

1989 No. 553

PLANT HEALTH

The Plant Health (Great Britain) (Amendment)  
Order 1989

<i>Made - - - -</i>	<i>22nd March 1989</i>
<i>Laid before Parliament</i>	<i>5th April 1989</i>
<i>Coming into force</i>	
<i>Article 2(2)</i>	<i>1st January 1990</i>
<i>Remainder</i>	<i>26th April 1989</i>

The Minister of Agriculture, Fisheries and Food in relation to England, the Secretary of State for Scotland in relation to Scotland and the Secretary of State for Wales in relation to Wales, in exercise of the powers conferred by sections 1(2)(b), 2, 3(1), (2), (3) and (4) and 4(1) of the Plant Health Act 1967(a) and now vested in them(b) and of all other powers enabling them in that behalf, hereby make the following Order:

**Title, extent, commencement and interpretation**

1.—(1) This Order may be cited as the Plant Health (Great Britain) (Amendment) Order 1989, shall apply to Great Britain and except for article 2(2), shall come into force on 26th April 1989.

(2) Article 2(2) of this Order shall come into force on 1st January 1990.

(3) In this Order “the principal Order” means the Plant Health (Great Britain) Order 1987(c).

**Amendment of the principal Order**

2. The principal Order shall be amended as follows:—

(1) in article 3(1) (interpretation) there shall be inserted, in alphabetical order as appropriate, the following definitions:

““Beet Rhizomania Disease” means the disease caused by Beet Necrotic Yellow Vein virus;

“Classified basic seed potatoes” means seed potatoes produced in the protected region as defined in article 22 in relation to which a basic seed potatoes certificate has been issued in accordance with the Seed Potatoes Regulations 1984(d);

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(a) 1967 c.8; sections 2(1), 3(1) and (2) and 4(1) 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) and is to be read, as regards England and Wales, with S.I. 1984/447 and section 52(4) of the Criminal Justice Act 1988 (c.33) and, as regards Scotland, with section 289G(13) of the Criminal Procedure (Scotland) Act 1975 (c.21), as inserted by section 66 of the Criminal Justice (Scotland) Act 1987 (c.41), and S.I. 1984/526.

(b) In the case of the Secretary of State for Wales by virtue of S.I. 1978/272.

(c) S.I. 1987/1758.

(d) S.I. 1984/412, amended by S.I. 1987/547, 1988/1759.

“early potatoes” means potatoes—

(a) harvested before 31st July in the year of planting, and

(b) marketed for human consumption immediately after being harvested;

“official label” means a label supplied in accordance with the requirements of the Seed Potatoes Regulations 1984;”;

- (2) after paragraph (3) of article 22 (restriction on the movement to and planting of potatoes in the protected region) there shall be inserted the following paragraphs—

“(3A) No person shall plant or cause or permit to be planted in the protected region any potatoes other than classified basic seed potatoes or one year’s direct progeny of classified basic seed potatoes where that direct progeny has been grown by that person.

(3B) The provisions of paragraph (3A) above shall not apply where the area to be planted is less than 0.1 hectare or is to be used for the production of early potatoes.

(3C) Any person who plants seed potatoes in the protected region other than for the production of seed potatoes shall retain and make available to an authorised officer documentary evidence showing that the seed potatoes planted were classified basic seed potatoes or were one year’s direct progeny of classified basic seed potatoes where such progeny has been grown by that person.

(3D) The documentary evidence required by paragraph (3C) of this article shall be in the form of—

(a) an official label together with either an invoice or delivery note; or

(b) a certificate of classification where the potatoes planted are either classified basic seed potatoes, or their direct progeny, and where the seed potatoes, or their direct progeny, were produced by the certificate holder.”;

- (3) in paragraph (4) of article 22 for the words “paragraph (3)” there shall be substituted the words “paragraphs (3) and (3A)”;

- (4) in articles 23 (display of notices) and 24 (restriction on entry to infected premises) after the words “Colorado Beetle” there shall be inserted the words “or Beet Rhizomania Disease”;

