

Statutory Instrument 1996 No. 3242

The Plant Health (Great Britain) (Amendment) (No. 3) Order 1996

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STATUTORY INSTRUMENTS

1996No. 3242

PLANT HEALTH

The Plant Health (Great Britain) (Amendment) (No. 3) Order 1996

Made 20th December 1996

Laid before Parliament 30th December 1996

Coming into force 1st January 1997

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 and 3 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) (No. 3) Order 1996 and shall come into force on 1st January 1997.

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 6 below.

3. In Schedule 1, Part A, Section 1(c), after item 15 there shall be inserted the following—

"15.1 *Tilletia indica* Mitra."

4. In Schedule 4, Part A, Section 1, after item 52 there shall be inserted the following—

<p>"53. Seeds of the genera <i>Triticum</i>, <i>Secale</i> and <i>X Triticosecale</i> from Afghanistan, India, Iraq, Mexico, Nepal, Pakistan and the USA where <i>Tilletia indica</i> Mitra is known to occur.</p>	<p>Official statement that the seeds originate in an area where <i>Tilletia indica</i> Mitra is known not to occur. The name of the area shall be mentioned on the phytosanitary certificate.</p>
<p>54. Grain of the genera <i>Triticum</i>, <i>Secale</i> and <i>X Triticosecale</i> from Afghanistan, India, Iraq, Mexico, Nepal, Pakistan and the USA where <i>Tilletia indica</i> Mitra is known to occur.</p>	<p>Official statement that either: (i) the grain originates in an area where <i>Tilletia indica</i> Mitra is known not to occur, the name of the area or areas being mentioned on the phytosanitary certificate under the rubric "place of origin", or (ii) no symptoms of <i>Tilletia indica</i> Mitra have been observed on the plants at the place of production during their last complete cycle of vegetation and representative samples of the grain have been taken both at the time of harvest and before shipment and have been tested and found free from <i>Tilletia indica</i> Mitra in these tests, the latter shall be mentioned on the phytosanitary certificate, in the rubric "name of produce", as "tested and found free from <i>Tilletia indica</i> Mitra".</p>

5. In Schedule 5, Part B, Section I—

(a) in point 1 after the word "Uruguay," there shall be inserted the following—

"genera *Triticum*, *Secale* and *X Triticosecale* from Afghanistan, India, Iraq, Mexico, Nepal, Pakistan and the USA," ; and

(b) after point 7 there shall be inserted the following—

"8. Grain of the genera *Triticum*, *Secale* and *X Triticosecale*

originating in Afghanistan, India, Iraq, Mexico, Nepal, Pakistan and the USA."

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

Commission Directive 96/78/EC	OJ No. L321, 12.12.96, p.20.
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Tim Boswell

Parliamentary Secretary, Ministry of Agriculture, Fisheries and Food

18th December 1996

Lindsay

Parliamentary Under Secretary of State, Scottish Office

20th December 1996

Signed by authority of the Secretary of State for Wales

Jonathan Evans

Parliamentary Under Secretary of State, Welsh Office

19th December 1996

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Plant Health (Great Britain) Order 1993 so as to implement Commission Directive 96/78/EC (OJ No. L321, 12.12.96, p.20) 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.

The Order, which comes into force on 1st January 1997, amends Schedules 1, 4 and 5 of the Plant Health (Great Britain) Order to introduce controls against the plant pest *Tilletia indica* Mitra in relation to imports of wheat and rye into the Community from specified countries (articles 3 to 5).

It also makes a consequential amendment to Schedule 16, to include a reference to Commission Directive 96/78/EC in the list of instruments which have amended Council Directive 77/93/EEC (article 6).

ISBN 0 11 063555 8

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, 1995/2929, 1996/25 and 1996/1165. [back](#)

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Prepared 20th September 2000