

## SCHEDULE 5

Regulation 48

### Amendments to secondary legislation

#### PART 1

##### The Marketing of Vegetable Plant Material Regulations 1995

- 1.—(1) The Marketing of Vegetable Plant Material Regulations 1995(1) are amended as follows.
- (2) In regulation 2 (interpretation), in paragraph (1), after the definition of “[Directive 2008/72/EC](#)” insert—
- ““the 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](#)(2);”.
- (3) In regulation 8 (information to accompany plant material)—
- (a) in paragraph (2), for “Council [Directive 2000/29/EC](#)” substitute “the EU Plant Health Regulation”,
- (b) omit paragraph (5).

#### PART 2

##### The Marketing of Ornamental Plant Propagating Material Regulations 1999

- 2.—(1) The Marketing of Ornamental Plant Propagating Materials Regulations 1999(3) are amended as follows.
- (2) In regulation 2 (interpretation), in paragraph (1)—
- (a) omit the definition of “[Directive 2000/29/EC](#)”,
- (b) before the definition of “inspector”, insert—
- ““the 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](#);”.
- (c) after the definition of “the Minister”, insert—
- ““the Plant Health Official Controls Regulations” means the Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019(4);”.
- (3) In regulation 6A (further provisions relating to propagating material of Palmae), in paragraph (4), in the definition of “responsible official body”, for the words from “either the” to the end substitute “the Scottish Ministers”.

(1) [S.I. 1995/2652](#); relevant amending instruments are [S.S.I. 2007/133](#), [S.S.I. 2014/111](#) and [S.S.I. 2018/391](#).

(2) 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.

(3) [S.I. 1999/1801](#); relevant amending instrument is [S.S.I. 2018/284](#).

(4) [S.S.I. 2019/\[ \]](#).

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- (4) In regulation 7 (registration), for paragraph (4) substitute—
- “(4) Registration of a supplier on the register of professional operators for the purposes of the EU Plant Health Regulation is deemed to constitute registration for the purposes of paragraph (1).”.
- (5) In regulation 8 (measures to be taken by suppliers), in paragraph (3)—
- (a) for the words from “plant pest” to “Order 2005” substitute “controlled plant pest as defined in regulation 2(1) of the Plant Health Official Controls Regulations”,
- (b) for the words from “article 42” to “plant pests)” substitute “the EU Plant Health Regulation”.
- (6) In regulation 9 (information on propagating material), in paragraph (2), for “[Directive 2000/29/EC](#)” substitute “the EU Plant Health Regulation”.
- (7) In regulation 12 (propagating material produced in third countries), in paragraph (3), for the words from “article 9(1)” to the end substitute “the EU Plant Health Regulation”.

### PART 3

#### The Forest Reproductive Material (Great Britain) Regulations 2002

- 3.—(1) The Forest Reproductive Material (Great Britain) Regulations 2002<sup>(5)</sup> are amended as follows.
- (2) In regulation 2 (interpretation), in paragraph (2)—
- (a) at the appropriate place insert—
- ““the 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](#);”
- (b) in the definition of “plant passport”, for “Plant Health (Forestry) Order 2005” substitute “EU Plant Health Regulation”.

### PART 4

#### The Potatoes Originating in Egypt (Scotland) Regulations 2004

- 4.—(1) The Potatoes Originating in Egypt (Scotland) Regulations 2004<sup>(6)</sup> are amended as follows.
- (2) In regulation 2 (interpretation)—
- (a) in paragraph (1)—
- (i) after the definition of “the Decision” insert—
- ““the 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)

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<sup>(5)</sup> [S.I. 2002/3026](#); relevant amending instrument is [S.I. 2014/1833](#).

<sup>(6)</sup> [S.S.I. 2004/111](#); relevant amending instruments are [S.S.I. 2007/94](#) and [S.S.I. 2012/37](#).

