
STATUTORY INSTRUMENTS

1991 No. 240

PLANT HEALTH

The Plant Health (Great Britain) (Amendment) Order 1991

Made - - - - *13th February 1991*

Laid before Parliament *21st February 1991*

Coming into force - - *14th March 1991*

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 and 3(1) and (2) of the Plant Health Act 1967⁽¹⁾ upon the said Minister and the Secretary of State for Scotland and now, in relation to Wales, vested in the Secretary of State for Wales⁽²⁾ and of all other powers enabling them in that behalf, hereby make the following Order:

Title, extent and commencement

1. This Order may be cited as the Plant Health (Great Britain) (Amendment) Order 1991, shall apply to Great Britain and shall come into force on 14th March 1991.

Amendment of the Plant Health (Great Britain) Order 1987

2. The Plant Health (Great Britain) Order 1987⁽³⁾ shall be amended as follows—

(1) In article 3 (interpretation)—

(a) in paragraph (1)—

(i) in the definition of “Member State” the words “or the French overseas departments” shall be omitted;

(ii) the definition of “progressive wilt disease” shall be omitted;

(b) after paragraph (2) there shall be inserted the following paragraph—

“(2A) Any reference in this Order to a particular plant includes reference to a hybrid containing genetic material from the family, genus or species to which that plant belongs.”;

(2) In article 6 (phytosanitary certificates for imported plants etc.)—

(1) 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.

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

(3) S.I. 1987/1758, relevant amending instruments are S.I. 1989/553, 1990/1741.

- (a) in paragraph (1) for the words “Subject to paragraphs (2) and (3) of this article” there shall be substituted the words “Subject to paragraphs (2), (3) and (4) of this article”.
- (b) after paragraph (3) there shall be inserted the following paragraph—
- “(4) In the case of plants, soil or growing medium of a description specified in column 2 of Schedule 3 (other than those plants, soil or growing medium which are subject to paragraphs (2) or (3) of this article) the phytosanitary certificate shall have been issued in the country in which the conditions specified in column 3 of Schedule 3 were fulfilled whether or not that country was the country of origin.”;
- (3) In article 12 (exports of plants etc. to Member States) for paragraph (4) there shall be substituted the following paragraph—
- “(4) No person shall export from Great Britain to a Member State any consignment of plants or growing medium which—
- (a) is of a description specified in Schedule 4, and
- (b) originated in another Member State or a third country,
- unless the consignment is accompanied by a phytosanitary certificate issued in the country of origin or issued in accordance with article 6(4), or a certified copy of that certificate.”;
- (4) Article 38 (destruction of dead and dying bines and leaves of hop plants etc.) shall be omitted and the heading above it (“*Progressive wilt disease*”) shall be omitted and replaced with the heading “*Verticillium wilt disease*” immediately above article 39;
- (5) For article 40 (restriction on the planting or movement for planting of hop plants grown in certain counties) there shall be substituted the following article—

“Planting records of hop plants

- 40.**—(1) Subject to article 39, the occupier or other person in charge of any farm in England and Wales on which hop plants are grown shall maintain a record of the following particulars in relation to those hop plants—
- (a) the farm from which they were obtained or a statement that they were grown on the farm on which they are planted;
- (b) the date on which they were planted;
- (c) the variety;
- (d) the location where they were planted; and
- (e) the number of plants involved in respect of particulars specified in subparagraphs (a) to (d) above.
- (2) Every record required to be made by a person under this article shall be made by him as soon as reasonably practicable after the completion of the planting to which the record relates.
- (3) Every record required to be made by a person under this article shall be retained by him for a period of 5 years from the date of the completion of the planting.
- (4) Any person who is for the time being in charge of any record required to be made under this article shall, on demand made by an inspector at any reasonable time during that period, produce such records and allow a copy to be made or an extract to be taken and where the records are kept by means of a computer they shall be produced in a form in which they may be taken away.”;
- (6) Article 41 (restriction on the planting or sale for planting of certain hop plants) shall be omitted;
- (7) In Part IIC of Schedule I for Item 14 (*Verticillium albo-atrum* Reinke and Berth.) there shall be substituted the following Item—