- (5) after article 24 there shall be inserted the following article—

“24A. The restriction in article 24 shall not apply to a person who enters premises declared infected with Colorado Beetle or Beet Rhizomania Disease for the purpose of saving life or property.”;

- (6) in paragraph (2) of article 46 for the words “article 4” there shall be substituted the words “article 12”;

- (7) in article 47 for the words “not exceeding £2,000” there shall be substituted the words “not exceeding level 5 on the standard scale.”;

- (8) in Part IA of Schedule 1 after Item 18 there shall be inserted the following Items—

“19. *Anomala orientalis* (Waterhouse)—Oriental beetle

20. *Enarmonia prunivora* (Walsh)—Lesser Appleworm

21. *Nacobus aberrans* (Thorne) Thorne & Allen—False Root Knot Nematode

22. *Opogona sacchari* (Bojer)—Sugarcane Borer

23. *Premnotrypes* spp (Non-European)—Andean Potato Weevils

24. *Xiphinema americanum* Cobb *sensu lato* (Non-European populations)—a Dagger Nematode

25. *Thrips palmi* Karny—Palm Thrips.”;

- (9) in Part IB of Schedule 1 after Item 2 there shall be inserted the following Item—

“3. *Xyella fastidiosa* (Wells *et al.*)—Grapevine Pierce’s disease bacterium.”;

- (10) in Part IC of Schedule 1 after Item 2 there shall be inserted the following Items—

“3. *Gymnosporangium* spp (Non-European)—Fruit Tree/Juniper Rusts.

4. *Sclerotinia fructicola* (Wint.) Rehm (syn *Monilinia fructicola* (Wint.) Honey)—Fruit Brown Rot.

5. *Phoma andina* Turkensteen—Black Potato Blight and Leaf Spot.

6. *Phyllosticta solitaria* Ell. and Ev.—Apple Blotch and Canker.
7. *Septoria lycopersici* var *malaguttii* Ciccarone and Boerema—Annular Potato Leaf Spot.”;

(11) in Part IIA of Schedule 1—

- (a) after Item 1 there shall be inserted the following Item—

“1A. <i>Aphelenchoides</i>	Strawberry plants
<i>besseyi</i> Christie—	( <i>Fragaria</i> L.)
Rice White Tip	other than the fruits
Nematode	and seeds”;

- (b) in column 3 of Item 3 for the words “Flower bulbs and tubers of potato (*Solanum tuberosum* L.)” there shall be substituted the words “Flower bulbs of the genera *Crocus* L., *Gladiolus* L., *Hyacinthus* L., *Iris* L., *Tigridia* Juss., *Tulipa* L., tubers of potato (*Solanum tuberosum* L.)”;

- (c) Item 5 (*Caloptilia azaleella*) and Item 6 (*Merodon equestris*) shall be omitted;

(12) in Part IIB of Schedule 1—

- (a) Item 5 (*Pseudomonas gladioli*) shall be omitted;

- (b) after Item 6 there shall be inserted the following Item—

“6A. <i>Pseudomonas syringae</i>	Plants of <i>Prunus</i> L. other than fruit
<i>p.v. persicae</i> (Prunier	and seeds”;
<i>et al</i> ) Peach Canker	

- (c) after Item 8 there shall be inserted the following Item—

“8A. <i>Xanthomonas ampelina</i>	Plants of vines
Panagopoulos—Canker	( <i>Vitis</i> L.) other than fruit and
of Grapevine	seeds”;

(13) in Part IIC of Schedule 1—

- (a) Item 4 (*Ovulinia azaleae*), Item 9 (*Sclerotinia bulborum*), Item 11 (*Septoria gladioli*) and Item 12 (*Stromatinia gladioli*) shall be omitted;

- (b) after Item 8 there shall be inserted the following Item—

“8A. <i>Puccinia pitteriana</i>	Plants of <i>Solanum</i> spp.”;
Hess—Potato Common	
Rust	

- (c) after Item 14 there shall be inserted the following Item—

“15. <i>Verticillium dahliae</i>	Plants of Hops
Kleb—Hop Wilt	( <i>Humulus Lupulus</i> L.)”;