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](#),”

- (ii) in the definition of “inspector”, for the words from “an inspector” to the end substitute “a plant health inspector for the purposes of the Plant Health Official Controls Regulations”,
- (iii) omit the definition of “the Order”,
- (iv) in the definition of “phytosanitary certificate”, for the words from “certificate” in the second place it occurs to the end substitute “phytosanitary certificate for the introduction of plants, plant products and other objects into the Union territory within the meaning of article 71 of the EU Plant Health Regulation”,
- (v) after the definition of “phytosanitary certificate” insert—

““the Plant Health Official Controls Regulations” means the Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019;”,

- (b) in paragraph (2), for the words from “article 32(1)” to “the Order” substitute “regulation 15 (notices to prevent the establishment or spread of plant pests) of the Plant Health Official Controls Regulations”,
- (c) in paragraph (3), for the words from “the Order” to the end substitute “the Plant Health Official Controls Regulations are to be interpreted in accordance with regulation 2 (interpretation) of those Regulations.”.

(3) In regulation 3 (imports of potatoes originating in Egypt), in paragraph (3) for the words from “imposed by” to “occur” substitute “that tubers of *Solanum tuberosum* L., other than those for planting, be accompanied by an official statement that the tubers originate in areas in which *Ralstonia solanacearum* (Smith) Yabuuchi *et al.* are known not to occur, as imposed by item 21 of Annex 7 to 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(7),” .

(4) In regulation 5 (powers of an inspector)—

- (a) in paragraph (1), for the words from “the Order” to the end substitute “the Plant Health Official Controls Regulations exercise the powers conferred by those Regulations”,
- (b) in paragraph (2)—
  - (i) omit sub-paragraph (a),
  - (ii) in sub-paragraph (b)—
    - (aa) for the words from “article 32(4)” to “the Order” in the second place they occur substitute “regulation 15 (notices to prevent the establishment or spread of plant pests) of the Plant Health Official Controls Regulations”,
    - (bb) for the words from “relevant material” to the end substitute “, within the meaning of regulation 14 of those Regulations, prohibited material which an inspector suspects to be present or likely to be present, or which the inspector has become aware is present, on any premises for the purposes of that regulation.”,
- (c) in paragraph (3)—

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- (i) for the words from “article 32(4)” to “the Order” in the second place they occur substitute “regulation 15 of the Plant Health Official Controls Regulations”,
  - (ii) for the words from “relevant material” to the end substitute “, within the meaning of regulation 14 of those Regulations, prohibited material which an inspector suspects to be present or likely to be present, or which the inspector has become aware is present, on any premises for the purposes of that regulation.”,
- (d) in paragraph (4)—
- (i) for the words from “article 32(1)” in the first place they occur to “the Order” in the second place they occur substitute “regulation 15 of the Plant Health Official Controls Regulations has effect as if served under that regulation”,
  - (ii) for the words from “articles 34(3)” to “the Order” in the third place they occur substitute “regulations 31 (information notices), 32 (failure to comply with a notice), 35(2)(c), (4) and (5) (miscellaneous provisions as to notices), 36 (service of notices), 38 (failure to comply with requirements of notices), 39 (defence: reasonable excuse for failure to comply with requirements of notices etc.), 42 (obstruction etc.), 43 (defence: reasonable excuse for obstruction etc.), 46 (offences by bodies corporate, etc.) and 47 (penalties) of the Plant Health Official Controls Regulations”,
- (e) in paragraph (5), for the words from “article 31” to the end substitute “regulation 29 (powers of entry) of the Plant Health Official Controls Regulations, as if enforcing those Regulations”,
- (f) in paragraph (6)—
- (i) for the words from “article 31” to “the Order” in the first place they occur substitute “regulation 29 (powers of entry) of the Plant Health Official Controls Regulations”,
  - (ii) for the words from “the Order” in the second place they occur to the end substitute “the Plant Health Official Controls Regulations, and regulations 38, 42, 43, 46 and 47 (penalties) of those Regulations apply accordingly”.

