

# Statutory Instrument 2002 No. 1067

## The Plant Health (England) (Amendment) Order 2002

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### STATUTORY INSTRUMENTS

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## 2002 No. 1067

### PLANT HEALTH, ENGLAND

#### The Plant Health (England) (Amendment) Order 2002

<i>Made</i>	<i>15th April 2002</i>
<i>Laid before Parliament</i>	<i>15th April 2002</i>
<i>Coming into force</i>	<i>6th May 2002</i>

The Secretary of State, in relation to England, in exercise of the powers conferred on her by sections 2, 3(1) to (4) and 4(1) of the Plant Health Act 1967[1] as read with section 20 of the Agriculture (Miscellaneous Provisions) Act 1972[2] hereby makes the following Order:

#### **Title, extent and commencement**

1. This Order may be cited as the Plant Health (England) (Amendment) Order 2002, shall extend to England, and come into force on 6th May 2002.

#### **Amendment of the Plant Health (Great Britain) Order 1993**

2. - (1) The Plant Health (Great Britain) Order 1993[3] shall be amended in accordance with paragraphs (2) to (7) below.

(2) In article 2(1) for the definition of "Directive 2000/29/EC" there shall be substituted the following text:

" 'Directive 2000/29/EC' means Council Directive 2000/29/EC[4] 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[5] of 8th May 2001 amending certain annexes to Council Directive 2000/29/EC and by Commission Directive 2002/28/EC[6] of 19th March 2002 amending certain annexes to Council Directive 2000/29/EC;"

(3) In Schedule 1, Part B (d) (Virus and Virus-Like Organisms) at item 1 in the second column, after "UK" shall be added "(Northern Ireland)".

(4) In Schedule 2, Part B (b) (Bacteria), at item 2 for the text in the third column there shall be substituted the following:

" E, F (Corsica), IRL, I (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlì-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, Castलगuglielmo, 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 of Palù, Roverchiara, Legnago (the portion of the communal territory situated to the north east of the Transpolesana national road), Castagnaro, Ronco all'Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, FI, UK (Northern Ireland, Isle of Man and Channel Islands)".

(5) In Schedule 3, Part B, at item 1 for the text in the second column there shall be substituted:

" E, F (Corsica), IRL, I (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlì-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, Castलगuglielmo, 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 of Palù, Roverchiara, Legnago (the portion of the communal territory situated to the north east of the Transpolesana national road), Castagnaro, Ronco all'Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, FI, UK (Northern Ireland, Isle of Man and Channel Islands)".

(6) In Schedule 4, Part B the following amendments shall be made:

(a) in items 20.1 and 20.2 after "UK" shall be added "(Northern Ireland)";

(b) in item 21 -

(i) for the text in the second column after "(a) the plants originate in the protected zones" and in the third column respectively there shall be substituted the following text:

" E, F (Corsica), IRL, I (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlì-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 Umbertino, Castalguglielmo, 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 of Palù, Roverchiara, Legnago (the portion of the communal territory situated to the north east of the Transpolesana national road), Castagnaro, Ronco all'Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, FI, UK (Northern Ireland, Isle of Man and Channel Islands)"; and

(ii) in the second column, after the text at paragraph (a) and before paragraph (b) shall be added the word "or"; and

(c) in items 22, 23, 25.1, 25.2, 26, 27.1, 27.2 and 30 after "UK" shall be added "(Northern Ireland)".

(7) In Schedule 8 -

(a) under paragraph (b) (Bacteria), item 2 (*Erwinia amylovora* (Burr.) Winsl. et al), for the text in the second column there shall be substituted the following:

" Spain, France (Corsica), Ireland, Italy (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlì-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 Umbertino, Castalguglielmo, 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 of Palù, Roverchiara, Legnago (the portion of the communal territory situated to the north east of the Transpolesana national road), Castagnaro, Ronco all'Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), Austria (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), Portugal, Finland, United Kingdom (Northern Ireland, Isle of Man and Channel Islands)"; and

(b) under paragraph (d) (Viruses and Virus-like Organisms) -

(i) at item 1 (Beet necrotic yellow vein virus), in the second column after "United Kingdom" shall be added "(Northern Ireland)"; and

(ii) at item 4 (Citrus tristeza virus (European isolates)), the words "harmful to fruit of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf. and their hybrids, with leaves and peduncles" shall be deleted.

*Whitty*

Parliamentary Under Secretary, Department for Environment, Food and Rural Affairs

15th April 2002

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Plant Health (Great Britain) Order 1993 ("the principal Order") so as to implement certain elements of Commission Directives 2002/29/EC (OJ No. L 77, 20.3.02, p. 26) and 2002/28/EC (OJ No. L 77, 20.3.02, p. 23) in England which are not implemented in other legislation. Directive 2002/29/EC amends the protected zones established under Council Directive 2000/29/EC (OJ No. L169, 10.7.00, p.1) ("the principal Plant Health Directive") and scheduled in the Annex to Commission Directive 2001/32/EC (OJ No. L127, 9.5.01, p. 38). Directive 2002/28/EC provides for consequential amendments to certain Annexes of the principal Plant Health Directive.

The amendments in this Order implementing Directive 2002/28/EC are at article 2(3) to 2(6) inclusive. Directive 2002/29/EC is implemented by article 2(7), which amends Schedule 8 to the principal Order. The principal changes to the protected zones are removal of Great Britain from the protected zone in respect of *Beet necrotic yellow vein virus* (known as rhizomania) (article 2(3), (6)(a) and (c) and (7)(b)(i)), and re-definition of the Italian and Austrian protected zones in respect of the bacterium *Erwinia amylovora* (Burr.) Winsl. et al (known as fireblight) (article 2(4), (5), (6)(b) and (7)(a)). An amendment is made to the description of *Citrus tristeza virus* in Schedule 8 (article 2(7)(b)(ii)).

An additional amendment is made to the definition of Council Directive 2000/29/EC in article 2(1) of the principal Order so as to incorporate amendments made to it by Commission Directive 2002/28/EC (article 2(2)).

A regulatory impact assessment of the changes to the protected zone in respect of *Beet necrotic yellow vein virus* is available from Plant Health Division, DEFRA, Foss House, King's Pool, Peasholme Green, York YO1 7PX.

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*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); under the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272), article 2(1) and Schedule 1, the functions of the Minister of Agriculture, Fisheries and Food under the Plant Health Act 1967 were, so far as they are exercisable in relation to Wales, transferred to the Secretary of State; and under article 2(a) and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999/672) these functions, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales. Under article 2(1) and (2) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (SI 2002/794), the functions of the Minister of Agriculture, Fisheries and Food under the Plant Health Act 1967 as regards England were transferred to the Secretary of State with effect from the 27th March 2002.[back](#)

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

[3] 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, 1121 and 2245, 1999/2126 and 2726, and 2001/2342.[back](#)

[4] OJ No. L 169, 10.7.00, p.1.[back](#)

[5] OJ No. L 127, 9.5.01, p.42; and see the associated Commission Directive 2001/32/EC, OJ No. L 127, 9.5.01, p.38.[back](#)

[6] OJ No. L 77, 20.3.02, p.23; and see the associated Commission Directive 2002/29/EC, OJ No. L 77, 20.3.02, p.26.[back](#)

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