. 3 Pt. 1 Table substituted (31.12.2020) by [The Plant Health \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/466\)](#), regs. 1(1)(c), **29(2)(b)(iv)(cc)** (with reg. 32)

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- F15** Word in sch. 3 Pt. 1 Table substituted (31.12.2020) by The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **29(2)(b)(v)** (with reg. 32)
- F16** Word in sch. 3 Pt. 1 Table substituted (31.12.2020) by The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **29(2)(b)(vi)(aa)** (with reg. 32)
- F17** Word in sch. 3 Pt. 1 Table substituted (31.12.2020) by The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **29(2)(b)(vi)(bb)** (with reg. 32)
- F18** Words in sch. 3 Pt. 1 Table substituted (31.12.2020) by The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **29(2)(b)(vi)(cc)** (with reg. 32)
- F19** Words in sch. 3 Pt. 1 Table substituted (31.12.2020) by The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **29(2)(b)(vii)(aa)** (with reg. 32)
- F20** Words in sch. 3 Pt. 1 Table substituted (31.12.2020) by The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **29(2)(b)(vii)(bb)** (with reg. 32)
- F21** Words in sch. 3 Pt. 1 Table substituted (31.12.2020) by The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **29(2)(b)(viii)(aa)** (with reg. 32)
- F22** Words in sch. 3 Pt. 1 Table substituted (31.12.2020) by The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **29(2)(b)(viii)(bb)** (with reg. 32)
- F23** Word in sch. 3 Pt. 1 Table substituted (31.12.2020) by The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **29(2)(b)(viii)(cc)** (with reg. 32)
- F24** Words in sch. 3 Pt. 1 Table substituted (31.12.2020) by The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **29(2)(b)(x)** (with reg. 32)
- F25** Words in sch. 3 Pt. 1 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), **22(2)**
- F26** Words in sch. 3 Pt. 1 Table substituted (31.12.2020) by The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **29(2)(b)(xi)** (with reg. 32)
- F27** Words in sch. 3 Pt. 1 Table substituted (31.12.2020) by The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **29(2)(b)(xii)** (with reg. 32)
- F28** Words in sch. 3 Pt. 1 Table substituted (31.12.2020) by The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **29(2)(b)(xiii)** (with reg. 32)
- F29** Words in sch. 3 Pt. 1 Table substituted (31.12.2020) by The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **29(2)(b)(xiv)(aa)** (with reg. 32)
- F30** Words in sch. 3 Pt. 1 Table substituted (31.12.2020) by The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **29(2)(b)(xiv)(bb)** (with reg. 32)
- F31** Words in sch. 3 Pt. 1 Table substituted (31.12.2020) by The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **29(2)(b)(xv)(aa)** (with reg. 32)
- F32** Words in sch. 3 Pt. 1 Table substituted (31.12.2020) by The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **29(2)(b)(xv)(bb)** (with reg. 32)
- F33** Words in sch. 3 Pt. 1 Table substituted (31.12.2020) by The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **29(2)(b)(xvi)(aa)** (with reg. 32)
- F34** Words in sch. 3 Pt. 1 Table substituted (31.12.2020) by The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **29(2)(b)(xvi)(bb)** (with reg. 32)
- F35** Words in sch. 3 Pt. 1 Table substituted (31.12.2020) by The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **29(2)(b)(xvi)(cc)** (with reg. 32)
- F36** Words in sch. 3 Pt. 1 Table substituted (31.12.2020) by The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **29(2)(b)(xvi)(dd)** (with reg. 32)
- F37** Word in sch. 3 Pt. 1 Table substituted (31.12.2020) by The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **29(2)(b)(xvi)(ee)** (with reg. 32)
- F38** Words in sch. 3 Pt. 1 Table inserted (31.12.2020) by The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **29(2)(b)(xvi)(ff)** (with reg. 32)
- F39** Words in sch. 3 Pt. 1 Table substituted (31.12.2020) by The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **29(2)(b)(xvii)(aa)** (with reg. 32)
- F40** Words in sch. 3 Pt. 1 Table 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), **29(2)(b)(xviii)(aa)** (with reg. 32)

Changes to legislation: There are currently no known outstanding effects for the The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019, SCHEDULE 3. (See end of Document for details)