## PART 5

### The Plant Health (Potatoes) (Scotland) Order 2006

5. In the Plant Health (Potatoes) (Scotland) Order 2006<sup>(8)</sup>, in article 2 (interpretation), in paragraph (1), in the definition of “inspector”, for the words from “a person” to the end substitute “a plant health inspector for the purposes of the Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019”.

## PART 6

### The Plant Health (Fees) (Scotland) Regulations 2008

- 6.—(1) The Plant Health (Fees) (Scotland) Regulations 2008<sup>(9)</sup> are amended as follows.
- (2) In regulation 2 (interpretation)—
- (a) omit the definition of “authority”,
  - (b) before the definition of “licence” insert—

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<sup>(8)</sup> S.S.I. 2006/319, to which there are amendments not relevant to these Regulations.

<sup>(9)</sup> S.S.I. 2008/153, as amended by S.S.I. 2010/207 and S.S.I. 2019/124.

““the 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](#)(**10**);”

- (c) in the definition of “licence”, for the words from “a licence” to the end substitute—
- (a) a licence that was granted by the Scottish Ministers under article 40 or, as the case may be, article 41 of the Plant Health (Scotland) Order 2005(**11**); or
  - (b) an authorisation described in regulations 20(1)(a) and (b) and 21(2) of the Plant Health Official Controls Regulations;”
- (d) omit the definition of “the 2005 Order”,
- (e) omit the definition of “plant passport”,
- (f) before the definition of “premises” insert—
- ““the Plant Health Official Controls Regulations” means the Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019(**12**);”

(3) In regulation 5A (fees for potato cyst nematode testing), for the words from “article 39(8)” to “2005 Order” substitute “paragraph 4 of schedule 2 (specific measures relating certain solanaceous species) of the Plant Health Official Controls Regulations”.

(4) In schedule 1 (fees for inspections for plant passporting purposes), in column 1 of the table for “authority to issue plant passports” substitute “authorisation to issue plant passports under Article 89 of the EU Plant Health Regulation”.

## PART 7

### The Waste Management Licensing (Scotland) Regulations 2011

7.—(1) The Waste Management Licensing (Scotland) Regulations 2011(**13**) are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1), after the definition of “operational land” insert—

““the Plant Health Official Controls Regulations” means the Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019;”

- (3) In schedule 1 (activities exempt from waste management licensing)—
- (a) in paragraph 30, in sub-paragraph (3), for the words from “article 32” to the end substitute “regulation 10 (official measures in relation to non-compliant consignments or consignments which pose a risk to plant health) or 15 (notices to prevent the establishment or spread of plant pests) of the Plant Health Official Controls Regulations”;
  - (b) in paragraph 46, in sub-paragraph (1)—

(10) O.J. 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.

(11) [S.S.I. 2005/613](#), as relevantly amended by [S.S.I. 2008/300](#), [S.S.I. 2011/1043](#), [S.S.I. 2012/266](#) and [S.S.I. 2013/187](#). [S.S.I. 2005/613](#) is revoked by these Regulations, but transitional provisions at regulations 50(1) and 51(1) of these Regulations that licences granted under articles 40 and 41 of [S.S.I. 2005/613](#) continue to have effect temporarily.

(12) [S.S.I. 2019/\[ \]](#).

(13) [S.S.I. 2011/228](#), to which there are amendments not relevant to these Regulations.

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- (i) in head (a), for the words from “article 32” to “Order 2005” substitute “regulation 10 (official measures in relation to non-compliant consignments or consignments which pose a risk to plant health) or 15 (notices to prevent the establishment or spread of plant pests) of the Plant Health Official Controls Regulations”,
- (ii) in head (b), for the words from “article 31” to “Order 2005” substitute “regulation 10 (official measures in relation to non-compliant consignments or consignments which pose a risk to plant health) or 15 (notices to prevent the establishment or spread of plant pests) of the Plant Health Official Controls Regulations”.