- (14) in Part IID of Schedule 1 in column (2) of Item 8 for the words “Little Cherry pathogen” there shall be substituted the words “Little Cherry disease pathogen”;

(15) in Part III of Schedule 1—

- (a) in section A the words “5. *Caloptilia azaleella* (Brants) (syn. *Gracilaria azaleella* (Brants)—Azalea Leafminer” and “7. *Merodon equestris* (Fabricius) (syn. *Lampetia equestris* Fabricius)—Large Narcissus Fly” shall be omitted;

- (b) in section B the words “4. *Pseudomonas gladioli* pv. *gladioli* Severini (syn. *Pseudomonas gladioli* Severini) (syn. *Pseudomonas marginata* (McCulloch Stapp)—Gladiolus Scab and Neck Rot, on gladiolus (*Gladiolus* L.) and freesia (*Freesia* Klatt.)” shall be omitted;

- (c) in section C the words “3. *Ovulinia azaleae* Weiss—Rhododendron Petal Blight”, “7. *Sclerotinia bulborum* (Wakk.) Rehm—Hyacinth Black Slime” and “8. *Stromatinia gladioli* (Drayt.) Whet.—Gladiolus Dry Rot” shall be omitted;

- (d) in section C after the words “5. *Phytophthora fragariae* Hickman—Red Core Disease of Strawberries, in Scotland” there shall be inserted the words “5A. *Puccinia horiana* P. Henn.—Chrysanthemum White Rust”;

- (16) in Part I of Schedule 2 in Item 3 for the words “other than (1) seeds and (2) plants of the following families” there shall be substituted the words “other than (1) seeds, (2) the genera *Ficus* L. and *Codiaeum* Juss and (3) plants of the following families”;

(17) in Part III of Schedule 2—

- (a) in column 3 of Item 17 after the word “Austria” there shall be inserted the words “Canary Islands”;
- (b) after Item 17 there shall be inserted the following Item—
  - “17A. Plants of genus *Juniperus* L. Countries outside Europe.”;
  - other than fruits and seeds.

(18) in Schedule 3—

- (a) after Item 4 there shall be inserted the following—

“4A. Plants for planting, other than seeds, originating in countries where <i>Thrips palmi</i> Karny is known to occur.	Official statement that:— <ul style="list-style-type: none"><li>(a) the place of production has been found free of <i>Thrips palmi</i> Karny and</li><li>(b) that the consignment has undergone appropriate treatment to ensure freedom from <i>Thysanoptera.</i>”;</li></ul>
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- (b) after Item 6 there shall be inserted the following Item—

“6A. Plants of <i>Chaenomeles</i> Lindl., <i>Cydonia</i> Mill., <i>Crataegus</i> L., <i>Malus</i> Mill., <i>Photinia</i> , <i>Prunus</i> L., <i>Pyrus</i> L., and <i>Rosa</i> L.	Where the consignment originates in a country outside Europe the plants shall be dormant and free from leaves, flowers and fruit.”;
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- (c) in column 2 of Item 7 after the words “in tissue culture” there shall be inserted the words “and other than plants specified in Item 6A above.”;
- (d) in Part IIB in column 2 of Item 11 after the words “*Dendrocalamus Nees*” there shall be inserted the words “*Hakonechloa* Mak. ex Honda”;
- (e) in Part IIC—

- (i) in paragraph (a) of column 3 of Item 22 the words “(iii) Lesser Apple Worm (*E. prunivora* (Walsh))” shall be omitted;
- (ii) in paragraph (b) of column 3 of Item 22 at the end there shall be inserted the words “and that no symptoms of *S. fructicola* have been observed at the place of production since the beginning of the last complete cycle of vegetation.”;
- (iii) in paragraph (1)(a) of column 3 of Item 23 after the word “Tortrix” there shall be inserted the word “moth”;
- (iv) for columns 2 and 3 of Item 24 there shall be substituted the following:—

“Plants of the genera  
*Cydonia* Mill., *Malus*  
Mill., *Prunus* L., and  
*Pyrus* L.