- F41** Words in sch. 3 Pt. 1 Table replaced (31.12.2020) by The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **29(2)(b)(xviii)(bb)** (with reg. 32)
- F42** Words in sch. 3 Pt. 1 Table substituted (31.12.2020) by The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **29(2)(b)(xix)** (with reg. 32)
- F43** Words in sch. 3 Pt. 1 Table substituted (31.12.2020) by The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **29(2)(b)(xx)(aa)** (with reg. 32)
- F44** Words in sch. 3 Pt. 1 Table substituted (1.4.2021) by The Plant Health (EU Exit) (Scotland) (Amendment) Regulations 2021 (S.S.I. 2021/159), regs. 1(1)(b), **4(4)(a)**
- F45** Words in sch. 3 Pt. 1 Table substituted (31.12.2020) by The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **29(2)(b)(xx)(bb)** (with reg. 32)
- F46** Words in sch. 3 Pt. 1 Table substituted (31.12.2020) by The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **29(2)(b)(xxi)(aa)** (with reg. 32)
- F47** Words in sch. 3 Pt. 1 Table substituted (1.4.2021) by The Plant Health (EU Exit) (Scotland) (Amendment) Regulations 2021 (S.S.I. 2021/159), regs. 1(1)(b), **4(4)(b)**
- F48** Words in sch. 3 Pt. 1 Table substituted (31.12.2020) by The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **29(2)(b)(xxi)(bb)** (with reg. 32)
- F49** Word in sch. 3 Pt. 1 Table inserted (31.12.2020) by The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **29(2)(b)(xxi)(bb)** (with reg. 32)
- F50** Word in sch. 3 Pt. 1 Table inserted (31.12.2020) by The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **29(2)(b)(xxii)** (with reg. 32)
- F51** Word in sch. 3 Pt. 1 Table inserted (31.12.2020) by The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **29(2)(b)(xxiii)** (with reg. 32)
- F52** Word in sch. 3 Pt. 1 Table inserted (31.12.2020) by The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **29(2)(b)(xxiv)(aa)** (with reg. 32)
- F53** Words in sch. 3 Pt. 1 Table substituted (31.12.2020) by The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **29(2)(b)(xxiv)(bb)** (with reg. 32)
- F54** Words in sch. 3 Pt. 1 Table inserted (31.12.2020) by The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **29(2)(b)(xxv)** (with reg. 32)
- F55** Word in sch. 3 Pt. 1 Table inserted (31.12.2020) by The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **29(2)(b)(xxvi)** (with reg. 32)
- F56** Word in sch. 3 Pt. 1 Table inserted (31.12.2020) by The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **29(2)(b)(xxvii)** (with reg. 32)
- F57** Word in sch. 3 Pt. 1 Table inserted (31.12.2020) by The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **29(2)(b)(xxviii)** (with reg. 32)
- F58** Words in sch. 3 Pt. 1 Table substituted (1.4.2021) by The Plant Health (EU Exit) (Scotland) (Amendment) Regulations 2021 (S.S.I. 2021/159), regs. 1(1)(b), **4(4)(c)**
- F59** Words in sch. 3 Pt. 1 Table inserted (1.4.2021) by The Plant Health (EU Exit) (Scotland) (Amendment) Regulations 2021 (S.S.I. 2021/159), regs. 1(1)(b), **4(4)(d)**
- F60** Words in sch. 3 Pt. 1 Table substituted (31.12.2020) by The Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/466), regs. 1(1)(c), **29(2)(b)(xxx)** (with reg. 32)

Marginal Citations

- M1** Article 5(2), first subparagraph, of 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 (“the EU Plant Health Regulation”) provides that the Commission shall, by means of an implementing act, establish a list of pests which fulfil the conditions listed in Article 3 of the EU Plant Health Regulation in respect of the Union territory (‘list of Union quarantine pests’). The relevant implementing act is 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

Changes to legislation: *There are currently no known outstanding effects for the The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019, SCHEDULE 3. (See end of Document for details)*

