
 STATUTORY INSTRUMENTS

1966 No. 162

PESTS

DESTRUCTIVE INSECTS AND PESTS

The Fire Blight Disease (Amendment) Order 1966

Made	17th February 1966
Laid before Parliament	24th February 1966
Coming into Operation	1st March 1966

The Minister of Agriculture, Fisheries and Food by virtue and in exercise of the powers vested in him by section 2 of the Destructive Insects Act 1877(a), as amended by section 1 of the Destructive Insects and Pests Act 1907(b) and section 1 of the Destructive Insects and Pests Act 1927(c) respectively, and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and Commencement

1.—(1) This Order may be cited as the Fire Blight Disease (Amendment) Order 1966. The Fire Blight Disease Order 1958(d) (hereinafter referred to as “the principal Order”), the Fire Blight Disease (Amendment) Order 1960(e) and this Order may be cited together as the Fire Blight Disease Orders 1958 to 1966.

(2) This Order shall come into operation on 1st March 1966.

Amendment of Principal Order

2. The principal Order shall be amended as follows:—

(a) After Article 5 there shall be inserted the following Article:—

“Control of Pear Trees of the Variety Laxton’s Superb

5A.—(1) No person shall bud or graft, or cause or permit to be budded or grafted, any tree or rootstock with any bud or scion of the pear variety Laxton’s Superb or otherwise propagate, or cause or permit to be propagated, any pear tree of the variety aforesaid.

(2) No person shall plant on any agricultural land a tree which is wholly or partly of the pear variety Laxton’s Superb.

(3) (a) The occupier or other person in charge of any agricultural land within the counties of Essex, Kent or East Sussex shall, by not later than 30th April 1970, destroy any tree growing on such land which is wholly or partly of the pear variety Laxton’s Superb except where the fruit-bearing wood of the tree has been changed to a variety other than the pear variety Laxton’s Superb by means of the method known as topworking or the method known as frameworking.

(a) 40 & 41 Vict. c. 68.

(b) 7 Edw. 7. c. 4.

(c) 17 & 18 Geo. 5. c. 32.

(d) S.I. 1958/1814 (1958 II, p. 1871).

(e) S.I. 1960/1557 (1960 II, p. 2692).

(b) Where the fruit-bearing wood of a tree which is wholly or partly of the pear variety Laxton's Superb growing on land referred to in the last preceding sub-paragraph has been changed to a variety other than Laxton's Superb in the manner referred to in the said sub-paragraph the occupier or other person in charge of the land on which the tree is growing shall prevent the said tree from forming any flower of the pear variety Laxton's Superb at any time after 30th April 1970 and, after the last-mentioned date, shall remove by 31st December of each year any vegetative shoots of the pear variety Laxton's Superb which may have formed on the said tree.

(4) At any time after 30th April 1970 an authorised officer, upon production if so required of his authority, may enter upon any land or premises within the counties of Essex, Kent or East Sussex, not being agricultural land, on which there is growing any tree which is wholly or partly of the pear variety Laxton's Superb and may remove or destroy such tree.

Any person acting under the instructions of an authorised officer exercising powers vested in him by this paragraph may enter upon any such land or premises for the purpose of carrying out those instructions.

(5) At any time after 30th April 1970 an authorised officer may, by notice in writing served on the occupier or other person in charge of any land within the counties of Essex, Kent or East Sussex, not being agricultural land, but being land on which there is growing a tree which is wholly or partly of the pear variety Laxton's Superb, require him to take one or both of the following steps, namely—

(a) to destroy to the satisfaction of an authorised officer, by not later than such date as may be specified in the notice, any such tree as aforesaid as may also be so specified unless the fruit-bearing wood thereof shall in the meantime have been changed to a variety other than the pear variety Laxton's Superb by means of the method known as topworking or the method known as frameworking;

(b) to prevent any such tree as aforesaid as may be specified in the notice from forming any flower of the pear variety Laxton's Superb at any time after a date specified in the notice and, after the said date, to remove by the 31st December of each year any vegetative shoots of the pear variety Laxton's Superb which may have formed on any such tree.

(6) An authorised officer may, by notice in writing served on the occupier or other person in charge of any land on which there is growing—

(a) any tree or rootstock which has been budded, grafted or propagated in contravention of paragraph (1) of this Article,

(b) any tree which has been planted in contravention of paragraph (2) of this Article,

(c) any tree which, in contravention of paragraph (3)(a) of this Article, has not been destroyed as required by that paragraph, or

(d) any tree—

(i) which has been permitted to form a flower of the pear variety Laxton's Superb or

(ii) on which vegetative shoots of the pear variety Laxton's Superb have been allowed to remain

in contravention of paragraph (3)(b) of this Article or of a notice served in pursuance of paragraph (5) thereof,

require him to destroy to the satisfaction of an authorised officer, within such time as may be specified in the notice, such tree or rootstock as may also be so specified, being a tree or rootstock in relation to which the said contravention took place.

(7) A notice served pursuant to paragraphs (5) or (6) of this Article may at any time be amended, modified or withdrawn by a further notice served on the occupier or other person in charge of the land to which it relates.

(8) If upon an inspection by an authorised officer it shall appear that any person shall have failed to carry out the destruction of any tree or rootstock as required by paragraph (3) of this Article or by a notice served pursuant to paragraphs (5) or (6) thereof then, without prejudice to any proceedings under this Order consequent upon such failure, an authorised officer or a person acting under his instructions may enter on the land and destroy such tree or rootstock and the cost of taking such a step shall be recoverable by the Minister as a civil debt from the person in default.

(9) For the purposes of this Article "agricultural land" includes land used for horticulture, fruit growing, seed growing, dairy farming, live-stock breeding and keeping, grazing land, meadow land, osier land, market gardens, nursery grounds and woodlands, being land so used for the purposes of a trade or business."

(b) In Article 5(1) (as amended) after the words "to be so infected" there shall be added the words "or any parts of such trees."

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 17th February 1966.

(L.S.)

Frederick Peart,

Minister of Agriculture, Fisheries and Food.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Fire Blight Disease Order 1958 by—

- (a) prohibiting the propagation of Laxton's Superb pear trees;
- (b) prohibiting the commercial planting of Laxton's Superb pear trees;
- (c) requiring the destruction, by 30th April 1970, of Laxton's Superb pear trees in commercial orchards in Essex, Kent and East Sussex unless they are reworked with another variety, any Laxton's Superb wood which remains being thereafter kept free from blossom and vegetative shoots and;

(d) authorising officers of the Ministry of Agriculture, Fisheries and Food, at any date after 30th April 1970, to serve a notice on any non-commercial grower of Laxton's Superb pear trees in Essex, Kent and East Sussex imposing a similar requirement to that in (c) above or, instead of serving such a notice, to destroy the trees.

It also provides for the destruction, at the expense of the occupier, of trees which are propagated, planted or retained in contravention of these prohibitions and requirements.