POLICY NOTE

THE PLANT HEALTH (EXPORT CERTIFICATION) (SCOTLAND) AMENDMENT ORDER 2025

SSI 2025/241

The above instrument was made in exercise of the powers conferred by sections 3(1) and 4A of the Plant Health Act 1967 and of all other powers enabling them to do so. The instrument is subject to negative procedure.

Purpose of the instrument.
The Plant Health (Export Certification) (Scotland) Amendment Order 2025 ("the Amendment Order") amends the Plant Health (Export Certification) (Scotland) Order 2018 ("the 2018 Order") to introduce a provision for payment of prescribed fees for the costs associated with the issuance of a phytosanitary certificate (PC) for consignment of plants and plant products and other objects being shipped from Scotland to Northern Ireland.

Policy Objectives

To prevent the introduction of harmful pests and diseases, most countries require that consignments of plants and plant products meet certain plant health standards before they are allowed entry. After the end transition period following the UK's exit from the European Union, consignments being exported from Scotland to the EU must be accompanied by a phytosanitary certificate.

Under the terms of the Northern Ireland protocol, (including the Windsor Framework), Northern Ireland remains subject to EU laws relating to sanitary and phytosanitary measures, which means that PCs are required for exports of regulated consignments of plants, plant products and other objects from Scotland to Northern Ireland.

The Scottish Government is responsible for issuing PCs in Scotland. These certificates provide importing countries with the assurance that the consignment meets their plant health standards. Consignments without this certificate are likely to be rejected at the point of entry or destroyed or returned to the exporting country. In most cases, PCs can only be issued following satisfactory official inspection of the material for export. In some circumstances, however, it may also be necessary for a sample to be examined by a laboratory.

It is Scottish Government policy that any Plant Health Services are subject to full cost recovery. The intended aim is to make more efficient use of public resources by transferring the cost of the service from the taxpayer to the user of the service (i.e. traders of plant, plant products or other objects).

In Scotland, the 2018 Order currently prescribes the fees for such services payable by exporters.

This instrument amends the 2018 Order to remove the fees exemption for consignments of plants, plant products and other objects being moved from Scotland to Northern Ireland, re-introducing the fee that was waived via the Plant Health (Export Certification) (Scotland) Amendment Order 2021 (SSI/2021/88) and removing the exemption fee introduced via The Plant Health (Export Certification) (Scotland) Amendment Order 2024 (SSI/2024/86).

This is necessary due to the UK Government ending the Movement Assistance Scheme (MAS) on 30 June 2025. MAS was a UK Government scheme to support businesses moving certain goods to Northern Ireland by providing funds applicable for the service required. This was originally due to close on 31 December 2022 and was finally closed on 30 June 2025.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

The Scottish Ministers have made the following statement regarding children's rights.

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the Act), the Scottish Ministers certify that, in their view, the Plant Health (Export Certification) (Scotland) Amendment Order 2025 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

This legislation is not relevant to the Scottish Government's policy to maintain alignment with the EU, because each EU member state has its own system to prescribe statutory plant health activity costs.

Consultation

No formal consultation was undertaken, but it was widely communicated by both UK and Scottish Governments that MAS was ending on 30 June 2025, which meant fees for certain official certification and inspections will no longer be reimbursed.

Impact Assessment

The following impact assessments have been completed on the SSI.

- An Equalities Impact Assessment Screening
- A Strategic Environmental Assessment Pre-Screening
- A Children's Rights and Wellbeing Impact Assessment

There were no negative impact or equalities issues identified in these assessments.

Financial Effects

A Business and Regulatory Impact Assessment (BRIA) has not been produced for the Amendment Order. The Minister for Agriculture and Connectivity confirms that no

BRIA is necessary as the instrument has no significant impacts on the Scottish Government, local government or on businesses.

The proposed amendment removes an exemption from fees which was introduced due to UK Government making available funds for the Scottish Government costs for inspection and issue of a PC through MAS. As MAS closed on 30 June 2025, these costs for phytosanitary services need to be reinstated.

Scottish Government
Agriculture and Rural Economy Directorate

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