SCOTTISH STATUTORY INSTRUMENTS

2019 No. 242

PLANT HEALTH

The Plant Health (Miscellaneous Amendments) (Scotland) Order 2019

Made - - - - at 10.15 a.m. on 12th July 2019

Laid before the Scottish Parliament at 3 p.m. on 12th July 2019

Coming into force - - 16th July 2019

The Scottish Ministers, make the following Order in exercise of the powers conferred by sections 2 and 3(1) of the Plant Health Act 1967(**a**) and all other powers enabling them to do so.

Citation, commencement and extent

1. This Order which extends to Scotland only may be cited as the Plant Health (Miscellaneous Amendments) (Scotland) Order 2019 and comes into force on 16 July 2019.

Amendment of the Plant Health (Scotland) Order 2005

2.—(1) The Plant Health (Scotland) Order 2005(**b**) is amended as follows.

(2) In article 21, omit paragraph (8).

(3) In the table in Part C of schedule 4, after item 10 insert—

"11.	Plants, other than fruit or seeds, of *Quercus* L., other than *Quercus suber*, intended for planting, whose girth at 1.2 m above the root collar is 8 cm or more.	The plants must be accompanied by an official statement that they have: (a) been grown throughout their life in places of production in countries in which *Thaumetopoea processionea* L. is not known to occur; (b) been grown throughout their life in a protected zone which is recognised as a protected zone for *Thaumetopoea processionea* L. or in an area free from *Thaumetopoea processionea* L., established by the national plant

(**a**) Sections 2 and 3(1) were amended by the European Communities Act 1972 (c.68), section 4(1) and schedule 4, paragraph 8 and further amended by S.I. 2011/1043. The powers conferred by sections 2 and 3 are conferred on a "competent authority", defined in section 1(2) of the 1967 Act. The Scottish Ministers are the competent authorities for the purposes of the 1967 Act by virtue of amendments made to section 1(2) of that Act by the Forestry and Land Management (Scotland) Act 2018.

(**b**) S.S.I. 2005/613; relevant amending instruments are S.S.I. 2013/366, S.S.I. 2015/10 and S.S.I. 2018/112.

protection organisation in accordance with IPSM No. 4; or

(c) been grown throughout their life in a site with complete physical protection against the introduction of *Thaumetopoea processionea* L. and have been inspected at appropriate times and found to be free from *Thaumetopoea processionea* L. ”

Amendment of the Plant Health (Forestry) Order 2005

3. In the table in Part C of schedule 4 of the Plant Health (Forestry) Order 2005(**a**), in item 7E, in the entry in the third column, omit paragraph (c).

MAIRI GOUGEON
Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
At 10.15 a.m. on 12th July 2019

(**a**) S.I. 2005/2517; relevant amending instruments are S.I. 2014/2420, 2017/1178 and 2018/1048.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Plant Health (Scotland) Order 2005 (S.S.I. 2005/613) and the Plant Health (Forestry) Order 2005 (S.I. 2005/2517) to introduce emergency measures to prevent the introduction and spread of *Thaumetopoea processionea* L. (the Oak Processionary Moth) into Scotland which is part of a protected zone (recognised for the purposes of Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community) for this harmful plant pest

It amends the technical requirements that must be satisfied when bringing in certain plants of *Quercus* L., intended for planting, into or when moving those plants within Scotland.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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