
STATUTORY INSTRUMENTS

2019 No. 1070

PLANT HEALTH, ENGLAND

The Plant Health (England) (Amendment) Order 2019

Made - - - - *1st July 2019*

Laid before Parliament *2nd July 2019*

Coming into force in accordance with article 1(2)

The Secretary of State makes this Order in exercise of:

- (a) the powers conferred by sections 2 and 3(1) of the Plant Health Act 1967(1) and now vested in the Secretary of State(2);
- (b) the powers conferred by paragraph 1A of Schedule 2 to the European Communities Act 1972(3).

This Order makes provision for a purpose mentioned in section 2(2) of the European Communities Act 1972(4) and it appears to the Secretary of State that it is expedient for the references to the European Union instrument mentioned in article 3(a)(i) to be construed as references to that instrument as amended from time to time.

(1) 1967 c. 8; section 2 was amended by paragraph 8(2)(a) of Schedule 4 to the European Communities Act 1972 (c. 68), Part 1 of the table in paragraph 12 of Schedule 4 to the Customs and Excise Management Act 1979 (c. 2) and S.I. 1990/2371, 2011/1043. Section 3(1) was amended by paragraph 8(2)(a) and (b) of Schedule 4 to the European Communities Act 1972 and S.I. 2011/1043. The powers conferred by sections 2 and 3(1) are conferred on a “competent authority”, which is defined in section 1(2). Section 1(2) provides that the Secretary of State is the competent authority for England otherwise than as regards the protection of forest trees and timber from attack by pests.

(2) The functions of the Minister of Agriculture, Fisheries and Food under the Plant Health Act 1967, in so far as they were not exercisable in relation to Wales, were transferred to the Secretary of State by article 2(2) of S.I. 2002/794.

(3) 1972 c. 68; paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51) and amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7) and S.I. 2007/1388.

(4) Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 and Part 1 of the Schedule to the European Union (Amendment) Act 2008.