

## 2002 No. 164

### PLANT HEALTH

#### The Plant Health (Great Britain) Amendment (Scotland) Order 2002

*Made* 27th March 2002

*Laid before the Scottish Parliament* 28th March 2002

*Coming into force* 1st April 2002

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and of all other powers enabling them in that behalf, hereby make the following Order:

#### **Citation, commencement and extent**

1.—(1) This Order may be cited as the Plant Health (Great Britain) Amendment (Scotland) Order 2002 and shall come into force on 1st April 2002.

(2) This Order extends to Scotland only.

#### **Amendment of the Plant Health (Great Britain) Order 1993**

2. The Plant Health (Great Britain) Order 1993(b) is amended in accordance with articles 3 to 8 below.

3. In article 2(1) (interpretation) for the definition of “Directive 2000/29/EC” there is substituted—

““Directive 2000/29/EC” means Council Directive 2000/29/EC(c) of 8th May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community as amended by Commission Directive 2001/33/EC(d) and by Commission Directive 2002/28/EC(e);”.

4. In Schedule 1, Part B, section (d) (virus and virus-like organisms), in the entry in the second column opposite item number 1 for “UK” there is substituted “UK (Northern Ireland)”.

5. In Schedule 2, Part B, section (b) (bacteria), for the entry in the third column opposite item number 2 in the first column there is substituted—

“E, F (Corsica), IRL, I (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlì-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Tuscany; Trentino-Alto Adige: autonomous provinces of Bolzano and Trento; Umbria; Valle d’Aosta; Veneto: except in the province of Rovigo, the communes Rovigo, Polesella,

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(a) 1972 c.68; section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3). The function conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(b) S.I. 1993/1320, amended by S.I. 1993/3213, 1995/1358 and 2929, 1996/25, 1165 and 3242, 1997/1145 and 2907, 1998/349 and 1121, S.S.I 1999/22 and 2001/249 (which is partially revoked by this Order).

(c) O.J. No. L 169, 10.7.00, p.1.

(d) O.J. No. L 127, 9.5.01, p.42; and see the associated Commission Directive 2001/32/EC, O.J. No. L 127, 9.5.01, p.38.

(e) O.J. No. L 77, 20.3.02, p.23; and see the associated Commission Directive 2002/29/EC, O.J. No. L 77, 20.3.02, p.26.

Villamarzana, Fratta Polesine, San Bellino, Badia Polesine, Trecenta, Ceneselli, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova del Ghebbo, Fiesso Umbertiano, Castelguglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusia, Pincara, Sienta, Gaiba, Salara, and in the province of Padova, the communes Castlebaldo, Barbona, Piacenza d'Adige, Vescovana, S. Urbano, Boara Pisani, Masi, and in the province of Verona, the communes of Palù, Roverchiara, Legnago (the portion of the communal territory situated to the north east of the Transpolesana national road), Castagnaro, Ronco all'Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, FI, UK (Northern Ireland, Isle of Man and Channel Islands)".

6. In Schedule 3, Part B, (plants, plant products and other objects the introduction of which shall be prohibited in certain protected zones) for the entry in the second column opposite item number 1 in the first column, there is substituted—

“E, F (Corsica), IRL, I (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlì-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Tuscany; Trentino-Alto Adige: autonomous provinces of Bolzano and Trento; Umbria; Valle d'Aosta; Veneto: except in the province of Rovigo, the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine, Trecenta, Ceneselli, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova del Ghebbo, Fiesso Umbertiano, Castelguglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusia, Pincara, Sienta, Gaiba, Salara, and in the province of Padova, the communes Castlebaldo, Barbona, Piacenza d'Adige, Vescovana, S. Urbano, Boara Pisani, Masi, and in the province of Verona, the communes of Palù, Roverchiara, Legnago (the portion of the communal territory situated to the north east of the Transpolesana national road), Castagnaro, Ronco all'Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, FI, UK (Northern Ireland, Isle of Man and Channel Islands)”.

