

2021 No. 88

PLANT HEALTH

**The Plant Health (Export Certification) (Scotland) Amendment
Order 2021**

Made - - - - - *18th February 2021*

Laid before the Scottish Parliament *22nd February 2021*

Coming into force - - - *1st April 2021*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 3(1) and 4A of the Plant Health Act 1967(a) and all other powers enabling them to do so.

Citation, commencement and extent

1.—(1) This Order may be cited as the Plant Health (Export Certification) (Scotland) Amendment Order 2021 and comes into force on 1 April 2021.

(2) This Order extends to Scotland only.

Amendment of the Plant Health (Export Certification) (Scotland) Order 2018

2.—(1) The Plant Health (Export Certification) (Scotland) Order 2018(b) is amended as follows.

(2) In article 4 (fees for export certification services)—

(a) in paragraph (1) for “A person” substitute “Subject to paragraph (4), a person”,

(b) after paragraph (3) insert—

“(4) The fees specified at entries 1, 3, 4, 5, 6, 8, 12, 13, 15 and 16 in the schedule are not payable in relation to a consignment—

(a) destined for delivery to a professional operator based in Northern Ireland,

(b) transported into Northern Ireland by a private individual and which is not intended to be placed on the market, or

(c) destined for delivery to a private individual who is resident in Northern Ireland and which is not intended to be placed on the market.

(a) 1967 c.8 (“the 1967 Act”). Section 3(1) of the 1967 Act was amended by section 4 and schedule 4, paragraph 8 of the European Communities Act 1972 (c.68) and S.I. 2020/1482. Section 4A of the 1967 Act was inserted by section 3 of the Agriculture Act 1986 (c.49). Section 1(2) of the 1967 Act specifies the competent authorities for the purposes of the Act. The functions of the Secretary of State insofar as exercisable within devolved competence were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46). The requirement to obtain Treasury consent was removed by section 55 of that Act.

(b) S.S.I. 2018/132, relevantly amended by S.S.I. 2020/466.

(5) In this regulation, “professional operator” has the same meaning as in Article 2(9) of the Plant Health Regulation.”.

St Andrew’s House,
Edinburgh
18th February 2021

BEN MACPHERSON
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under sections 3(1) and 4A of the Plant Health Act 1967 and makes provision in the area of plant health fees.

Article 2 amends the Plant Health (Export Certification) (Scotland) Order 2018 and introduces provision relating to export certification fees, to provide that such fees are not payable in relation to exports from Scotland to Northern Ireland in certain circumstances.

A business and regulatory impact assessment has not been prepared in relation to these Regulations as no, or no significant impact upon businesses, charities or voluntary bodies is foreseen.

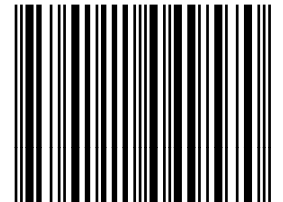
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