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STATUTORY INSTRUMENTS

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**2014 No. 979**

**PLANT HEALTH, ENGLAND**

**The Plant Health (England) (Amendment) Order 2014**

*Made* - - - - *7th April 2014*

*Laid before Parliament* *14th April 2014*

*Coming into force in accordance with article 1(2)*

The Secretary of State, in whom the powers conferred by sections 2 and 3(1) of the Plant Health Act 1967(1) are now vested(2), makes the following Order in exercise of those powers.

**Title and commencement**

1. (1) This Order may be cited as the Plant Health (England) (Amendment) Order 2014.
- (2) This Order comes into force—
  - (a) for the purpose of article 4, on 1st June 2014;
  - (b) for all other purposes, on 6th May 2014.

**Amendment of the Plant Health (England) Order 2005**

2. The Plant Health (England) Order 2005(3) is amended as follows.

**Article 19 (prohibitions on landing plant pests and relevant material)**

3. (1) For paragraph (6) of article 19(4), substitute—

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- (1) 1967 c.8. Sections 2 and 3(1) were amended by the European Communities Act 1972 (c.68), Schedule 4, paragraph 8 and S.I. 2011/1043, article 6(1). Section 2(2) was amended by the Customs and Excise Management Act 1979 (c.2), Schedule 4, paragraph 12. Section 2(3) was inserted by S.I. 1990/2371, Schedule 1, paragraph 1. The powers conferred by sections 2 and 3 are conferred on a “competent authority”, which is defined in section 1(2), for England and Scotland as regards the protection of forest trees and timber from attack by pests, as the Forestry Commissioners and otherwise, for England, as the Secretary of State.
  - (2) The functions of the Minister of Agriculture, Fisheries and Food under the Plant Health Act 1967 were, so far as exercisable in relation to Wales, transferred to the Secretary of State by article 2 of, and Schedule 1 to, the Transfer of Functions (Wales) (No.1) Order 1978 (S.I. 1978/272). Those functions were transferred from the Secretary of State to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c.32). The remaining functions of the Minister of Agriculture, Fisheries and Food were transferred to the Secretary of State by article 2(2) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).
  - (3) S.I. 2005/2530; relevant amending instruments are S.I. 2008/2411, 2009/587, 2011/1043, 2013/23, 2687.
  - (4) Article 19(6) was inserted by S.I. 2013/23, article 2(3) and amended by S.I. 2013/2687, article 5.

“(6) Paragraph (7) applies to—

- (a) plants of *Castanea* Mill., *Fraxinus* L., *Pinus* L., *Platanus* L., *Quercus* L. or *Ulmus* L. intended for planting, which have been grown or are suspected to have been grown in another member State; or
- (b) plants of *Castanea* Mill., *Pinus* L., *Platanus* L., *Quercus* L. or *Ulmus* L. intended for planting, which have been grown or are suspected to have been grown in Switzerland and to which the requirements of article 6 do not apply.”.

(2) For paragraph (8) of article 19(5), substitute—

“(8) The matters are—

- (a) the intended date of introduction of the plants;
- (b) their intended destination;
- (c) the quantity of the plants;
- (d) their genus and species;
- (e) the producer’s identification number; and
- (f) the country from which they have been, or are to be, consigned.”.

***Diabrotica virgifera virgifera* Le Conte**

4. (1) Omit Part 7A(6) (management zones for plant health purposes).

(2) In Part B (plant pests known to occur in the European Union) of Schedule 1(7), omit item 1a under the heading “Insects, mites and nematodes”.

*de Mauley*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural  
Affairs

7th April 2014

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(5) Article 19(8) was inserted by [S.I. 2013/23](#), article 2(3).

(6) Part 7A was inserted by [S.I. 2008/2411](#), article 2(5).

(7) Part B of Schedule 1 was amended by [S.I. 2011/1043](#), article 4(1). Item 1a was inserted by [S.I. 2009/587](#), article 2(4). There are other amendments to Part B of Schedule 1, but none is relevant.

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## EXPLANATORY NOTE

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

This Order amends the Plant Health (England) Order 2005 (S.I. 2005/2530) (“the principal Order”).

Article 3(1) makes provision to prohibit a person from landing in England plants of *Ulmus* L. intended for planting, which have been grown or are suspected to have been grown in another member State or in Switzerland, unless prior written notification has been given to an authorised inspector.

Article 3(2) makes provision for the written notification required under article 19(7) of the principal Order to include the name of the country from which the plants have been, or are to be, consigned.

Article 4 removes the provisions in the principal Order in relation to the organism *Diabrotica virgiferavirgifera* Le Conte so as to implement—

- (a) Commission Implementing Directive 2014/19/EU amending Annex I to Council Directive 2000/29/EC 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 L 38, 7.2.2014, p.30); and
- (b) Commission Implementing Decision 2014/62/EU repealing Decision 2003/766/EC on emergency measures to prevent the spread within the Community of *Diabrotica virgifera* Le Conte (OJ No L 38, 7.2.2014, p.45).

An impact assessment of the effect that article 3(1) will have on the costs to business, the voluntary sector and the public sector is available from the Department for Environment, Food and Rural Affairs, Plant Health Policy Team, Sand Hutton, York YO41 1LX and at [www.gov.uk](http://www.gov.uk). It is also published with the Explanatory Memorandum for this instrument, which is available alongside the instrument at [www.legislation.gov.uk](http://www.legislation.gov.uk). No separate impact assessment for articles 3(2) and 4 of this instrument has been produced as no impact on business, the voluntary sector or the public sector is foreseen.