7. In Schedule 4, Part B (special requirements which shall be laid down for the introduction and movement of plants, plant products and other objects into and within certain protected zones)—

- (a) in the entries in the third column opposite items 20.1 and 20.2 for “UK” there is substituted “UK (Northern Ireland)”;
- (b) for the entry in the second column opposite item number 21 in the first column after “(a) the plants originate in the protected zones”, and for the entry in the third column opposite that item there is substituted—

“E, F (Corsica), IRL, I (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlì-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Tuscany; Trentino-Alto Adige: autonomous provinces of Bolzano and Trento; Umbria; Valle d'Aosta; Veneto: except in the province of Rovigo, the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine, Trecenta, Ceneselli, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova del Ghebbo, Fiesso Umbertiano, Castelguglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusia, Pincara, Sienta, Gaiba, Salara, and in the province of Padova, the communes Castlebaldo, Barbona, Piacenza d'Adige, Vescovana, S. Urbano, Boara Pisani, Masi, and in the province of Verona, the communes of Palù, Roverchiara, Legnago (the portion of the communal territory situated to the north east of the Transpolesana national road), Castagnaro, Ronco all'Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, FI, UK (Northern Ireland, Isle of Man and Channel Islands)”; and

- (c) in the entries in the third column opposite items 22, 23, 25.1, 25.2, 26, 27.1, 27.2 and 30 for “UK” there is substituted “UK (Northern Ireland)”.

8. In Schedule 8–

- (a) in section (b) (bacteria), in the entry in the second column opposite item number 2 in the first column, there is substituted–

“Spain, France (Corsica), Ireland, Italy (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlì-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Tuscany; Trentino-Alto Adige: autonomous provinces of Bolzano and Trento; Umbria; Valle d’Aosta; Veneto: except in the province of Rovigo, the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine, Trecenta, Ceneselli, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova del Ghebbo, Fiesso Umbertiano, Castलगuglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusina, Pincara, Stienta, Gaiba, Salara, and in the province of Padova, the communes Castledbaldo, Barbona, Piacenza d’Adige, Vescovana, S. Urbano, Boara Pisani, Masi, and in the province of Verona, the communes of Palù, Roverchiara, Legnago (the portion of the communal territory situated to the north east of the Transpolesana national road), Castagnaro, Ronco all’Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), Austria (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), Portugal, Finland, United Kingdom (Northern Ireland, Isle of Man and Channel Islands)”; and

- (b) in section (d) (viruses and virus-like organisms)

- (i) in the entry in the second column opposite item number 1 for “United Kingdom” there is substituted “United Kingdom (Northern Ireland)”; and
- (ii) in the entry in the first column opposite item number 4, the words “harmful to fruit of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf. and their hybrids, with leaves and peduncles” are omitted.

**Revocation**

9. Articles 3(a), 8, 9, 11(c) and 13 of the Plant Health (Great Britain) Amendment (Scotland) Order 2001(a) are revoked.

Pentland House,  
Edinburgh  
27th March 2002

*ROSS FINNIE*  
A member of the Scottish Executive

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(a) S.S.I. 2001/249.

## EXPLANATORY NOTE

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

This Order amends the Plant Health (Great Britain) Order 1993 (“the principal Order”), in relation to Scotland, so as to implement certain elements of Commission Directives 2002/28/EC (O.J. No. L 77 20.3.02, p.23) and 2002/29/EC (O.J. No. L 77, 20.3.02, p.26) which are not implemented in other legislation. Commission Directive 2002/29/EC amends the protected zones established under Council Directive 2000/29/EC (OJ No. L169, 10.7.00, p.1) (“the principal Plant Health Directive”) and scheduled in the Annex to Commission Directive 2001/32/EC (O.J. No. L 127, 9.5.01, p.38). Directive 2002/28/EC provides for consequential amendments to certain Annexes of the principal Plant Health Directive.

The amendments in this Order implementing Directive 2002/28/EC are at articles 4 to 7 inclusive. Directive 2002/29/EC is implemented by article 8, which amends Schedule 8 to the principal Order. The principal changes to the protected zones are removal of Great Britain from the protected zone in respect of *Beet necrotic yellow vein virus* (known as rhizomania) (articles 4, (7)(a) and (c) and (8)), and re-definition of the Italian and Austrian protected zones in respect of the bacterium *Erwinia amylovora* (Burr.) Winsl. et al (known as fireblight) (articles 5, 6, 7(b) and 8). A small amendment is made to the description of *Citrus tristeza virus* in Schedule 8 (article 8(b)(ii)).

An additional amendment is made to the definition of Council Directive 2000/29/EC so as to incorporate amendments made to it by Commission Directive 2002/28/EC (article 3).

Finally, the Order revokes a number of provisions in the Plant Health (Great Britain) Amendment (Scotland) Order 2001, which amended the principal Order and which amendments have been superceded (article 9).

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