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**1999 No. 2726**

**PLANT HEALTH, ENGLAND**

**The Plant Health (Amendment) (England) (No. 2)  
Order 1999**

*Made - - - - - 29th September 1999*

*Laid before Parliament 7th October 1999*

*Coming into force - - 1st December 1999*

The Minister of Agriculture, Fisheries and Food, in relation to England, in exercise of the powers conferred on him by sections 3(1) and (2) and 4(1) of the Plant Health Act 1967<sup>(a)</sup> hereby makes the following Order:

**Title, extent and commencement**

1. This Order may be cited as the Plant Health (Amendment) (England) (No. 2) Order 1999, shall extend to England and shall come into force on 1st December 1999.

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

2.—(1) The Plant Health (Great Britain) Order 1993<sup>(b)</sup> shall be amended in its application to England in accordance with the following paragraphs of this article.

(2) Article 8(2) shall be replaced by the following—

“(2) Without prejudice to article 6, there shall not be moved within a protected zone described in Part B of Schedule 4—

(a) any plant, plant product or other object originating within that zone which is specified opposite the reference to that zone and is of a description specified in item 1.6, 1.7 or 1.8 of Part AII of Schedule 5 unless that plant, plant product or other object—

(i) can reasonably be taken to be free from the plant pest in respect of which that zone has been recognised on the basis of a survey carried out under paragraph (1) above; and

(ii) is accompanied by a plant passport valid for that zone;

(b) any plant, plant product or other object originating within that zone which is specified opposite the reference to that zone and is of a description specified in any item of Part AII of Schedule 5 other than item 1.6, 1.7 or 1.8, unless that plant, plant product or other object has been the subject of a satisfactory plant health inspection at the place of production and is accompanied by a plant passport valid for that zone.”

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(a) 1967 c. 8; section 3 was amended by the European Communities Act 1972 (c. 68), section 4(1) and Schedule 4, paragraph 8. Under the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272), article 2(1) and Schedule 1, the functions of the Minister of Agriculture, Fisheries and Food under the Plant Health Act 1967 were, so far as they are exercisable in relation to Wales, transferred to the Secretary of State.

(b) S.I. 1993/1320; amended by S.I. 1993/3213, 1995/1358 and 2929, 1996/25, 1165 and 3242, 1997/1145 and 2907, 1998/349, 1121 and 2245 and 1999/2126.

(3) Article 17(2) shall be replaced by the following—

“(2) The authority to issue plant passports conferred on a business, individual or other organisation listed in the official register shall be conferred pursuant to—

- (a) a satisfactory inspection by an inspector of the place of production, any part thereof or any other premises handling any plant, plant product or other object which may require a plant passport, as appropriate, for the purpose of ascertaining for the purposes of this Order the plant health status of such plants, plant products or other objects at the place of production, any part thereof or any other premises; or
- (b) in the case of any plant, plant product or other object of a description specified in article 8(2)(a) which is intended to be moved within a protected zone, the satisfactory outcome of a survey carried out under article 8(1), showing that the plant, plant product or other object can reasonably be taken to be free from the plant pest in respect of which the zone was recognised.”.

*Hayman*

Minister of State,

29th September 1999

Ministry of Agriculture, Fisheries and Food

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### EXPLANATORY NOTE

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

This Order amends the Plant Health (Great Britain) Order 1993 in its application to England. It adjusts the requirements which apply to certain plants originating and moving within a protected zone, within the scope permitted by Commission Directive 93/51/EEC establishing rules for movements of certain plants, plant products or other objects through a protected zone, and for movements of such plants, plant products or other objects originating in and moving within such a protected zone (O.J. L205, 17.8.93, p. 24).

The principal changes introduced by this Order, which comes into force on 1st December 1999, are as follows—

- (a) certain plants originating and moving within specified protected zones must be accompanied by a plant passport (article 2(2));
- (b) the exemption applicable to certain plants specified in Part B of Schedule 4 from relevant special requirements is ended (article 2(2));
- (c) the authority to issue plant passports may be conferred on the basis of a satisfactory survey (article 2(3)).

The requirement for a plant passport imposed by this Order is consistent with the Community passporting regime which was implemented in the principal Order pursuant to Council Directive 77/93/EEC (as amended and supplemented by the instruments listed in Schedule 16 to the principal Order) (O.J. L26, 31.1.77, p. 20).

A Regulatory Impact Assessment has been prepared and placed in the library of each House of Parliament. Copies can be obtained from the Plant Health Division of the Ministry of Agriculture, Fisheries and Food, Foss House, Kings Pool, 1-2 Peasholme Green, York YO1 7PX.

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