

2013 No. 23

PLANT HEALTH, ENGLAND

The Plant Health (England) (Amendment) Order 2013

Made - - - - 14th January 2013

Laid before Parliament 16th January 2013

Coming into force - - 17th January 2013

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

Title and commencement

1. This Order may be cited as the Plant Health (England) (Amendment) Order 2013 and comes into force on 17th January 2013.

Amendment of the Plant Health (England) Order 2005

2.—(1) The Plant Health (England) Order 2005^(c) is amended as follows.

(2) For paragraph (5) of article 19 (prohibitions on landing plant pests and relevant material), substitute—

“(5) The matters are—

- (a) the intended time and date of introduction of the potatoes;
- (b) their intended use;
- (c) their intended destination;
- (d) their variety and quantity; and
- (e) the producer’s identification number.”.

(3) After paragraph (5) of article 19, insert—

“(6) Paragraph (7) applies to—

(a) 1967 c. 8. Sections 2(1) and 3(1) were amended by the European Communities Act 1972 (c. 68), Schedule 4, paragraph 8. The powers conferred by sections 2 and 3 are conferred on a “competent authority”, which is defined in section 1(2), 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.

(b) 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) Order (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, Food and Fisheries (Dissolution) Order 2002 (S.I. 2002/794).

(c) S.I. 2005/2530. Relevant amending instruments are S.I. 2008/2411 and 2012/2922, 3033.

- (a) plants of *Castanea* Mill., *Fraxinus* L., *Platanus* L. or *Quercus* 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., *Platanus* L. or *Quercus* 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.

(7) Subject to article 22, no person shall land in England any such plants unless written notification of the intention to land the plants and of the matters contained in paragraph (8) is provided to an inspector prior to such landing.

(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; and
- (e) the producer's identification number.”.

(4) In paragraph (1) of article 22 (exceptions from certain prohibitions and requirements) for “and (3)” substitute “, (4) and (7)”.

14th January 2013

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

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 2(2) makes minor amendments to the matters which are required to be notified under article 19(4) of the principal order. Certain matters are no longer required to be included in the notification.

Article 2(3) makes provision to prohibit a person from landing in England certain plants 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 2(4) makes minor amendments to article 22 of the principal order to reflect paragraph numbering.

A preliminary assessment of the impact of article 2(3) on business, the voluntary sector and the public sector is included in the Explanatory Memorandum for this instrument, which is available alongside the instrument on www.legislation.gov.uk. No separate impact assessment for article 2(2) of this instrument has been produced as no impact on business, the voluntary sector or the public sector is foreseen.

© Crown copyright 2013

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.00

E5493 01/2013 135493T 19585

ISBN 978-0-11-153324-6



9 780111 533246