## PART 8

### The Plant Health (Import Inspection Fees) (Scotland) Regulations 2014

**8.**—(1) The Plant Health (Import Inspection Fees) (Scotland) Regulations 2014<sup>(14)</sup> are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1)—

(a) after the definition of “the Directive” insert—

““the 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](#)”;

(b) omit the definition “intended for planting”,

(c) after the definition of “normal working hours” insert—

““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 rules referred to Article 1(2)(g) of that Regulation<sup>(15)</sup>”;

(d) in the definition of “plants”, for the words from “Article 2(1)(a)” to the end substitute “Article 2 (definitions), point (1) of the EU Plant Health Regulation”,

(e) in the definition of “plant products”, for the words from “Article 2(1)(b)” to the end substitute “Article 2 (definitions), point (2), first sub-paragraph of the EU Plant Health Regulation”.

(3) In regulation 3 (application of the import inspection fee), in paragraph (2)—

<sup>(14)</sup> [S.S.I. 2014/338](#), to which there are amendments not relevant to these Regulations.

<sup>(15)</sup> [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.

- (a) in sub-paragraph (a), in head (i), for the words from “in Annex” to the end substitute “in Part A of Annex 11 or in Annex 12 to 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(16), as amended from time to time;”,
- (b) for sub-paragraph (b) substitute—
  - “(b) is subject to—
    - (i) official controls at a border control post in Scotland pursuant to Article 47(1) of the Official Controls Regulation; or
    - (ii) any agreement made under the provisions of any delegated act that establishes the cases where, and the conditions under which, identity checks and physical checks of transhipped consignments and of animals arriving by air or sea and staying on the same means of transport for onward travel may be performed at a border control post other than the one of first arrival into the Union, adopted by the Commission under Article 51(1) (specific rules for official controls at border inspection posts) of 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](#).”.
- (4) In regulation 5 (additional fees in respect of potatoes originating in Egypt and Lebanon)—
  - (a) in paragraph (1), omit “or (3)”,
  - (b) omit paragraph (3).

## PART 9

### The Plant Health (Fees) (Forestry) (England and Scotland) Regulations 2015

- 9.—**(1) The Plant Health (Fees) (Forestry) (England and Scotland) Regulations 2015(17) are amended as follows.
- (2) In regulation 2 (interpretation)—
    - (a) in paragraph (1)—
      - (i) at the appropriate place insert—

(16) OJ L 319, 10.12.2019, p.1.

(17) [S.I. 2015/350](#), to which there are amendments not relevant to these Regulations. [S.I. 2015/350](#) is also prospectively amended by [S.S.I. 2019/130](#), from “exit day” within the meaning of section 20 of the European Union (Withdrawal) Act 2018 (c.16).

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“the EU Plant Health Regulation” means Regulation (EU) 2016/2031 of the European Parliament and 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 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 rules referred to Article 1(2)(g) of that Regulation;”;

“WPM authorisation” means an authorisation referred to in Article 98(1) of the EU Plant Health Regulation;”

(ii) in the definition of “approved place of inspection” for “article 3 of the Order” substitute “regulation 13 of Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019(18)”,

(iii) for the definition of “controlled consignment” substitute—

““controlled consignment” means a consignment which—

- (a) is introduced into Scotland from a third country; and
- (b) consists of, or includes isolated bark or isolated wood of a type listed in Part A of Annex 11 or in Annex 12 to 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(19), as amended from time to time, other than wood packaging material which is actually in use in the transport of objects of all kinds;”

(iv) omit the definitions of “the Directive”, “documentary check” and “identity check”,

(v) for the definition of “licence” substitute—

““licence” means—

- (a) a licence which was granted by the Forestry Commissioners or by the Scottish Ministers under article 38 or 39 of the Plant Health (Forestry) Order 2005(20); or

(18) S.S.I. 2019/[ ]

(19) OJ L 319, 10.12.2019, p. 1.

