

Statutory Instrument 2002 No. 295

The Plant Health (Forestry) (Great Britain) (Amendment) Order 2002

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STATUTORY INSTRUMENTS

2002 No. 295

PLANT HEALTH

The Plant Health (Forestry) (Great Britain) (Amendment) Order 2002

<i>Made</i>	<i>12th February 2002</i>
<i>Laid before Parliament</i>	<i>12th February 2002</i>
<i>Coming into force</i>	<i>5th March 2002</i>

The Forestry Commissioners in exercise of the powers conferred on them by sections 2 and 3(1) to (4) of the Plant Health Act 1967^[1] as read with section 20 of the Agriculture (Miscellaneous Provisions) Act 1972^[2], hereby make the following Order:

Title and commencement

1. This Order may be cited as the Plant Health (Forestry) (Great Britain) (Amendment) Order 2002 and shall come into force on 5th March 2002.

Amendment of the Plant Health (Forestry) (Great Britain) Order 1993

2. - (1) The Plant Health (Forestry) (Great Britain) Order 1993^[3] ("the Order") shall be amended in accordance with this article.

(2) In article 2(1) of the Order -

(a) for the definition of ";Directive 77/93/EEC"[4] there shall be substituted the following text:

" 'Directive 2000/29/EC' means Council Directive 2000/29/EC[5] of 8th 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 as amended by Commission Directive 2001/33/EC[6] of 8th May 2001 amending certain annexes to Council Directive 2000/29/EC;" and

(b) in the definition of "protected zone", for "Directive 77/93/EEC" in sub-paragraph (a) there shall be substituted "Directive 2000/29/EC", and for "Article 16a of Directive 77/93/EEC" there shall be substituted "Article 18 of Directive 2000/29/EC".

(3) In article 28 of the Order, for "Directive 77/93/EEC" there shall be substituted "Directive 2000/29/EC".

(4) In Schedule 5 (Restrictions on consignments of relevant material to member States), Part B, items 7, 15 and 23 shall be deleted.

(5) For Schedule 6 (Description of the *Dendroctonus micans* protected zone) there shall be substituted the text in the Schedule to this Order.

(6) Schedule 7 (Meaning of "Directive 77/93/EEC", Instruments amending Council Directive 77/93/EEC) shall be deleted.

In witness whereof the Official Seal of the Forestry Commissioners is hereunto affixed on

12th February 2002.

L.S.

Frank Strang
Secretary to the Forestry Commissioners

SCHEDULE

Article 2(5)

" SCHEDULE 6

Article 2(1)

DESCRIPTION OF THE *DENDROCTONUS MICANS* PROTECTED ZONE

The *Dendroctonus micans* protected zone comprises the areas set out in paragraphs 1, 2 and 3 below.

1. Scotland

2. The following counties, districts and unitary authorities of England:

Barnsley	Kent	Reading
Bath and North East Somerset	Kingston Upon Hull	Redcar and Cleveland
Bedfordshire	Kirklees	Rotherham
Bournemouth	Leeds	Rutland
Bracknell Forest	Leicester City	Sheffield
Bradford	Lincolnshire	Slough
Bristol	Luton	Somerset
Brighton and Hove	Medway Council	Southend
Buckinghamshire	Middlesbrough	Southampton
Calderdale	Milton Keynes	South Tyneside
Cambridgeshire	Newbury	Stockton-on-Tees
Cornwall	Newcastle Upon Tyne	Suffolk
Cumbria	Norfolk	Sunderland
Darlington	Northamptonshire	Surrey
Devon	Northumberland	Swindon
Doncaster	North Lincolnshire	Thurrock
Dorset	North East Lincolnshire	Torbay
Durham	North Tyneside	Wakefield
East Riding of Yorkshire	North West Somerset	West Sussex
East Sussex	Nottingham City	Windsor and Maidenhead
Essex	Nottinghamshire	Wokingham
Gateshead	Oxfordshire	York
Greater London	Peterborough	The Isle of Wight
Hampshire	Plymouth	The Isles of Scilly
Hartlepool	Poole	
Hertfordshire	Portsmouth	

