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STATUTORY INSTRUMENTS

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**2016 No. 1167**

**The Plant Health (Forestry) (Amendment)  
(England and Scotland) Order 2016**

**Article 40 (notification of the presence or suspected presence of certain tree pests)**

9. In article 40(1)—

(a) in paragraph (1), for “any tree pest to which this article applies” substitute “any notifiable tree pest”;

(b) after paragraph (1A), insert—

“(1B) If the Commissioners become aware of the presence or suspected presence of *Xylella fastidiosa* (Wells et al.) in any place or area in England or Scotland, the Commissioners shall ensure that any person having under their control trees which may be infected by *Xylella fastidiosa* (Wells et al.) is immediately informed of—

(a) its presence or suspected presence;

(b) the possible consequences arising from its presence or suspected presence; and

(c) the measures to be taken as a result.”;

(c) in paragraph (2), for “This article applies to” substitute “In paragraph (1), “notifiable tree pest” means”.