Changes to legislation: *The Plant Health (Great Britain) Amendment (Scotland) Order 2003 is up to date with all changes known to be in force on or before 12 February 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCOTTISH STATUTORY INSTRUMENTS

2003 No. 224

PLANT HEALTH

The Plant Health (Great Britain) Amendment (Scotland) Order 2003

Made - - - -	*28th March 2003*
Laid before the Scottish Parliament - - - -	*31st March 2003*
Coming into force - -	*1st April 2003*

The Scottish Ministers, in exercise of the powers conferred by sections 2 and 3(1) of the Plant Health Act 1967(**1**) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation, commencement and extent

1.—(1) This Order may be cited as the Plant Health (Great Britain) Amendment (Scotland) Order 2003 and shall come into force on 1st April 2003.

(2) This Order extends to Scotland only.

Commencement Information

I1 Art. 1 in force at 1.4.2003, see **art. 1(1)**

Amendment of the Plant Health (Great Britain) Order 1993

2.—(1) The Plant Health (Great Britain) Order 1993(**2**) is amended in accordance with paragraphs (2) to (21) below.

(2) In article 2(1) (interpretation)–

(a) for the definition of "Directive 2000/29/EC" there is substituted–

> ""Directive 2000/29/EC" means Council Directive 2000/29/EC(**3**) of 8th May 2000 on protective measures against the introduction into the Community

(**1**) 1967 c. 8. Sections 2(1) and 3(1) were amended by the European Communities Act 1972 (c. 68), section 4(1) and Schedule 4, paragraph 8. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(**2**) S.I.1993/1320; amended by S.I. 1993/3213, 1995/1358 and 2929, 1996/25, 1165 and 3242, 1997/1145 and 2907, 1998/349 and 1121, S.S.I. 1999/22, 2001/249 and 2002/164.

(**3**) O.J. No. L 169, 10.7.00, p.1.

of organisms harmful to plants or plant products and against their spread within the Community as amended by Commission Directive 2001/33/EC(**4**), by Commission Directive 2002/28/EC(**5**), by Commission Directive 2002/36/EC(**6**) and by Commission Directive 2003/22/EC(**7**);"; and

(b) after the definition of "reforwarding phytosanitary certificate" there is inserted–

""relevant International Standards for Phytosanitary Measures (ISPM)" means ISPM No. 4 "Requirements for the Establishment of Pest Free Areas" February 1996 and ISPM No. 10 "Requirements for the Establishment of Pest Free Places of Production and Pest Free Production Sites" October 1999(**8**), prepared by the Secretariat of the International Plant Protection Convention (IPPC) established by the Food and Agriculture Organisation of the United Nations;".

(3) In Schedule 1, Part A, Section 1(a) (insects, mites and nematodes, at all stages of their development)–

(a) after item 4 there is inserted–

"**4.1.** *Anoplophora glabripennis* (Motschulsky)"; and

(b) after item 16 there is inserted–

"**16.1.** *Naupactus leucoloma* Boheman".

(4) In Schedule 1, Part A, Section 2(a) (insects, mites and nematodes, at all stages of their development), items 4, 5 and 6 are omitted.

(5) In Schedule 1, Part B(a) (insects, mites and nematodes, at all stages of their development), after item 2 there is inserted–

"**3.** *Liriomyza bryoniae* (Kaltenbach)	IRL and UK (Northern Ireland)".

(6) In Schedule 1, Part B(d) (virus and virus-like organisms), for the entry in the second column opposite item 1 there is substituted–

"DK, F (Brittany), IRL, P (Azores), FI, S (with the exception of the District Council areas of Bromölla, Hässleholm, Kristianstad and Östra Göinge in the county of Skåne), UK (Northern Ireland)".

(7) In Schedule 2, Part A, Section 1(c) (fungi), after item 1 there is inserted–

"**1.1.** *Anisogramma anomala* (Peck) Müller	E. Plants of Corylus L., intended for planting, other than seeds, originating in Canada and the United States of America".

(8) In Schedule 2, Part A, Section 2(a) (insects, mites and nematodes, at all stages of their development), after item 7 there is inserted–

"**8.** Liriomyza huidobrensis (Blanchard)	Cut flowers, leafy vegetables of Apium graveolens L., and plants of herbaceous species, intended for planting, other than: — bulbs,

(**4**) O.J. No. L 127, 9.5.01, p.42; and see the associated Commission Directive 2001/32/EC, O.J. No. L 127, 9.5.01, p.38.
(**5**) O.J. No. L 77, 20.3.02, p.23; and see the associated Commission Directive 2002/29/EC, O.J. No. L 77, 20.3.02, p.26.
(**6**) O.J. No. L 116, 3.5.02, p.16.
(**7**) O.J. No. L 78, 25.3.03, p.10.
(**8**) Available from IPPC Secretariat, AGPP-FAO, Viale Delle Terme di Caracalla, 00100 Rome, Italy and http://www.ippc.int/IPP/En/default.htm

	— corms, — plants of the family Gramineae, — rhizomes, — seeds
9. Liriomyza trifolii (Burgess)	Cut flowers, leafy vegetables of Apium graveolens L., and plants of herbaceous species, intended for planting, other than: — bulbs, — corms, — plants of the family Gramineae, — rhizomes, — seeds".

