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STATUTORY INSTRUMENTS

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**2018 No. 1136**

**PLANT HEALTH, ENGLAND**

**The Plant Health (England) (Amendment) (No. 5) Order 2018**

*Made* - - - - *1st November 2018*  
*Laid before Parliament* *5th November 2018*  
*Coming into force* - - *26th November 2018*

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

**Citation and commencement**

1. This Order may be cited as the Plant Health (England) (Amendment) (No. 5) Order 2018 and comes into force on 26th November 2018.

**Amendment of the Plant Health (England) Order 2015**

2. The Plant Health (England) Order 2015(3) is amended as follows.

**Article 19A**

3. In article 19A(1), in sub-paragraphs (a) and (b), after “*Fraxinus L.*,” insert “*Olea europaea L.*”.

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(1) 1967 c. 8; section 2 was amended by paragraph 8(2)(a) of Schedule 4 to the European Communities Act 1972 (c. 68), Part 1 of the table in paragraph 12 of Schedule 4 to the Customs and Excise Management Act 1979 (c. 2) and S.I. 1990/2371, 2011/1043. Section 3(1) was amended by paragraph 8(2)(a) and (b) of Schedule 4 to the European Communities Act 1972 and S.I. 2011/1043. The powers conferred by sections 2 and 3(1) are conferred on a “competent authority”, which is defined in section 1(2). Section 1(2) provides that the Secretary of State is the competent authority for England otherwise than as regards the protection of forest trees and timber from attack by pests.

(2) The functions of the Minister of Agriculture, Fisheries and Food under the Plant Health Act 1967, in so far as they were not exercisable in relation to Wales, were transferred to the Secretary of State by article 2(2) of S.I. 2002/794.

(3) S.I. 2015/610; relevant amending instruments are S.I. 2016/104, 2018/320.

1st November 2018

*Gardiner of Kimble*  
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 article 19A of the Plant Health (England) Order 2015 ([S.I. 2015/610](#)) which applies to certain plants intended for planting, which have been grown or are suspected to have been grown in another member State or in Switzerland. It requires the importer of any such plants to notify an authorised inspector in writing of their landing no later than four days after the date of their landing in England. The amendment extends these requirements to plants of *Olea europaea* L.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.