- (1) Where the consignment originates in a third country it shall be free from:
  - (a) Western Cherry Fruit Fly (*Rhagoletis indifferens* (Curran));
  - (b) Apple Curculio (*Tachypterellus quadrigibbus* (Say));
- (2) An official statement shall have been made:—
  - (a) either that the plants were grown in a country in which viruses, or virus-like pathogens of a description specified in paragraph (1)(p) of Part ID of Schedule 1 are not known to occur in *Cydonia*, *Malus*, *Prunus* or *Pyrus*; or

- (b) that the plants were grown at a place of production at which no symptoms of viruses, or virus-like pathogens of a description specified in paragraph (1)(p) of Part ID of Schedule 1 have been observed during at least one official inspection carried out since the beginning of the last complete cycle of vegetation.”;
- (v) after Item 24 there shall be inserted the following Item—
- |                                                                                      |                                                                                                                                                                                                                                                                          |
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| <p>“24A. Plants of the genera<br/><i>Crataegus</i> L. and<br/><i>Malus</i> Mill.</p> | <p>An official statement shall have been made that no symptoms of Apple Blotch and Canker (<i>Phyllosticta solitaria</i> (Ell. and Ev.)) have been observed on the plants at the place of production since the beginning of the last complete cycle of vegetation.”;</p> |
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- (vi) in paragraph (5)(d) of column 3 of Item 26 for the words beginning with “If the American Leafminer” and ending with “shall have been used.” there shall be substituted the words “If the American Leafminer (*Amauromyza maculosa* (Malloch), *Liriomyza huidobrensis* (Blanchard), *L. sativae* Blanchard or *L. trifolii* (Burgess)) has occurred on the place of production within the previous 2 years the second method of treatment shall have been used.”;
- (vii) paragraph 6 of column 3 of Item 26 shall be omitted;
- (viii) after paragraph (1) of Item 27 there shall be inserted the following paragraph—
- “(1A) Where the consignment originates in a third country, in addition to being free from the plant pests listed in paragraph (1), the consignment shall be free from Strawberry Weevils (*Anthonomus signatus* (Say) and *Anthonomus bisignifer* (Schenkling)).”;
- (ix) after paragraph (6) of column 3 of Item 27 there shall be inserted the following paragraph—
- “(7) An official statement shall have been made:—
- (a) that the plants were grown in a country in which *Aphelenchoides besseyi* Christie is not known to occur; or
  - (b) where the consignment originates in a country in which *Aphelenchoides besseyi* Christie is known to occur:—
    - (i) either that no symptoms of *Aphelenchoides besseyi* has been observed on plants at the place of production since the beginning of the last complete cycle of vegetation; or
    - (ii) that in the case of plants in tissue culture, the plants have been derived from plants which complied with paragraph (7)(b)(i) of this Item or have been officially tested by appropriate nematological methods and have been found free from *Aphelenchoides besseyi*.”;
- (x) in paragraph (1) of column 3 of Item 30 after the words “(*Verticillium albo-atrum* Reinke and Berth.)” there shall be inserted the words “and of Hop Wilt (*Verticillium dahliae* Kleb.)”;