(20) [S.I. 2005/2517](#), as last relevantly amended by [S.I. 2013/755](#). [S.I. 2005/2517](#) is revoked by these Regulations, but transitional provisions at regulations 50(1) and 51(1) of these Regulations stipulate that licences granted under articles 38 and 39 of [S.I. 2005/2517](#) continue to have effect temporarily.



- (b) an authorisation described in regulation 20(1)(a) or (b) or 21 of the Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019;”,
- (vi) omit the definitions of “the Order” and “plant health check”,
- (vii) in the definition of “plant passport authority”—
  - (aa) for “authority”, in the second place where it occurs substitute “authorisation”,
  - (bb) at the end omit “granted by the Forestry Commissioners or the Scottish Ministers under article 28 of the Order”,
- (viii) in the definition of “remedial notice”, for “served under article 31(1) or (4) or 33(3) of the Order” substitute “served under regulations 8 or 15 of the Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019”,
- (ix) in the definition of “remedial work”, for “article 32(1) of the Order” substitute regulation 16 of the Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019”,
- (b) in paragraph (2), for “Order”, in both places where it occurs, substitute “EU Plant Health Regulation or the Official Controls Regulation”.
- (3) In regulation 3 (fees)—
  - (a) in paragraph (2), after “activities” insert “carried out by, or on behalf of Scottish Ministers”,
  - (b) after paragraph (5) insert—
    - “(5A) The fee payable in connection with an application to the Scottish Ministers for a phytosanitary certificate or phytosanitary certificate for re-export is the fee specified in schedule 5A.
    - (5B) The fee payable in connection with an application to the Scottish Ministers for an authorisation referred to in Article 98(1) of the EU Plant Health Regulation is the fee specified in schedule 5B.”,
  - (c) in paragraph (6), for “article 32(1) of the Order” substitute “regulation 16 of the Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019”.
- (4) After schedule 5 (fees for the carrying out or monitoring of remedial work) insert—

“SCHEDULE 5A

Regulation 3(5A)

Fees in connection with an application for a phytosanitary certificate or phytosanitary certificate for re-export

<i>Service</i>	<i>Fee</i>
The consideration of an application, including the issue, where appropriate, of a phytosanitary certificate or a phytosanitary certificate for re-export	£15.00
The examination or testing of plants, plant products or other objects and associated activities (including travelling and office time):	
(a) up to and including the first hour;	£27.00
(b) thereafter, for each additional 15 minutes or part thereof	£7.50.

## SCHEDULE 5B

Regulation 3(5B)

## Fees in connection with an application for a WPM authorisation

<i>Type of application</i>	<i>Fee</i>
Application for a WPM authorisation, other than a renewal of an existing WPM authorisation	£400.00
Application for a renewal of an existing WPM authorisation	£120.00
Application for a re-assessment for the purposes a WPM authorisation	£120.00”.

## PART 10

## The Seed Potatoes (Scotland) Regulations 2015

**10.**—(1) The Seed Potatoes (Scotland) Regulations 2015<sup>(21)</sup> are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1)—

(a) after the definition of “[Directive 2001/18/EC](#)” insert—

““the 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](#)”;

(b) after the definition of “package” insert—

““the Plant Health Official Controls Regulations” means the Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019<sup>(22)</sup>”.

(3) In regulation 10 (labelling of seed potatoes), for paragraph (8), substitute—

“(8) No person may, in marketing or preparing for marketing any seed potatoes, wilfully reproduce, remove, alter, deface, conceal or misuse in any way, any official label, or official document which has been attached to or contained within the package or container of such seed potatoes in accordance with this regulation, unless such action is in accordance with the requirements of—

- (a) the Act;
- (b) these Regulations;
- (c) the EU Plant Health Regulation; or
- (d) an Order made under the Plant Health Act 1967”.

(4) In regulation 22 (consequential amendments), omit paragraph (2).

