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STATUTORY INSTRUMENTS

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**1997 No. 2907**

**PLANT HEALTH**

**The Plant Health (Great Britain)  
(Amendment) (No. 2) Order 1997**

*Made* - - - - - *8th December 1997*  
*Laid before Parliament* *9th December 1997*  
*Coming into force* - - - *1st January 1998*

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 on them by sections 2 and 3 of the Plant Health Act 1967<sup>(1)</sup> and now vested in them<sup>(2)</sup> and of all other powers enabling them in that behalf, hereby make the following Order:

**Title and commencement**

1. This Order may be cited as the Plant Health (Great Britain) (Amendment) (No. 2) Order 1997 and shall come into force on 1st January 1998.

**Amendment of the Plant Health (Great Britain) Order 1993**

2.—(1) The Plant Health (Great Britain) Order 1993<sup>(3)</sup> shall be amended in accordance with paragraphs (2) and (3) below.

(2) In article 2(1) (Interpretation) for the definition of “Directive 95/44/EC” there shall be substituted the following—

““Directive 95/44/EC” means Commission Directive 95/44/EC<sup>(4)</sup> establishing the conditions under which certain harmful organisms, plants, plant products and other objects listed in Annexes I to V to Council Directive 77/93/EEC may be introduced into or moved within the Community or certain protected zones thereof, for trial or scientific purposes and for work on varietal selections, as amended by Commission Directive 97/46/EC<sup>(5)</sup>.”

(3) In Schedule 16 there shall be inserted at the end the following—

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(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; section 3(4) was substituted by section 42 of the Criminal Justice Act 1982 (c. 48).  
(2) In the case of the Secretary of State for Wales, by virtue of S.I. 1978/272.  
(3) S.I. 1993/1320; amended by S.I. 1993/3213, 1995/1358 and 2929, 1996/25, 1165 and 3242.  
(4) OJ No. L184, 3.8.95, p. 34.  
(5) OJ No. L204, 31.7.97, p. 43.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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“Council Directive [97/3/EC](#)

OJ No. L27, 30.1.97, p. 30.

Commission Directive [97/46/EC](#)

OJ No. L204, 31.7.97, p. 43.”

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4th December 1997

*Jeff Rooker*  
Minister of State, Ministry of Agriculture,  
Fisheries and Food

1st December 1997

*Sewel*  
Parliamentary Under-Secretary of State, Scottish  
Office

Signed by authority of the Secretary of State for Wales

8th December 1997

*Win Griffiths*  
Parliamentary Under-Secretary of State, Welsh  
Office

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## EXPLANATORY NOTE

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

The Plant Health (Great Britain) Order 1993, as amended, implements the EC plant health regime. This includes Commission Directive [95/44/EC](#), which lays down rules for the import of material, for trial or scientific purposes and for work on varietal selections, which would otherwise be banned. This Directive has now been amended by Commission Directive [97/46/EC](#) to incorporate provisions on potato breeding material which were previously included in a separate, temporary, Commission Decision. The effect of the change is to convert the temporary arrangements into a permanent part of the regime.

This Order, which comes into force on 1st January 1998, implements Commission Directive [97/46/EC](#) by amending the Plant Health (Great Britain) Order 1993 (article 2(2)).

This Order also up-dates Schedule 16 to the 1993 Order (Instruments amending and supplementing Council Directive [77/93/EEC](#)) (article 2(3)).