- (xi) in paragraph (2) of column 3 of Item 30 the words “that requirement shall also be complied with in respect of Hop Wilt (*Verticillium dahliae* Kleb.) and” shall be omitted;
- (f) in Part IV—
- (i) in column 2 of Item 56 after the words “pea (*Pisum sativum* L.)” there shall be inserted the words “*Prunus* L.”;
- (ii) in column 3 of Item 57 after the words “third country”, there shall be inserted the words “it shall be free from Lettuce Mosaic virus and”;
- (iii) in column 3 of Item 58 after paragraph (3) there shall be inserted the following paragraph—
- “(4) Where the consignment originates in a third country, in addition to complying with the requirements specified in paragraphs (1) to (3) of this Item, it shall be free from Verticillium Wilt of Lucerne (*Verticillium albo-atrum* (Reinke and Berth)).”;
- (g) in Part VB—
- (i) in paragraph (3)(c) of column 3 of Item 65 for the words “Apple Fruit Worm (*Enarmonia prunivora* (Walsh))” there shall be substituted the words “Queensland Fruit Fly (*Dacus Tryoni* (Froggatt))”;
- (ii) after Item 65 there shall be inserted the following Item—
- |                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>“65A. Raw fruit from the<br/>genus<br/><i>Prunus</i> L.</p> | <p>Where the consignment has been landed in Great Britain between 1st March and 30th September (both dates inclusive) and the consignment originates from a country in the Southern Hemisphere an official statement shall have been made:—</p> <p>(a) either that the fruit originates in an area recognised as being free from Fruit Brown Rot (<i>Sclerotinia fructicola</i> (Wint.) Rehm) in accordance with the procedure laid down in article 16 of Directive 77/93/EEC; or</p> <p>(b) that the fruits have been subjected to appropriate inspections and treatment procedures prior to harvest or export to ensure freedom from <i>Sclerotinia fructicola</i>.”;</p> |
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- (h) in Part VC in paragraph (1) of column 3 of Item 72 for the words “(*Rhagoletis menda* Curran)” there shall be substituted the words “(*Rhagoletis mendax* Curran)”;
- (i) in Part VI in column 2 of Item 74 after the words “Raw vegetables” there shall be inserted the words “with foliage”, and at the end the words “with foliage” shall be omitted;
- (j) in Part VIIB paragraph (1) of column 3 of Item 78 shall be omitted;

(19) at the end of Schedule 5 there shall be inserted the following instruments—

“Commission Directive 88/271/EEC OJ No. L116, 4.5.88, p.13.

Commission Directive 88/272/EEC OJ No. L116, 4.5.88, p.19.

Commission Directive 88/430/EEC OJ No. L208, 2.8.88, p.36.

Council Directive 88/572/EEC OJ No. L313, 19.11.88, p.39.”.

(20) at the end of Schedule 8 there shall be inserted the words “Beet Necrotic Yellow Vein virus, the cause of Beet Rhizomania Disease.”.

In Witness whereof the Official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 19th March 1989.

*John MacGregor*  
Minister of Agriculture, Fisheries and Food

*Saunderson of Bowden*  
Minister of State,  
Scottish Office

22nd March 1989

*Peter Walker*  
Secretary of State for Wales

20th March 1989

## EXPLANATORY NOTE

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

This Order amends the Plant Health (Great Britain) Order 1987 ("the principal Order") so as to—

- (a) impose additional requirements in respect of the planting of potatoes in Scotland, and in parts of the counties of Northumberland and Cumbria (article 2(2));
- (b) enable premises to be declared infected with Beet Rhizomania Disease (article 2(1) and (20));
- (c) extend to Beet Rhizomania Disease the provisions contained in articles 23 and 24 of the Order which relate to the display of notices on premises declared infected with Colorado Beetle and restriction on entry to such premises (article 2(4));
- (d) provide that the restriction on entry to premises declared infected with Colorado Beetle or Beet Rhizomania Disease shall not apply to persons entering such premises for the purpose of saving life or property (article 2(5));
- (e) implement, in part, Commission Directives 88/271/EEC, 88/272/EEC, 88/430/EEC and Council Directive 88/572/EEC which amend Council Directive 77/93/EEC, and impose controls or additional controls in relation to certain plant pests, whilst removing or modifying other controls (article 2(8) to (15)(c), (18) and (19)).

The Order adds *Puccinia horiana* P. Henn (Chrysanthemum White Rust) to Schedule 1, Part IIIC of the principal Order as being a plant pest normally present in Great Britain which need not be notified (article 2(15)(d)) and adds the Canary Islands to the list of third countries from which the tubers of potatoes other than tubers of potatoes for planting may be imported (article 2(17)). The Order removes the additional conditions concerning the importation of chrysanthemum cut flowers and certain pot plants from the Netherlands (article 2(18)(c)(vii) and article 2(18)(j)).

Article 2(2) of the Order which imposes additional requirements in respect of the planting of potatoes in Scotland, and in parts of Northumberland and Cumbria shall come into force on 1st January 1990 and all the other provisions of the Order shall come into force on 26th April 1989.

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