3. The following parts of counties, districts and unitary authorities in England -

(a) Derby City: that part of the unitary authority which lies to the north of the northern boundary of the A52(T) road together with that part of the unitary authority which lies to the north of the northern boundary of the A6(T) road;

(b) Derbyshire: that part of the county which lies to the north of the northern boundary of the A52(T) road, and that part of the county which lies to the north of the northern boundary of the A6(T) road;

(c) Gloucestershire: that part of the county which lies to the east of the eastern boundary of the Fosse Way Roman road;

(d) Leicestershire: that part of the county which lies to the east of the eastern boundary of the Fosse Way Roman road, together with that part of the county which lies to the east of the eastern boundary of the B4114 road, and that part of the county which lies to the east of the eastern boundary of the M1 motorway;

(e) North Yorkshire: the whole county, except that part of the county which comprises the district of Craven;

(f) South Gloucestershire; that part of the unitary authority which lies to the south of the southern boundary of the M4 motorway;

(g) Staffordshire: that part of the county which lies to the east of the eastern boundary of the A52(T) road and that part of the county which lies to the east of the eastern boundary of the A523 road;

(h) Warwickshire: that part of the county which lies to the east of the eastern boundary of the Fosse Way Roman road; and

(i) Wiltshire: that part of the county which lies to the south of the southern boundary of the M4 motorway, and that part of the county which lies to the east of the eastern boundary of the Fosse Way Roman road."

EXPLANATORY NOTE

(This note is not part of the Order)

This Order implements certain measures required by Council Directives 2001/32/EC and 2001/33/EC both of 8th May 2001 (OJ No. L127, 9.5.2001, p. 38 and OJ No. L127, 9.5.2001, p. 42 respectively) by amending the Plant Health (Forestry) (Great Britain) Order 1993 (SI 1993/1283) ("the Order"). The first Directive amends the protected zones established under the principal Plant Health Directive, Council Directive 2000/29/EC (OJ No. L169, 10.7.2000, p. 1) and the latter provides for consequential amendments to certain Annexes of that Directive.

The Order is amended to remove the protected zone in respect of the pest *Pissodes* spp. (European) which is present in Great Britain and which has now spread to Northern Ireland and Ireland (article 2(4)), and to modify the protected zone within England in respect of the pest *Dendroctonus micans*, (article 2(5)).

Amendments are also made to update the references to the principal Plant Health Directive, Council Directive 2000/29/EC, having replaced the previous Directive 77/93/EEC (OJ No. L26, 31.1.77, p. 20) (articles 2(2), (3) and (6)).

No Regulatory Appraisal has been prepared in respect of this Order.

Notes:

[1] 1967 c. 8; section 2 and paragraphs (1) and (2) of section 3 were amended by the European Communities Act 1972 (c. 68), Schedule 4, paragraph 8; section 3(4) was substituted by section 42 of the Criminal Justice Act 1982 (c. 48). Section 1(2) of the Plant Health Act 1967 defines "competent authorities" for the purposes of the Act.[back](#)

[2] 1972 c. 62.[back](#)

[3] S.I. 1993/1283, amended by S.I. 1994/3094, 1995/1989, 1996/751, 1998/2206 and 3109 and 2001/2995.[back](#)

[4] OJ No. L26, 31.1.77, p. 20.[back](#)

[5] OJ No. L169, 10.7.00.[back](#)

[6] OJ No. L127, 9.5.01, p. 42; and see the associated Commission Directive 2001/32/EC of 8th May 2001 (OJ No. L127, 9.5.01, p. 38) recognising protected zones exposed to particular plant health risks in the Community and repealing Directive 92/76/EEC.[back](#)

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