“14. *Verticillium albo-atrum* Reinke and Berth. — Verticillium Wilt Disease. Plants of hop (*Humulus lupulus* L.) and seeds of lucerne (*Medicago sativa* L.)”;

(8) In Part IIIC of Schedule 1 for Item 9 (*Verticillium albo-atrum* Reinke and Berth.) there shall be substituted the following Items—

“9. *Verticillium albo-atrum* Reinke and Berth. — Verticillium Wilt Disease other than where it occurs on plants of hop

10. *Verticillium dahliae* — Kleb — Hop Wilt”;

(9) In Part IIC of Schedule 3 for Item 16 there shall be substituted the following Items—

“16. Plants of:—

<i>Apium graveolens</i> L. <i>Brassica</i> L. <i>Capsicum annuum</i> L. <i>Chrysanthemum</i> L. <i>Cucumis</i> L. <i>Dendranthema</i> (DC.) Des Moulins <i>Dianthus</i> L. <i>Gerbera</i> L. <i>Gypsophila</i> L. <i>Lactuca Sativa</i> L. <i>Leucanthemum</i> Miller <i>Lycopersicon</i> <i>Lycopersicum</i> (L.) Karsten melongena L. <i>Tanacetum</i> L. other than plants in tissue culture.	(1) Where the plants comprising the consignment were grown in a Member State an official statement shall have been made:—	(a) either that the plants or, in the case of cuttings, the stock plants were grown at a place of production at which no evidence of <i>Amauromyza maculosa</i> (Malloch), <i>Liriomyza huidobrensis</i> (Blanchard), <i>Liriomyza sativae</i> (Blanchard) or <i>Liriomyza trifolii</i> (Burgess) has been observed during official inspections carried out at least monthly during the three months prior to harvesting; or
		(b) that immediately prior to export the plants have been inspected and found free from evidence of the pests specified in paragraph 1(a) of this Item and have been subjected to an appropriate treatment aimed at eradicating those pests..
	(2) Where the plants comprising the consignment were grown in a third country an official statement shall have been made that the plants or, in the case of cutting, the stock plants were grown at a	

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place of production at which no evidence of the pests specified in paragraph 1(a) of this Item has been observed during official inspections carried out at least monthly during the three months prior to harvesting.

- 16A.** Herbaceous plants (other than those referred to in Item 16 above) other than plants in tissue culture.
- Where the plants comprising the consignment were grown in a Member State where the pests specified in paragraph 1(a) of Item 16 are known to occur or in a third country an official statement shall have been made:—
- (a) either that the plants or, in the case of cuttings, the stock plants were grown at a place of production at which no evidence of the pests specified in paragraph 1(a) of Item 16 has been observed during an official inspection carried out prior to harvesting; or
 - (b) that immediately prior to export the plants have been inspected and found free from evidence of the pests specified in paragraph 1(a) of Item 16 and have been subjected to an appropriate treatment aimed at eradicating those pests.”; and

(10) For Schedule 5 (meaning of “Directive 77/93/EEC”) there shall be substituted the Schedule set out in the Schedule to this Order.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 11th February 1991.

L.S.

