
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 473

**The Invasive Non-native Species (EU Exit)
(Scotland) (Amendment etc.) Regulations 2020**

PART 1

Amendment of the Invasive Alien Species Regulation

Amendment of Chapter 2 (prevention) of the Invasive Alien Species Regulation

- 4.—(1) Chapter 2 of the Invasive Alien Species Regulation is amended as follows.
- (2) In Article 7 in paragraph 2, for “Member States” substitute “The Scottish Ministers”
- (3) In Article 8—
- (a) in paragraph 1, for “Member States” in both places it occurs substitute “the Scottish Ministers”,
 - (b) in paragraph 2—
 - (i) for “Member States shall empower their competent authorities to” substitute “The Scottish Ministers may”,
 - (ii) in point (b), for “competent authorities” substitute “Scottish Ministers”,
 - (iii) in point (f), for “competent authority” substitute “Scottish Ministers”,
 - (c) in paragraph 4, for “competent authority” substitute “Scottish Ministers”,
 - (d) in paragraph 5, for “Member States shall empower their competent authorities to” substitute “The Scottish Ministers may”,
 - (e) omit paragraph 6,
 - (f) in paragraph 7, for “Member States, shall” substitute “the Scottish Ministers must”,
 - (g) in paragraph 8—
 - (i) for “Member States” substitute “The Scottish Ministers”,
 - (ii) omit “by their competent authorities”.
- (4) In Article 9—
- (a) in paragraph 1—
 - (i) for “Member States” substitute “the Scottish Ministers”,
 - (ii) omit “subject to authorisation by the Commission”,
 - (b) omit paragraph 2,
 - (c) for paragraph 3, substitute—

“3. Before issuing a permit under paragraph 1 of this Article, the Scottish Ministers must consult and have regard to the opinions of—

 - (a) the Committee,

- (b) the Scientific Forum,
 - (c) the Secretary of State, the Welsh Ministers and the Department of Agriculture, Environment and Rural Affairs.”,
 - (d) in paragraph 4—
 - (i) for “an authorisation” in each place it occurs substitute “a permit”,
 - (ii) in point (e), for “authorisation” substitute “permit”,
 - (iii) in point (i), omit “national”,
 - (e) in paragraph 5—
 - (i) for “Authorisations granted by the Commission” substitute “Permits granted by the Scottish Ministers under paragraph 1”,
 - (ii) for “competent authority of the Member State concerned” substitute “Secretary of State, the Welsh Ministers and the Department of Agriculture, Environment and Rural Affairs”,
 - (iii) for “An authorisation”, in both places it occurs, substitute “A permit issued under paragraph 1”,
 - (iv) for “the authorisation” substitute “the permit”,
 - (v) for “that authorisation” substitute “that permit”,
 - (f) in paragraph 6—
 - (i) for “Following an authorisation by the Commission, the competent authority” substitute “The Scottish Ministers”,
 - (ii) omit the second sentence,
 - (g) in paragraph 7—
 - (i) for “The Commission” substitute “The Scottish Ministers”,
 - (ii) for “an authorisation” substitute “a permit under paragraph 1”,
 - (h) in paragraph 8—
 - (i) for “The Commission” substitute “The Scottish Ministers”,
 - (ii) for “Member State concerned” substitute “applicant, the Secretary of State, the Welsh Ministers and the Department of Agriculture, Environment and Rural Affairs”.
- (5) In Article 10—
- (a) in paragraph 1—
 - (i) for “a Member State has” substitute “the Scottish Ministers have”,
 - (ii) for “its territory” substitute “Scotland”,
 - (iii) for “competent authorities have” substitute “Scientific Forum has”,
 - (iv) for “it may” substitute “the Scottish Ministers may by regulations”,
 - (b) for paragraph 2 substitute—

“2. When introducing emergency measures under paragraph 1, the Scottish Ministers must notify the Committee and the Scientific Forum.”,
 - (c) in paragraph 3—
 - (i) for “The Member State concerned” substitute “The Scottish Ministers must request that the Scientific Forum or such other expert as the Scottish Ministers consider appropriate”,

- (ii) for the words “of the adoption” to the end of the sentence substitute “on which the emergency measures come into force”,
- (d) after paragraph 3, insert—
 - “**3A.** Emergency measures must not apply for a period exceeding 2 years.”,
- (e) omit paragraphs 4 and 5,
- (f) for paragraph 6 substitute—
 - “**6.** Where the Scottish Ministers include the invasive alien species on the Scottish list of species of special concern the Scottish Ministers must revoke or amend the emergency measures.”
- (6) Omit Articles 11 and 12.
- (7) In Article 13—
 - (a) in paragraph 1—
 - (i) for “Member States shall” substitute “The Scottish Ministers, after consulting the Secretary of State, the Welsh Ministers and the Department of Agriculture, Environment and Rural Affairs (as they consider appropriate), must”,
 - (ii) after “within 18 months of” insert “IP completion day and in respect of”
 - (iii) for the words from “their territory” to “[Directive 2008/56/EC](#)” substitute “Scotland”,
 - (b) in paragraph 2—
 - (i) after “Within three years of” insert “IP completion day and in respect of”
 - (ii) for “each Member State shall” substitute “the Scottish Ministers, after consulting the Secretary of State, the Welsh Ministers and the Department of Agriculture, Environment and Rural Affairs (as appropriate) must”,
 - (c) omit paragraph 3,
 - (d) in paragraph 4 in point (b), for “third” substitute “other”,
 - (e) omit point (c),
 - (f) for paragraph 5 substitute—
 - “**5.** The Scottish Ministers must review the action plan or plans established under paragraph 2 at least every six years.”,