

2006 No. 2696

PLANT HEALTH

The Plant Health (Forestry) (Amendment) Order 2006

Made - - - - 10th October 2006

Laid before Parliament 13th October 2006

Coming into force - - 6th November 2006

The Forestry Commissioners make the following Order in exercise of the powers conferred on them by sections 2 and 3(1) of the Plant Health Act 1967(a):

Title and commencement

1. This Order may be cited as the Plant Health (Forestry) (Amendment) Order 2006 and comes into force on 6th November 2006.

Amendment of the Plant Health (Forestry) Order 2005

2.—(1) The Plant Health (Forestry) Order 2005(b) is amended as follows.

(2) In article 2(1), for the definition of “Europe” substitute ““Europe” includes Belarus, the Canary Islands, Georgia, Kazakhstan (except the area east of the Ural river), Russia (except the regions of Tyumen, Chelyabinsk, Irkutsk, Kemerovo, Kurgan, Novossibirsk, Omsk, Sverdlovsk, Tomsk, Chita, Kamchatka, Magadan, Amur and Skhalin, the territories of Krasnoyarsk, Altay, Khabarovsk and Primarie, and the republics of Sakha, Tuva and Buryatia), Ukraine and Turkey (except the area east of the Bosphorus Strait known as Anatolia);”.

(3) In article 27, for paragraph (1)(c) substitute—

“(c) he shall keep—

- (i) all documents relating to the records kept under subparagraph (b) for one year from the date he created or received them; and
- (ii) if he is the final user of relevant material, any plant passport which accompanies the relevant material in accordance with article 20 for one year from the date he received it;”.

(4) In article 40—

- (a) in paragraph (1), omit “and shall as soon as reasonably practicable after giving such notice confirm it in writing”; and
- (b) after paragraph (1), insert—

(a) 1967 c.8; sections 2(1) and 3(1) were amended by the European Communities Act 1972 (c. 68), Schedule 4, paragraph 8. The powers conferred by sections 2 and 3 are conferred on a “competent authority”, which expression is defined in section 1(2), as regards the protection of forest trees and timber from attack by pests, as the Forestry Commissioners.

(b) S.I. 2005/2517.

“(1A) Where a person gives notice in accordance with paragraph (1) orally, he shall confirm it in writing as soon as reasonably practicable.”.

(5) In article 41—

(a) in paragraph (1), omit “and shall as soon as reasonably practicable after giving such notice confirm it in writing”; and

(b) after paragraph (1), insert—

“(1A) Where a person gives notice in accordance with paragraph (1) orally, he shall confirm it in writing as soon as reasonably practicable.”.

(6) After item 4 of Schedule 1, “Insects, mites and nematodes”, insert—

“**4a.** *Dryocosmus kuriphilus* Yasumatsu”.

(7) In Schedule 4, Part A—

(a) in the third column of item 24, for “items 22, 23, 31 and 32,” substitute “items 22, 23, 24a, 31 and 32,”.

(b) after item 24 insert—

“24a Trees, other than fruit or seeds, of *Castanea* Mill., intended for planting, originating in any third country

Without prejudice to the requirements in items 23, 24, 29, 31 and 32, the trees shall be accompanied by a phytosanitary certificate or phytosanitary certificate for re-export which states under the rubric “Additional declaration” that they have been grown throughout their life in places of production:

(a) in countries where *Dryocosmus kuriphilus* Yasumatsu is not known to occur; or

(b) in an area or areas established by the national plant protection organisation in the country of origin as being free from *Dryocosmus kuriphilus* Yasumatsu, in accordance with ISPM No. 4, and that area shall be mentioned in the phytosanitary certificate or phytosanitary certificate for re-export under the rubric “Place of origin”;

(8) In Schedule 4, Part B—

(a) in the third column of item 5, for “The trees shall be accompanied by an official statement that”, substitute “Without prejudice to the requirements in item 5(a), the trees shall be accompanied by an official statement that”; and

(b) after item 5 insert—

“5a

Trees, other than fruit or seeds, of *Castanea* Mill., intended for planting

Without prejudice to the requirements in item 5, the trees shall be accompanied by an official statement that:

(a) the trees have been grown throughout their life or since their introduction into the Community in a place of production in a member State where *Dryocosmus kuriphilus* Yasumatsu is not known to occur; or

(b) the trees have been grown throughout their life or since their introduction

into the Community in a place of production in an area or areas established by the national plant protection organisation in a member State as being free from *Dryocosmus kuriphilus* Yasumatsu, in accordance with ISPM No. 4”.

(9) In paragraph 2 of Schedule 6, Part A and of Schedule 7, Part A, omit “*Castanea* Mill.”.

(10) After paragraph 2 of Schedule 6, Part A and of Schedule 7, Part A, insert—

“3. Trees, other than seeds, of *Castanea* Mill., intended for planting.”.

The official Seal of the Forestry Commissioners 10th October 2006

10th October 2006

Wilma Harper
Secretary to the Forestry Commissioners

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Plant Health (Forestry) Order 2005 (S.I. 2005/2517) (“the Principal Order”) so as to implement Commission Decision 2006/464/EC on provisional emergency measures to prevent the introduction into and spread within the Community of *Dryocosmus kuriphilus* Yasumatsu (OJ No. L 183, 5.7.2006, p. 29) and to make other minor amendments.

The main changes which this Order makes to the Principal Order are to—

- (a) amend the definition of “Europe” to clarify the geographical area of Russia which it includes (article 2(2));
- (b) require registered traders to retain plant passports for one year (article 2(3)) (contravention of which is an offence under article 43(1)(a)(x) of the Principal Order);
- (c) amend the requirements to notify pests to make it clear that the obligation to confirm a notice in writing only applies where that notice was given orally (article 2(4) and (5)); and
- (d) prohibit the landing in and spread within Great Britain of *Dryocosmus kuriphilus* Yasumatsu and impose additional requirements on the landing of *Castanea* Mill intended for planting (article 2(6) to (10)).

A full regulatory impact assessment has not been produced for this Order as it has no impact on the costs for business.

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