- and amending Commission Implementing Regulation (EU) 2018/2019 (“Commission Implementing Regulation (EU) 2019/2072”).
- M2** Article 32(3) of the EU Plant Health Regulation provides that the Commission shall, by means of an implementing act, establish a list of protected zones and the respective protected zone quarantine pests. The relevant implementing act is Commission Implementing Regulation (EU) 2019/2072.
- M3** Article 37(2) of the EU Plant Health Regulation provides that the Commission shall, by means of an implementing act, establish a list setting out the Union regulated non-quarantine pests and the specific plants for planting, as referred to in point (d) of Article 36 of the EU Plant Health Regulation. The relevant implementing act is Commission Implementing Regulation (EU) 2019/2072.
- M4** Article 41(2), first subparagraph, of the EU Plant Health Regulation provides that the Commission shall, by means of implementing acts, adopt a list containing the plants, plant products and other objects and the corresponding special requirements as referred to in Article 41(1) of the EU Plant Health Regulation. That list shall, where applicable, include the third countries, groups of third countries or specific areas within third countries concerned. The relevant implementing act is Commission Implementing Regulation (EU) 2019/2072.
- M5** The list of high risk plants, plant products and other objects to which the prohibition applies is set out in Annex 1 to Commission Implementing Regulation (EU) 2018/2019 of 18 December 2018 establishing a provisional list of high risk plants, plant products or other objects, within the meaning of Article 42 of Regulation (EU) 2016/2013 and a list of plants for which phytosanitary certificates are not required for introduction into the Union, within the meaning of Article 73 of that Regulation.
- M6** Article 53(2), first subparagraph, of the EU Plant Health Regulation provides that the Commission shall, by means of implementing acts, adopt a list containing the plants, plant products and other objects as referred to in Article 53(1) of the EU Plant Health Regulation which are prohibited from being introduced into certain protected zones. The relevant implementing act is Commission Implementing Regulation (EU) 2019/2072.
- M7** Article 54(2), first subparagraph, of the EU Plant Health Regulation provides that the Commission shall, by means of implementing acts, adopt a list containing the plants, plant products and other objects, their respective protected zones and the corresponding special requirements for protected zones. The relevant implementing act is Commission Implementing Regulation (EU) 2019/2072.
- M8** Article 72(1), first subparagraph, of the EU Plant Health Regulation provides that the Commission shall, by means of an implementing act, establish a list of the plants, plant products and other objects, and their respective third countries of origin or dispatch, for which a phytosanitary certificate is required for introduction into the Union territory. Article 73 of the EU Plant Health Regulation provides that the Commission shall, by means of an implementing act, provide that for plants, other than plants included in the list referred to in Article 72(1) of the EU Plant Health Regulation, a phytosanitary certificate is required for introduction into the Union territory, and that a phytosanitary certificate is not required for those plants where an assessment, based on evidence about pest risks and experience with trade, demonstrates that such a certificate is not necessary. The relevant implementing act is Commission Implementing Regulation (EU) 2019/2072.
- M9** Article 74(1), second subparagraph, of the EU Plant Health Regulation provides that the Commission shall, by means of implementing acts, establish a list of those plants, plant products and other objects, and the respective third countries of origin or dispatch, referred to in the first subparagraph of Article 74(1) of the EU Plant Health Regulation. The relevant implementing act is Commission Implementing Regulation (EU) 2019/2072.
- M10** Article 79(1), first subparagraph, of the EU Plant Health Regulation provides that the Commission shall, by means of implementing acts, establish a list of those plants, plant products and other objects, for which a plant passport is required for their movement within the Union territory. The relevant implementing act is Commission Implementing Regulation (EU) 2019/2072.
- M11** Article 80(1), second subparagraph, of the EU Plant Health Regulation provides that the Commission shall, by means of implementing acts establish a list of those plants, plant products and other objects for which a plant passport is required for their introduction into, and movement within, certain protected zones. The relevant implementing act is Commission Implementing Regulation (EU) 2019/2072.

PART 2

The Official Controls Regulation

Modifications etc. (not altering text)

- C1** Sch. 3 Pt. 2 modified (1.4.2021) by [The Plant Health and Plant Propagating Material \(Miscellaneous Amendments\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/87\)](#), regs. 1(1), **4(3)**

Commencement Information

- I2** Sch. 3 Pt. 2 in force at 14.12.2019, see [reg. 1\(1\)](#)

<i>Provision of the Official Controls Regulation</i>	<i>Subject matter</i>
<p>[^{F61}Article 47(5) as read with Articles 5 and 7 of Commission Delegation Regulation (EU) 2019/2122 of 10 October 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards certain categories of animals and good exempted from official controls at border control posts, specific controls on passengers' personal luggage and on small consignments of goods sent to natural persons which are not intended to be placed on the market and amending Commission Regulation (EU) No 142/2011]</p> <p>^{F62}</p>	<p>Requires the operator responsible for a relevant consignment entering [^{F63}Great Britain] to ensure that it is presented for official controls at the border control post of first arrival into [^{F63}Great Britain].</p>
<p>Article 50(1)</p>	<p>Requires the operator of a relevant consignment to which Article 47(1) applies to present the original official certificates or documents which are required to accompany the consignment to the competent authorities of the border control post.</p>
<p>Article 50(3)</p>	<p>Prohibits the operator of a relevant consignment from splitting the consignment until official controls have been performed and the Common Health Entry Document has been finalised.</p>
<p>Article 56(1)</p>	<p>Requires the operator of a relevant consignment to complete the relevant part of the Common Health Entry Document.</p>
<p>Article 56(4) (as read with Article 1(1) of Commission Implementing Regulation (EU) 2019/1013 on the prior notification of consignments of certain categories of animals and goods entering the Union</p> <p>^{M12}</p>	<p>Requires the operator of a relevant consignment to give prior notification to the competent authorities of the border control post of arrival of the consignment before the physical arrival of the consignment in [^{F64}Great Britain].</p>
<p>and regulation 7 of these Regulations</p>	