(5) In schedule 1 (conditions for certification and grading of Scottish seed potatoes)—

(a) in paragraph 4, for the words from “paragraph 1” to the end substitute “paragraph 8 in Part 3 (measures for the control of Potato Wart Disease) of schedule 2 (specific measures relating to certain solanaceous species) of the Plant Health Official Controls Regulations”;

<sup>(21)</sup> S.S.I. 2015/395, to which there are amendments not relevant to these Regulations.

<sup>(22)</sup> S.S.I. 2019/[ ].

- (b) in paragraph 5, in sub-paragraph (1), in head (d), for the words from “article 39(3)” to “Order 2005” substitute “paragraph 2(3) (general restrictions on the planting of potatoes) in Part 2 (general provisions relating to the planting of certain solanaceous species) of schedule 2 (specific measures relating to certain solanaceous species) of the Plant Health Official Controls Regulations”,
- (c) in paragraph 7, in sub-paragraph (b), for the words from “paragraph 7” to the end substitute “paragraph 18 (notice that sampling unit is infested with Potato Cyst Nematode) in Part 4 (measures for the control of European populations of Potato Cyst Nematode) of schedule 2 (specific measures relating to certain solanaceous species) of the Plant Health Official Controls Regulations”,
- (d) in paragraph 11, in sub-paragraph (b), for the words from “paragraph 7” to the end substitute “paragraph 18 (notice that sampling unit is infested with Potato Cyst Nematode) in Part 4 (measures for the control of European populations of Potato Cyst Nematode) of schedule 2 (specific measures relating to certain solanaceous species) of the Plant Health Official Controls Regulations”,
- (e) in paragraph 14, in sub-paragraph (b), for the words from “paragraph 7” to the end substitute “paragraph 18 (notice that sampling unit is infested with Potato Cyst Nematode) in Part 4 (measures for the control of European populations of Potato Cyst Nematode) of schedule 2 (specific measures relating to certain solanaceous species) of the Plant Health Official Controls Regulations”.

## PART 11

### The Marketing of Fruit Plant and Propagating Material (Scotland) Regulations 2017

**11.**—(1) The Marketing of Fruit Plant and Propagating Material (Scotland) Regulations 2017<sup>(23)</sup> are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1), after the definition of “[Directive 2001/18/EC](#)” insert—

““the 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](#).”

(3) In regulation 8 (labelling, sealing and packaging), omit paragraph (5).

(4) In regulation 10 (registration of suppliers), in paragraph (6), for the words from “plant trader” to “2005” substitute “professional operator for the purposes of the EU Plant Health Regulation”.

## PART 12

### The Plant Health (Export Certification) (Scotland) Order 2018

**12.**—(1) The Plant Health (Export Certification) (Scotland) Order 2018<sup>(24)</sup> is amended as follows.

(2) In article 2 (interpretation)—

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<sup>(23)</sup> S.S.I. 2017/177, to which there are amendments not relevant to these Regulations.

<sup>(24)</sup> S.S.I. 2018/132.

*Status: This is the original version (as it was originally made).*

- (a) after the definition of “consignment” insert—
    - ““the 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](#)(**25**);”
  - (b) in the definition of “inspector”, for the words from “any person” to the end substitute “a plant health inspector for the purposes of the Plant Health Official Controls Regulations;”,
  - (c) in the definition of “phytosanitary certificate”, for the words from “articles 7” to the end substitute “Article 100 of the EU Plant Health Regulation;”,
  - (d) in the definition of “phytosanitary certificate for re-export”, for the words from “articles 7” to the end substitute “Article 101 of the EU Plant Health Regulation;”,
  - (e) after the definition of “phytosanitary certificate for re-export” insert—
    - ““the Plant Health Official Controls Regulations” means the Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019;”,
  - (f) omit the definition of “principal plant health Order”.
- (3) Omit article 3.
  - (4) Omit article 5.
  - (5) Omit article 6.

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(25) O.J. 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.