(9) In Schedule 2, Part B(a) (insects, mites and nematodes, at all stages of their development), for the entry in the third column opposite item 5(**9**) there is substituted–

"Portugal (Azores)".

(10) In Schedule 2, Part B(b) (bacteria), for the entry in the third column opposite item 2(**10**) there is substituted–

"E, F (Corsica), IRL, I (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlí-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Tuscany; Trentino-Alto Adige: autonomous provinces of Bolzano and Trento; Umbria; Valle d'Aosta; Veneto: except in the province of Rovigo the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine, Trecenta, Ceneselli, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova del Ghebbo, Fiesso Umbertiano, Castelguglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusia, Pincara, Stienta, Gaiba, Salara, and in the province of Padova the communes Castelbaldo, Barbona, Piacenza d'Adige, Vescovana, S. Urbano, Boara Pisani, Masi, and in the province of Verona the communes Palù, Roverchiara, Legnago, Castagnaro, Ronco all'Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), and for A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, FI, UK (Northern Ireland, Isle of Man and Channel Islands)".

(11) In Schedule 3, Part B (plants, plant products and other objects the introduction of which shall be prohibited in certain protected zones), for the entry in the second column opposite item 1(**11**) there is substituted–

"E, F (Corsica), IRL, I (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlí-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Tuscany; Trentino-Alto Adige: autonomous provinces of Bolzano and Trento; Umbria; Valle d'Aosta; Veneto: except in the province of Rovigo the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine,Trecenta, Ceneselli, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova del Ghebbo, Fiesso Umbertiano, Castelguglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusia, Pincara, Stienta, Gaiba, Salara, and in the province of Padova the communes Castelbaldo, Barbona, Piacenza d'Adige, Vescovana, S. Urbano, Boara Pisani, Masi, and in the province of Verona the communes Palù, Roverchiara, Legnago, Castagnaro, Ronco all'Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari),

(**9**) The entry in the third column of item 5 was substituted by S.S.I. 2001/49, article 7.
(**10**) The entry in the third column of item 2 was substituted by S.S.I. 2002/164, article 5.
(**11**) The entry in the third column of item 1 was substituted by S.S.I. 2002/164, article 6.

and for A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, FI, UK (Northern Ireland, Isle of Man and Channel Islands)".

(12) In Schedule 4, Part A, Section 1 (plants, plant products and other objects originating outside the Community)–

(a) after item 11.2 there is inserted–

"**11.3.** Plants of *Corylus* L., intended for planting, other than seeds, originating in Canada and the United States of America	Official statement that the plants have been grown in nurseries and: (a) originate in an area, established in the country of export by the national plant protection service in that country, as being free from *Anisogramma anomala* (Peck) E. Müller, in accordance with relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC under the rubric "Additional declaration", or (b) originate in a place of production, established in the country of export by the national plant protection service in that country, as being free from *Anisogramma anomala* (Peck) E. Müller on official inspections carried out at the place of production or its immediate vicinity since the beginning of the last three complete cycles of vegetation, in accordance with relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC under the rubric "Additional declaration" and declared free from *Anisogramma anomala* (Peck) E. Müller";

(b) for items 32.1, 32.2 and 32.3 there is substituted–

"**32.1.** Plants of herbaceous species, intended for planting, other than: — bulbs, — corms — plants of the family Gramineae, — rhizomes, — seeds, — tubers, originating in third countries where *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch) are known to occur	Without prejudice to the requirements applicable to the plants in Schedule 4A1(27.1), (27.2), (28) and (29), where appropriate, official statement that the plants have been grown in nurseries and: (a) originate in an area, established in the country of export by the national plant protection service in that country, as being free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa*(Malloch) in accordance with relevant International Standards for

	Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC under the rubric "Additional declaration", or (b) originate in a place of production, established in the country of export by the national plant protection service in that country, as being free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch) in accordance with relevant International Standards for Phytosanitary Measures, and which is mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC under the rubric "Additional declaration", and declared free from *Liriomyza sativae* Blanchard) and *Amauromyza maculosa* (Malloch) on official inspections carried out at least monthly during the three months prior to export, or (c) immediately prior to export, have been subjected to an appropriate treatment against *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch) and have been officially inspected and found free from *Liriomyza sativae* Blanchard) and *Amauromyza maculosa* (Malloch). Details of the treatment shall be mentioned on the certificates referred to in Articles 7 or 8 of Directive 2000/29/EC
32.2. Cut flowers of *Dendranthema* (DC) Des. Moul., *Dianthus* L., *Gypsophila* L., and *Solidago* L., and leafy vegetables of *Apium graveolens* L., and *Ocimum* L.	Official statement that the cut flowers and the leafy vegetables: — originate in a country free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch), or — immediately prior to their export, have been officially inspected and found free from *Liriomyza sativae* (Blanchard) and *Amauromyza maculosa* (Malloch)
32.3. Plants of herbaceous species, intended for planting, other than: — bulbs, — corms, — plants of the family Gramineae, — rhizomes, — seeds, — tubers, originating in third countries	Without prejudice to the requirements applicable to the plants in Schedule 4A1(27.1), (27.2), (28), (29) and (32.1), official statement that: (a) the plants originate in an area known to be free from *Liriomyza huidbrensis* (Blanchard) and *Liriomyza trifolii* (Burgess), or (b) either no signs of *Liriomyza huidobrensis* (Blanchard) and