Changes to legislation: There are currently no known outstanding effects for the *The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019, SCHEDULE 3.* (See end of Document for details)

Textual Amendments

- F61** Words in sch. 3 Pt. 2 substituted (27.6.2020) by virtue of [The Plant Health \(Official Controls and Miscellaneous Provisions\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/176\)](#), regs. 1(1), **22(3)**
- F62** OJ No. L 321, 12.12.2019, p.45.
- F63** Words in sch. 3 Pt. 2 Table substituted (31.12.2020) by [The Plant Health \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/466\)](#), regs. 1(1)(c), **29(3)(a)** (with reg. 32)
- F64** Words in sch. 3 Pt. 2 Table substituted (31.12.2020) by [The Plant Health \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/466\)](#), regs. 1(1)(c), **29(3)(b)** (with reg. 32)

Marginal Citations

- M12** OJ L 165, 21.6.2019, p.8.

PART 3

Other [^{F65}retained] EU legislation

Textual Amendments

- F65** Word in sch. 3 Pt. 3 heading inserted (31.12.2020) by [The Plant Health \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/466\)](#), regs. 1(1)(c), **29(4)(a)** (with reg. 32)

Commencement Information

- I3** Sch. 3 Pt. 3 in force at 14.12.2019, see [reg. 1\(1\)](#)

<i>Provision of [^{F66}retained] EU legislation</i>	<i>Subject matter</i>
Commission Delegated Regulation (EU) 2019/1602 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council concerning the Common Health Entry Document accompanying consignments of animals and goods to their destination	
M13 Article 3 (as read with Articles 4(a), 5(1)(b) and (d), 5(2)(a) and (c) and 6(a))	Requires the operator responsible for a consignment to ensure that a Common Health Entry Document accompanies the consignment, irrespective of whether or not it is split, until it is released for free circulation in accordance with Article 57(2)(b) of the Official Controls Regulation.
[^{F67}C] Commission Delegated Regulation (EU) 2019/2124 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for official controls of consignments of animals and goods in transit, transshipment and onward transportation through the Union	
Article 5(a) and (b)	Requires the operator who is responsible for a relevant consignment that has been given authorisation for onward transportation to enter certain details in the common health entry document and submit the common health entry document.

Article 6	Requires the operator who is responsible for a relevant consignment that has been given authorisation for onward transportation to comply with the specified conditions relating to its transportation and storage.
Article 16(1) and (3)	Requires the operator who is responsible for a transhipped relevant consignment to notify the specified information to competent authorities.
Article 22(4)	Requires the operator who is responsible for a relevant consignment that is in transit through [^{F68} Great Britain] to take specific measures relating to the transportation of the consignment.]
[^{F69}Commission Delegated Regulation (EU) 2019/2123 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for the cases where and the conditions under which identity checks and physical checks on certain goods may be performed at control points and documentary checks may be performed at distance from border control posts]	
[^{F69} Article 2(1)(d), (e), (f), (g)(i) and (h) (as read with Article 2(2) and (3)), Article 5(1) (as read with Article 5(2), Article 6(1) and (4) and Article 8(2))	Requires the operator responsible for a consignment to comply with certain conditions where identity and physical checks on the consignment are to be performed at a control point other than a border control post]

Textual Amendments

- F66** Word in sch. 3 Pt. 3 Table inserted (31.12.2020) by [The Plant Health \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/466\)](#), regs. 1(1)(c), **29(4)(b)** (with reg. 32)
- F67** Words in sch. 3 Pt. 3 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), **22(4)**
- F68** Words in sch. 3 Pt. 3 Table substituted (31.12.2020) by [The Plant Health \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/466\)](#), regs. 1(1)(c), **29(4)(c)** (with reg. 32)
- F69** Words in sch. 3 Pt. 3 Table inserted (31.12.2020) by [The Plant Health \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/466\)](#), regs. 1(1)(a), **5(7)** (with reg. 32)

Marginal Citations

- M13** OJ L 250, 30.9.2019, p.6.

Changes to legislation:

There are currently no known outstanding effects for the The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019, SCHEDULE 3.