

2007 No. 3450

PLANT HEALTH

The Plant Health (Forestry) (*Phytophthora ramorum*) (Great Britain) (Amendment) Order 2007

Made	- - - -	6th December 2007
Laid before Parliament		10th December 2007
Coming into force	- -	31st December 2007

The Forestry Commissioners make the following Order in exercise of the powers conferred by sections 2 and 3(1), (2), (3) and (4) of the Plant Health Act 1967(a):

Title and commencement

1. This Order may be cited as the Plant Health (Forestry) (*Phytophthora ramorum*) (Great Britain) (Amendment) Order 2007 and comes into force on 31st December 2007.

Amendments to the Plant Health (Forestry) (*Phytophthora ramorum*) (Great Britain) Order 2004

2.—(1) The Plant Health (Forestry) (*Phytophthora ramorum*) (Great Britain) Order 2004(b) is amended as follows.

(2) In article 2 (interpretation), in the definition of “susceptible bark”, replace the words after “*Acer macrophyllum* Pursh.,” with “*Aesculus californica* (Spach) Nutt., *Lithocarpus densiflorus* (Hook. & Arn.) Rehd., *Quercus* spp. L. and *Taxus brevifolia* Nutt.”.

(3) In article 13 (offences)—

(a) for sub-paragraph (a) of paragraph (1) substitute—

“(a) subject to paragraph (1A), he contravenes or fails to comply with article 3, 4, 5(1) or 9(1);”;

(b) after paragraph (1), insert—

“(1A) Paragraph (1)(a) shall not apply where an article of any description is landed in Great Britain in contravention of a prohibition in this Order.”(c).

(4) In the Schedule, for the first column substitute—

“I. Susceptible material, other than susceptible wood and susceptible bark
Acer macrophyllum Pursh.

(a) 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). Section 1(2) of the Plant Health Act 1967 defines “competent authorities” for the purposes of the Act.

(b) S.I. 2004/3213.

(c) Sections 49 and 50 of the Customs and Excise Management Act 1979 (c.2) provide respectively for forfeiture of goods improperly imported and penalties for improper importation of goods.

Acer pseudoplatanus L.
Adiantum aleuticum (Rupr.) Paris
Adiantum jordanii C. Muell.
Aesculus californica (Spach) Nutt.
Aesculus hippocastanum L.
Arbutus menziesii Pursch.
Arbutus unedo L.
Arctostaphylos spp. Adans
Calluna vulgaris (L.) Hull
Castanea sativa Mill.
Fagus sylvatica L.
Frangula californica (Eschsch.) Gray
Frangula purshiana (DC.) Cooper
Fraxinus excelsior L.
Griselinia littoralis (Raoul)
Hamamelis virginiana L.
Heteromeles arbutifolia (Lindley) M. Roemer
Kalmia latifolia L.
Laurus nobilis L.
Leucothoe spp. D. Don
Lithocarpus densiflorus (Hook. & Arn.) Rehd.
Lonicera hispidula (Lindl.) Dougl. ex Torr. & Gray
Magnolia spp. L.
Michelia doltsopa Buch.-Ham. ex DC
Nothofagus obliqua (Mirbel) Blume
Osmanthus heterophyllus (G. Don) P. S. Green
Parrotia persica (DC) C.A. Meyer
Photinia x fraseri Dress
Pieris spp. D. Don
Pseudotsuga menziesii (Mirbel) Franco
Quercus spp. L.
Rosa gymnocarpa Nutt.
Salix caprea L.
Sequoia sempervirens (Lamb. ex D. Don) Endl.
Syringa vulgaris L.
Taxus spp. L.
Trientalis latifolia (Hook)
Umbellularia californica (Hook. & Arn.) Nutt
Vaccinium ovatum Pursh

II. Susceptible wood

a. Wood of—

Acer macrophyllum Pursh.
Aesculus californica (Spach) Nutt.
Lithocarpus densiflorus (Hook. & Arn.) Rehd.
Taxus breviflora Nutt.

b. Wood of *Quercus* spp. L.”.

The Official Seal of the Forestry Commissioners

6th December 2007

Wilma Harper
Secretary to the Forestry Commissioners

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Plant Health (Forestry) (*Phytophthora ramorum*) (Great Britain) Order 2004 (S.I. 2004/3213) (“the Order”) so as to implement Commission Decision 2007/201/EC amending Decision 2002/757/EC on provisional emergency phytosanitary measures to prevent the introduction into and the spread within the Community of *Phytophthora ramorum* Werres, De Cock & Man in ‘t Veld sp.nov (O.J. No. L 90, 30.3.2007, p. 83). The principal change is to amend the description of susceptible material to which the Order applies (article 2(2) and (4)).

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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