

Statutory Instrument 1996 No. 25

The Plant Health (Great Britain) (Amendment) Order 1996

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STATUTORY INSTRUMENTS

1996No. 25

PLANT HEALTH

The Plant Health (Great Britain) (Amendment) Order 1996

<i>Made</i>	<i>10th January 1996</i>
<i>Laid before Parliament</i>	<i>11th January 1996</i>
<i>Coming into force</i>	<i>1st February 1996</i>

The Minister of Agriculture, Fisheries and Food in relation to England, the Secretary of State for Scotland in relation to Scotland and the Secretary of State for Wales in relation to Wales, in exercise of the powers conferred on them by sections 2, 3 and 4(1) of the Plant Health Act 1967^[1] and now vested in them^[2] and of all other powers enabling them in that behalf, hereby make the following Order:—

Title and commencement

1. This Order may be cited as the Plant Health (Great Britain) (Amendment) Order 1996 and shall come into force on 1st February 1996.

Amendment of the Plant Health (Great Britain) Order 1993

2. The Plant Health (Great Britain) Order 1993^[3] shall be amended in accordance with the provisions of articles 3 to 10 below.

3. In article 2(1) (interpretation) after the definition of "Directive 77/93/EEC" there shall be added the following definition—

""Directive 95/44/EC" means Commission Directive 95/44/EC^[4] establishing the conditions under which certain harmful organisms, plants, plant products and other objects listed in Annexes I to V to Council Directive 77/93/EEC may be introduced into or moved within the Community or certain protected zones thereof, for trial or scientific purposes and for work on varietal selections;"

4. After article 30 there shall be added the following new article—

"Licences for trial or scientific purposes and for work on varietal selections

30A.—(1) On receipt of an application containing the information set out in article 1(2) of Directive 95/44/EC and on being satisfied that the general conditions set out in Annex I to Directive 95/44/EC are fulfilled, the appropriate Minister shall by licence authorise the importation, movement or keeping of any plant pest, plant, plant product or other object for activities for trial or scientific purposes or for work on varietal selections where such importation, movement or keeping would otherwise be prohibited by this Order, and it shall not be an offence to import, move or keep anything under the authority of such a licence.

(2) A licence granted under paragraph (1) above shall be subject to—

- (a) the conditions laid down in article 2(2) of Directive 95/44/EC to the extent that they are relevant to any plant pest, plant, plant product or other object that is the subject of the activities to which the licence relates;
- (b) such conditions specifying quarantine measures under paragraph 2(a) of Annex I to Directive 95/44/EC as the appropriate Minister may determine;
- (c) such conditions specifying further quarantine measures under paragraph 2(b) of Annex I to Directive 95/44/EC as the appropriate Minister may determine; and
- (d) in respect of a plant pest which is not listed in this Order, such additional conditions as the appropriate Minister may specify.

(3) At the conclusion of any activities to which a licence granted under paragraph (1) above relates the licensee shall—

- (a) subject to paragraph (4) below, destroy or sterilise any plant pest, plant, plant product or other object that was the subject of the activities and any other plant, plant product or other object which has come into contact with or which may have been contaminated by any such plant pest, plant, plant product or other object; and
- (b) sterilise, or clean in such other manner as may be specified by an inspector, the premises and facilities at which the activities were undertaken.

(4) An inspector may authorise the licensee to refrain from destroying any plant, plant product or other object under paragraph (3)(a) above if he is satisfied that it has been subjected to appropriate quarantine measures and that it has been found by testing in such manner as may be specified by an inspector to be free from plant pests listed in this Order

and from other plant pests considered by the inspector issuing the authority to pose a risk.

(5) For the purposes of paragraph (2) above, references to the responsible official body in article 2(2) of, and Annex I to, Directive 95/44/EC shall be taken to refer to the appropriate Minister.

