

**2007 No. 2715 (W.228)**

**PLANT HEALTH, WALES**

**The Plant Health (*Phytophthora ramorum*) (Wales) (Amendment)  
Order 2007**

**EXPLANATORY NOTE**

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

This Order amends the Plant Health (*Phytophthora ramorum*) (Wales) Order 2006 (S.I. 2006/1344) (“the Order”) so as to implement Commission Decision 2007/201/EC amending Decision 2002/757/EC on provisional emergency phytosanitary measures to prevent the introduction into and the spread within the Community of *Phytophthora ramorum* Werres, De Cock & Man in ‘t Veld sp. nov (O.J. No. L 90, 30.3.2007, p. 83) and to make other minor changes. The principal changes made are—

- (a) amendment of the list of susceptible material to which the Order applies (article 2(4));
- (b) introduction of additional requirements on movement of susceptible material in Schedule 2 to the Order, in particular that appropriate phytosanitary measures be taken within a radius of two metres from where infected plants have been standing.

A full regulatory impact assessment has not been produced for this instrument.

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**PLANT HEALTH, WALES**

The Plant Health (*Phytophthora  
ramorum*) (Wales) (Amendment)  
Order 2007

*Made* *14 September 2007*

*Laid before the National Assembly for Wales*

*17 September 2007*

*Coming into force* *12 October 2007*

The Welsh Ministers make the following Order in exercise of the powers conferred by sections 2 and 3(1), (2), (3) and (4) of the Plant Health Act 1967<sup>(1)</sup>, now vested in them<sup>(2)</sup>:

**Title and commencement**

**1.** The title of this Order is the Plant Health (*Phytophthora ramorum*) (Wales) (Amendment) Order 2007 and it comes into force on 12 October 2007.

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- (1)** 1967 c. 8; sections 2(1) and 3(1) and (2) were amended by the European Communities Act 1972 (c. 68), section 4(1) and Schedule 4, paragraph 8; section 3(4) was substituted by section 42 of the Criminal Justice Act 1982 (c. 48).
- (2)** Section 1(2)(b) of the Plant Health Act 1967 provides that the competent authority in England and Wales for the purposes of that Act is the Minister for Agriculture, Fisheries and Food. By virtue of 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 for Wales. These functions of the Secretary of State for Wales were then transferred to the National Assembly for Wales under the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The functions transferred to the National Assembly for Wales by SI 1999/672 are now exercisable by the Welsh Ministers by virtue of s162 and para 30 of Schedule 11 of the Government of Wales Act 2006 c32.

**Amendments to the Plant Health (*Phytophthora ramorum*) (Wales) Order 2006**

2.—(1) The Plant Health (*Phytophthora ramorum*) (Wales) Order 2006 (1) is amended as follows:

(2) In article 6 (movement of susceptible material originating in Wales and elsewhere in the European Community or Switzerland), in paragraph (2), for “from its place of production” substitute “within the European Community”.

(3) In article 15 (offences)—

(a) for sub-paragraph (a) of paragraph (1) substitute—

“(a) subject to paragraph (1A), he or she contravenes or fails to comply with article 3, 4, 5(1), 6, 7(1) or (3), 8(1) or 11(1);” and

(b) after paragraph (1), insert—

“(1A) Paragraph (1)(a) shall not apply where an article of any description is landed in Great Britain in contravention of a prohibition in this Order.”(2).

(4) For Schedule 1, substitute—

**SCHEDULE 1**

Articles 4(a) and 10(1)

<i>Susceptible material</i>	<i>Requirements to be met in respect of the issuing of any phytosanitary certificate accompanying susceptible material ("the certificate")</i>
<i>Acer macrophyllum</i> Pursh. <i>Acer pseudoplatanus</i> L. <i>Adiantum aleuticum</i> (Rupr.) Paris <i>Adiantum jordanii</i> C. Muell. <i>Aesculus californica</i> (Spach) Nutt. <i>Aesculus hippocastanum</i> L. <i>Arbutus menziesii</i>	(a) Either— (i) the certificate must contain an additional declaration that the material originates in an area recognised by the official plant health service of the country from which the material originates (“the relevant plant health service”) as being free from non-

(1) 2006/1344 (W.134)

(2) Sections 49 and 50 of the Customs and Excise Management Act 1979 (c.2) provide respectively for forfeiture of goods improperly imported and penalties for improper importation of goods.

