

2013 No. 5

PLANT HEALTH

The Plant Health (Scotland) Amendment Order 2013

Made - - - - 9th January 2013

Laid before the Scottish Parliament 11th January 2013

Coming into force - - 9th February 2013

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 2, 3 and 4(1) of the Plant Health Act 1967(a), section 20 of the Agriculture (Miscellaneous Provisions) Act 1972(b) and all other powers enabling them to do so.

This Order makes provision which the Scottish Ministers think expedient for preventing the introduction and spread of pests in Scotland, in particular *Clavibacter michiganensis* ssp. *sepedonicus* (Spieckerman and Kotthoff) Davis *et al.* and *Epitrix cucumeris* (Harris), *Epitrix similaris* (Gentner), *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner).

Citation and commencement

1. This Order may be cited as the Plant Health (Scotland) Amendment Order 2013 and comes into force on 9th February 2013.

Amendments to the Plant Health (Scotland) Order 2005

2. The Plant Health (Scotland) Order 2005(c) is amended in accordance with articles 3 and 4.

Substitution of article 19A

3. For article 19A (introduction of seed potatoes into Scotland)(d) substitute—

“Landing of potatoes in Scotland

19A.—(1) No person shall land potatoes to which this article applies unless that person has given written notification to an inspector at least forty eight hours prior to their intended landing.

(a) 1967 c.8. Sections 2(1) and 3(1) were amended by the European Communities Act 1972 (c.68) (“the 1972 Act”), section 4(1) and Schedule 4, paragraph 8 and further amended by S.I. 2011/1043. Section 3(4) was substituted by the Criminal Justice Act 1982 (c.48), section 42 and the Statute Law (Repeals) Act 1993 (c.50), section 1(1) and Schedule 1, Part XIV. There are other amendments which are not relevant to this Order. The functions of the Secretary of State, so far as exercisable within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) 1972 c.62.

(c) S.S.I. 2005/613, amended by S.S.I. 2006/474, 2007/415 and 498, 2008/300 and 350, 2009/153, 2010/206 and 342, S.I. 2011/1043, S.S.I. 2012/266 and 2012/326.

(d) Article 19A was inserted by S.S.I. 2008/300.

- (2) This article applies to—
- (a) seed potatoes grown outside Scotland; or
 - (b) potatoes, other than seed potatoes, grown in Poland, Portugal, Romania or Spain.
- (3) The notification shall contain—
- (a) the proposed time, date and means of landing;
 - (b) the proposed point of entry;
 - (c) the proposed destination and use;
 - (d) the variety;
 - (e) the quantity; and
 - (f) the producer’s identification number or the reference number of the lot.

(4) Where an inspector is satisfied that no notification has been given under paragraph (1) in relation to potatoes to which this article applies, the inspector may serve a notice requiring the person landing the potatoes to provide information about any of the matters specified in paragraph (3) within such period as is specified in the notice.”.

Amendment of Schedule 4

4. In Schedule 4 (restrictions on the landing in and movement within Scotland of relevant material), in Part B (relevant material, from another part of the European Union, which may only be landed in or moved within Scotland if special requirements are satisfied)—

- (a) in item 15 (tubers of *Solanum tuberosum* L.), in the third column, for “item 16” substitute “items 16 ,19a(a) and 19b”;
- (b) in item 19 (tubers of *Solanum tuberosum* L.), in the third column, for “There shall be evidence” substitute “Without prejudice to items 19a and 19b, there shall be evidence”; and
- (c) after item 19a insert—

“19b.	Tubers of <i>Solanum tuberosum</i> L. which originate in Poland, other than those mentioned in column 2 of items 16 to 18	Without prejudice to the requirements of items 19 and 19a, the tubers shall be accompanied by a certificate issued by the responsible official body in Poland confirming that they have been found to be free from <i>Clavibacter michiganensis</i> ssp. <i>sepedonicus</i> (Spieckerman and Kotthoff) Davis <i>et al.</i> in official laboratory tests.”.
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(a) Item 19a was inserted by S.S.I. 2012/266.

Revocations

5. The Potatoes Originating in Poland (Notification) (Scotland) Order 2004^(a), the Potatoes Originating in Poland (Notification) (Scotland) Amendment Order 2008^(b) and article 4(2) of the Plant Health (Scotland) Amendment Order 2008^(c) are revoked.

St Andrew's House,
Edinburgh
9th January 2013

RICHARD LOCHHEAD
A member of the Scottish Government

(a) S.S.I. 2004/255, amended by S.S.I. 2008/299.
(b) S.S.I. 2008/299.
(c) S.S.I. 2008/300.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Plant Health (Scotland) Order 2005 (“the principal Order”) and includes measures to prevent the introduction and spread of certain plant pests, in particular, *Clavibacter michiganensis* ssp. *sepedonicus* (Spieckerman and Kotthoff) Davis *et al.*, a cause of potato ring rot and *Epitrix cucumeris* (Harris), *Epitrix similaris* (Gentner), *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner), known commonly as potato flea beetles.

Article 3 replaces article 19A of the principal Order to require any person who intends to import certain potatoes into Scotland to give an authorised plant health inspector prior written notice of the import.

Article 4, amends Part B of Schedule 4 to the principal Order, to require certain potatoes which originate in Poland and are imported into Scotland to be accompanied by an official certificate confirming that the potatoes have been found to be free from *Clavibacter michiganensis* ssp. *sepedonicus* (Spieckerman and Kotthoff) Davis *et al.* in official laboratory tests.

Article 5 revokes the Potatoes Originating in Poland (Notification) (Scotland) Order 2004, the Potatoes Originating in Poland (Notification) (Scotland) Amendment Order 2008 and article 4(2) of the Plant Health (Scotland) Amendment Order 2008.

A business and regulatory impact assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from the Scottish Government Agriculture, Food and Rural Communities Directorate, Saughton House, Broomhouse Drive, Edinburgh EH11 3XD and online at www.legislation.gov.uk.

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£4.00

S201301101 01/2013 19585

<http://www.legislation.gov.uk/id/ssi/2013/5>

ISBN 978-0-11-101905-4



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