John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

12th February 1991

Strathclyde
Parliamentary Under Secretary of State, Scottish
Office

13th February 1991

David Hunt
Secretary of State for Wales

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SCHEDULE

Article 2(10)

SCHEDULE TO BE SUBSTITUTED FOR SCHEDULE 5

“SCHEDULE 5

Article 3

MEANING OF “DIRECTIVE [77/93/EEC](#)” INSTRUMENTS
AMENDING COUNCIL DIRECTIVE [77/93/EEC](#)

<i>Instrument</i>	<i>Reference</i>
Act concerning the conditions of accession of the Hellenic Republic and the adjustment of the Treaties	OJ No. L291, 19.11.79, p.86.
Council Directive 80/392/EEC	OJ No. L100, 17.4.80, p.32.
Council Directive 80/393/EEC	OJ No. L100, 17.4.80, p.35.
Council Directive 81/7/EEC	OJ No. L14, 16.1.81, p.23.
Council Directive 84/378/EEC	OJ No. L207, 2.8.84, p.1.
Council Directive 85/173/EEC	OJ No. L65, 6.3.85, p.23.
Council Regulation (EEC) No. 3768/85	OJ No. L362, 31.12.85, p.8.
Council Directive 85/574/EEC	OJ No. L372, 31.12.85, p.25.
Commission Directive 86/545/EEC	OJ No. L323, 18.11.86, p.14.
Commission Directive 86/546/EEC	OJ No. L323, 18.11.86, p.16.
Commission Directive 86/547/EEC [†]	OJ No. L323, 18.11.86, p.21.
Council Directive 86/651/EEC	OJ No. L382, 31.12.86, p.13.
Council Directive 87/298/EEC	OJ No. L151, 11.6.87, p.1.
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.
Council Directive 89/359/EEC	OJ No. L153, 6.6.89, p.28.
Council Directive 89/439/EEC	OJ No. L212, 22.7.89, p.106.
Council Directive 90/168/EEC	OJ No. L92, 7.4.90, p.49.
Council Directive 90/490/EEC	OJ No. L271, 3.10.90, p.28.
Commission Directive 90/506/EEC	OJ No. L282, 13.10.90, p.67.”

† Commission Directive [86/547/EEC](#) was amended by Commission Directive [90/80/EEC](#) (OJNo. L51, 27.2.90, p.34).

* Commission Directive [88/271/EEC](#) was amended by Commission Directive [89/83/EEC](#) (OJ No. L32, 3.2.89, p.29).

‡ Commission Directive [88/272/EEC](#) was amended by Commission Directive [90/113/EEC](#) (OJ No. L67, 15.3.90, p.51.).

EXPLANATORY NOTE

(This note is not part of the Order)

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

- (1) Implement Council Directive [89/439/EEC](#) by—
 - (a) including the French overseas departments in the definition of Member States (article 2(1)(a)(i)); and
 - (b) providing that phytosanitary certificates shall be issued in the country where certain conditions are fulfilled rather than in the country of production (article 2(2) and (3));
- (2) Implement Commission Directive [90/506/EEC](#) by amending the controls imposed on certain plants in relation to the plant pests *Amauromyza maculosa* (Malloch), *Liriomyza huidobrensis* (Blanchard), *Liriomyza sativae* (Blanchard) and *Liriomyza trifolii* (Burgess) (article 2(9));
- (3) Revise the controls on Verticillium Wilt Disease by—
 - (a) removing the distinction made between Progressive Wilt Disease and other types of Verticillium Wilt Disease so as to provide that all types of Verticillium Wilt Disease shall be notified and that hop plants which are so infected may not be kept (article 2(1)(a)(ii), (4) and (7));
 - (b) adding *Verticillium dahliae* (Kleb — Hop Wilt) to Schedule 1 Part IIIC as being a plant pest normally present in Great Britain which need not be notified (article 2(8));
 - (c) removing the obligation to destroy by fire hop plants infected with Progressive Wilt Disease (article 2(4));
 - (d) removing certain restrictions on the planting, movement for planting and sale for planting of hop plants (article 2(5) and (6)); and
 - (e) requiring the keeping of certain records in relation to hop plants (article 2(5));
- (4) Provide that hybrids shall be included in a reference to a particular plant (article 2(1)(b));
- (5) Revise the definition “Directive [77/93/EEC](#)” (article 2(10)).