

## SCHEDULE 5

### Amendments to secondary legislation

## PART 2

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

2.—(1) The Marketing of Ornamental Plant Propagating Materials Regulations 1999 <sup>M1</sup> 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 <sup>M2</sup>,”.

(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 ”.

(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 ”.

#### Commencement Information

**II** Sch. 5 para. 2 in force at 14.12.2019, see [reg. 1\(1\)](#)

#### Marginal Citations

**M1** [S.I. 1999/1801](#); relevant amending instrument is [S.S.I. 2018/284](#).

**M2** S.S.I. 2019/[ ].

**Changes to legislation:**

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