Pursch.	European isolates of
<i>Arbutus unedo</i> L.	<i>Phytophthora ramorum</i> ,
<i>Arctostaphylos</i> spp.	in which case the name
Adans	of the area from where
<i>Calluna vulgaris</i> (L.)	the material originates
Hull	must be specified under
<i>Camellia</i> spp. L.	“place of origin”; or
<i>Castanea sativa</i> Mill.	(ii) the certificate must
<i>Fagus sylvatica</i> L.	be issued only after
<i>Frangula californica</i>	official verification by
(Eschsch.) Gray	the relevant plant health
<i>Frangula purshiana</i>	service that upon official
(DC.) Cooper	inspections carried out
<i>Fraxinus excelsior</i> L.	during the last complete
<i>Griselinia littoralis</i>	cycle of vegetation of
(Raoul)	the susceptible material
<i>Hamamelis virginiana</i>	the subject of the
L.	certificate, or upon
<i>Heteromeles arbutifolia</i>	laboratory testing of
(Lindley) M. Roemer	apparent symptoms of
<i>Kalmia latifolia</i> L.	non-European isolates of
<i>Laurus nobilis</i> L.	<i>Phytophthora ramorum</i> ,
<i>Leucothoe</i> spp. D. Don	no signs of non-
<i>Lithocarpus densiflorus</i>	European isolates of
(Hook. & Arn.) Rehd.	<i>Phytophthora ramorum</i>
<i>Lonicera hispidula</i>	have been found on
(Lindl.) Dougl. ex Torr.	susceptible material or
& Gray	any susceptible tree at
<i>Magnolia</i> spp. L.	the place of production;
<i>Michelia doltsopa</i>	and
Buch.-Ham. ex DC	(b) the certificate must
<i>Nothofagus obliqua</i>	be issued only after
(Mirbel) Blume	representative samples
<i>Osmanthus</i>	of the plants have been
<i>heterophyllus</i> (G. Don)	taken before shipment,
P. S. Green	and have been tested and
<i>Parrotia persica</i> (DC)	found free from non-
C.A. Meyer	European isolates of
<i>Photinia x fraseri</i> Dress	<i>Phytophthora ramorum</i>
<i>Pieris</i> spp. D. Don	in these tests, in which
<i>Pseudotsuga menziesii</i>	case the certificate shall
(Mirbel) Franco	be endorsed by the
<i>Quercus</i> spp. L.	relevant plant health
<i>Rhododendron</i> spp. L.,	service under the
other than	heading “additional
<i>Rhododendron simsii</i>	declaration” with the
Planch.	statement “tested and
<i>Rosa gymnocarpa</i> Nutt.	found free from non-
<i>Salix caprea</i> L.	European isolates of
<i>Sequoia sempervirens</i>	<i>Phytophthora</i>
(Lamb. ex D. Don) Endl.	<i>ramorum</i> ”.
<i>Syringa vulgaris</i> L.	
<i>Taxus</i> spp. L.	
<i>Trientalis latifolia</i>	
(Hook)	

*Umbellularia californica*  
(Hook. & Arn.) Nutt.  
*Vaccinium ovatum* Pursh  
*Viburnum* spp. L.”.

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- (5) In the second column of Schedule 2—
- (a) in paragraph (b), for “once” substitute “twice”; and
  - (b) in paragraph (c)—
    - (i) in sub-paragraph (i), after “other susceptible material” insert “, including associated growing media and plant debris,”;
    - (ii) omit “and” immediately after sub-paragraph (i); and
    - (iii) at the end of paragraph (iii) add—  
“; and
    - (iv) appropriate phytosanitary measures have been taken within a radius of two metres from where infected plants have been standing”.

*Elin Jones.*

Minister for Rural Affairs, one of the Welsh Ministers

14 September 2007.