
STATUTORY INSTRUMENTS

2004 No. 1404

The Plant Health (Export Certification) (England) Order 2004

Title, commencement, extent and application

1.—(1) This Order may be cited as The Plant Health (Export Certification) (England) Order 2004 and shall come into force on 22nd June 2004.

(2) This Order extends to England and Wales but applies only in relation to England.

Interpretation

2.—(1) In this Order—

“authorised officer” means a person authorised by the Secretary of State to be an inspector for the purposes of the Plant Health (Great Britain) Order 1993(1) or any other officer of the Secretary of State;

“certificate”, in relation to an application made pursuant to this Order, means either a phytosanitary certificate or a reforwarding phytosanitary certificate, as the case may be;

“phytosanitary certificate” means a certificate duly completed in the form set out in Schedule 1 or in such other similar form as may be agreed between the Secretary of State and the third country whose phytosanitary requirements the certificate is intended to meet;

“reforwarding phytosanitary certificate” means a certificate duly completed in the form set out in Schedule 2 or in such other similar form as may be agreed between the Secretary of State and the third country whose phytosanitary requirements the certificate is intended to meet; and

“third country” has the same meaning in this Order as in the Plant Health (Great Britain) Order 1993.

(2) This Order shall not apply in respect of any certificate or service provided by or on behalf of the Forestry Commissioners.

Certificates for export of plants etc. to third countries

3.—(1) A person who intends exporting plants, plant products or other objects to a third country may apply to the Secretary of State for a certificate under this Order.

(2) Where the Secretary of State has received an application made under paragraph (1), an authorised officer shall:—

(a) carry out any of the services listed in the first column of Schedule 3 which he considers necessary to allow him to issue the certificate; and

(b) if he is satisfied that a certificate should be issued, issue the certificate on behalf of the Secretary of State.

(3) An authorised officer may authorise any person in writing to inspect grain where such inspection is required to enable that officer to issue the certificate.

(1) S.I.1993/1320, to which there are amendments but none relevant to this Order.

Charges for the issue of certificates

4.—(1) Subject to paragraph (2), an applicant for a certificate shall pay to the Secretary of State, in respect of the services referred to in the first column of Schedule 3, the fee set out opposite in the second column of that Schedule.

(2) A small exporter shall pay to the Secretary of State in respect of the services referred to in the first column of Schedule 3 either:—

- (a) the fee set out opposite in the third column of Schedule 3; or
- (b) if the sum total of fees in respect of any such services for which he has become liable during the financial year in which his application is made exceeds £250, the fee set out in the second column of Schedule 3.

(3) In this article, “small exporter” means a person who, in the financial year in which his application is made,—

- (a) is not a taxable person for the purposes of the Value Added Tax Act 1994(2); or
- (b) makes no taxable supply of plants, plant products, seeds, soil or agricultural machinery for the purposes of the Value Added Tax Act 1994; or
- (c) did not export in the previous financial year goods accompanied by a certificate the total value of which was £5,000 or more.

Offences

5.—(1) A person shall be guilty of an offence if, for the purposes of procuring the issue of a certificate under this Order, he—

- (a) makes a statement which he knows to be false in a material particular;
- (b) recklessly makes a statement which is false in a material particular; or
- (c) intentionally fails to disclose any material information.

(2) A person guilty of an offence under paragraph (1) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

11th May 2004

Ben Bradshaw
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs

We consent,

17th May 2004

Joan Ryan
John Heppell
Two of the Lords Commissioners of Her
Majesty’s Treasury

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Plant Health (Export Certification) (England) Order 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Sch. 3 omitted by [S.I. 2019/1488 reg. 33\(c\)](#)
- Sch. 3 substituted by [S.I. 2013/572 art. 2\(2\)](#)
- Sch. 3 substituted by [S.I. 2014/609 art. 2\(3\)](#)
- Sch. 3 substituted by [S.I. 2015/382 art. 2\(2\)](#)
- Sch. 3 substituted by [S.I. 2018/286 art. 2\(3\)](#)
- Sch. 3 substituted by [S.I. 2019/1257 reg. 3\(3\)](#)
- art. 2(1) words deleted by [S.I. 2005/3480 art. 2\(2\)\(d\)](#)
- art. 2(1) words inserted by [S.I. 2005/3480 art. 2\(2\)\(c\)](#)
- art. 2(1) words inserted by [S.I. 2014/609 art. 2\(2\)\(a\)](#)
- art. 2(1) words substituted by [S.I. 2005/3480 art. 2\(2\)\(a\)](#)
- art. 2(1) words substituted by [S.I. 2005/3480 art. 2\(2\)\(b\)](#)
- art. 2(1) words substituted by [S.I. 2014/609 art. 2\(2\)\(b\)](#)
- art. 3(2)(a) word substituted by [S.I. 2019/1488 reg. 33\(a\)](#)
- art. 4 omitted by [S.I. 2019/1488 reg. 33\(b\)](#)
- art. 4 substituted by [S.I. 2005/3480 art. 2\(4\)](#)
- art. 4 substituted by [S.I. 2018/286 art. 2\(2\)](#)
- art. 4(2)(a) sum substituted by [S.I. 2019/1257 reg. 3\(2\)\(a\)\(i\)\(aa\)](#)
- art. 4(2)(a) words substituted by [S.I. 2019/1257 reg. 3\(2\)\(a\)\(i\)\(bb\)](#)
- art. 4(2)(b) words substituted by [S.I. 2019/1257 reg. 3\(2\)\(a\)\(ii\)](#)
- art. 4(3) words substituted by [S.I. 2019/1257 reg. 3\(2\)\(b\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- Order revoked by [S.I. 2019/1517 Sch. 6](#)

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 4 omitted by [S.I. 2018/286 art. 2\(4\)](#)
- Sch. 4 substituted by [S.I. 2013/572 art. 2\(3\)](#)
- Sch. 4 substituted by [S.I. 2014/609 art. 2\(4\)](#)
- Sch. 4 substituted by [S.I. 2015/382 art. 2\(3\)](#)
- art. 3A inserted by [S.I. 2005/3480 art. 2\(3\)](#)
- art. 4(4)(a) sum substituted by [S.I. 2019/1257 reg. 3\(2\)\(c\)\(i\)\(aa\)](#)
- art. 4(4)(a) sum substituted by [S.I. 2019/1257 reg. 3\(2\)\(c\)\(i\)\(bb\)](#)
- art. 4(4)(b) sum substituted by [S.I. 2019/1257 reg. 3\(2\)\(c\)\(ii\)](#)