(6) In paragraph (4) above "appropriate quarantine measures" means

- (a) in relation to plants for which quarantine measures are specified in Part A of Annex III to Directive 95/44/EC, those measures; and
- (b) in relation to other plants and to plant products and other objects, such quarantine measures as may be specified by an inspector." .

5. In Schedule 2, Part B, section (d), for the entry in the second column there shall be substituted the following—

"Fruits of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf. and their hybrids, with leaves and peduncles" .

6. In Schedule 4, Part A, section 2, item number 31.2 shall be deleted.

7. In Schedule 4, Part B, for item number 31 there shall be substituted the following—

31.	Fruits of <i>Citrus</i> L., <i>Fortunella</i> Swingle, <i>Poncirus</i> Raf. and their hybrids originating in E and F (except Corsica)	Without prejudice to the requirements applicable to the fruit in Schedule 4A2 (31.1): " (a) the fruits shall be free from leaves and peduncles, or (b) in the case of fruits with leaves or peduncles, official statement that the fruits are packed in closed containers which have been officially sealed and shall remain sealed during their transport through a protected zone, recognised for these fruits, and shall bear a distinguishing mark to be reported on the passport	EL, F (Corsica), I, P
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8. In Schedule 5, Part AI, for item number 1.6 there shall be substituted the following—

"Fruits of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf. and their hybrids, with leaves and peduncles" .

9. In Schedule 8, section (d), for the entry in the second column opposite item number 4 there shall be substituted the following—

"Citrus tristeza virus (European isolates) harmful to fruits of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf. and their hybrids, with leaves and

peduncles" .

10. In Schedule 16 there shall be inserted at the end of the following—

Commission Directive 95/44/EC	OJ No. L184, 3.8.95, p.34.
Commission Directive 95/65/EC	OJ No. L308, 21.12.95, p.75.
Commission Directive 95/66/EC	OJ No. L308, 21.12.95, p.77.

Tim Boswell

Parliamentary Secretary, Ministry of Agriculture, Fisheries and Food

10th January 1996

Lindsay

Parliamentary Under Secretary of State, Scottish Office

8th January 1996

Signed by authority of the Secretary of State for Wales

Gwilym Jones

Parliamentary Under Secretary of State, Welsh Office

9th January 1996

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Plant Health (Great Britain) Order 1993 to provide for the granting of licences by Ministers in accordance with the requirements of Commission Directive 95/44/EC establishing the conditions under which certain harmful organisms, plants, plant products and other objects listed in Annexes I to V to Council Directive 77/93/EEC may be introduced into or moved within the Community or certain protected zones thereof, for trial or scientific purposes and for work on varietal selections (OJ No. L184, 3.8.95, p.34).

The Order also implements Commission Directive 95/65/EC amending Directive 92/76/EEC recognising protected zones exposed to particular plant health risks in the Community (OJ No. L308, 21.12.95, p.75) and Commission Directive 95/66/EC amending certain Annexes to Council Directive 77/93/EEC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ No. L308, 21.12.95, p.77).

The Order—

- (a) provides for the granting of licences authorising the importation, movement and keeping of material that would otherwise be prohibited and controls the use of such material (article 4); and
- (b) extends the range of citrus fruits that may, subject to certain conditions, circulate in the Community with leaves and peduncles (articles 5 to 9).

A Compliance Cost Assessment based on licensing in England and Wales, which accounts for the bulk of licensing income in Great Britain, has been placed in the

Notes:

[1] 1967 c. 8; sections 2(1) and 3(1) and (2) were amended by the European Communities Act 1972 (c. 68), section 4(1) and Schedule 4, paragraph 8; section 3(4) was substituted by section 42 of the Criminal Justice Act 1982 (c. 48). back

[2] In the case of the Secretary of State for Wales by virtue of S.I. 1978/272. back

[3] S.I. 1993/1320, amended by S.I. 1993/3213, 1995/1358, 2929. back

[4] OJ No. L184, 3.8.95, p.34. back

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