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STATUTORY INSTRUMENTS

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**1991 No. 240**

**The Plant Health (Great Britain) (Amendment) Order 1991**

**Amendment of the Plant Health (Great Britain) Order 1987**

**2.** The Plant Health (Great Britain) Order 1987<sup>(1)</sup> shall be amended as follows—

(1) In article 3 (interpretation)—

(a) in paragraph (1)—

(i) in the definition of “Member State” the words “or the French overseas departments” shall be omitted;

(ii) the definition of “progressive wilt disease” shall be omitted;

(b) after paragraph (2) there shall be inserted the following paragraph—

“(2A) Any reference in this Order to a particular plant includes reference to a hybrid containing genetic material from the family, genus or species to which that plant belongs.”;

(2) In article 6 (phytosanitary certificates for imported plants etc.)—

(a) in paragraph (1) for the words “Subject to paragraphs (2) and (3) of this article” there shall be substituted the words “Subject to paragraphs (2), (3) and (4) of this article”.

(b) after paragraph (3) there shall be inserted the following paragraph—

“(4) In the case of plants, soil or growing medium of a description specified in column 2 of Schedule 3 (other than those plants, soil or growing medium which are subject to paragraphs (2) or (3) of this article) the phytosanitary certificate shall have been issued in the country in which the conditions specified in column 3 of Schedule 3 were fulfilled whether or not that country was the country of origin.”;

(3) In article 12 (exports of plants etc. to Member States) for paragraph (4) there shall be substituted the following paragraph—

“(4) No person shall export from Great Britain to a Member State any consignment of plants or growing medium which—

(a) is of a description specified in Schedule 4, and

(b) originated in another Member State or a third country,

unless the consignment is accompanied by a phytosanitary certificate issued in the country of origin or issued in accordance with article 6(4), or a certified copy of that certificate.”;

(4) Article 38 (destruction of dead and dying vines and leaves of hop plants etc.) shall be omitted and the heading above it (“*Progressive wilt disease*”) shall be omitted and replaced with the heading “*Verticillium wilt disease*” immediately above article 39;

(5) For article 40 (restriction on the planting or movement for planting of hop plants grown in certain counties) there shall be substituted the following article—

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(1) S.I. [1987/1758](#), relevant amending instruments are S.I. [1989/553](#), [1990/1741](#).

### “Planting records of hop plants

**40.**—(1) Subject to article 39, the occupier or other person in charge of any farm in England and Wales on which hop plants are grown shall maintain a record of the following particulars in relation to those hop plants—

- (a) the farm from which they were obtained or a statement that they were grown on the farm on which they are planted;
- (b) the date on which they were planted;
- (c) the variety;
- (d) the location where they were planted; and
- (e) the number of plants involved in respect of particulars specified in subparagraphs (a) to (d) above.

(2) Every record required to be made by a person under this article shall be made by him as soon as reasonably practicable after the completion of the planting to which the record relates.

(3) Every record required to be made by a person under this article shall be retained by him for a period of 5 years from the date of the completion of the planting.

(4) Any person who is for the time being in charge of any record required to be made under this article shall, on demand made by an inspector at any reasonable time during that period, produce such records and allow a copy to be made or an extract to be taken and where the records are kept by means of a computer they shall be produced in a form in which they may be taken away.”;

(6) Article 41 (restriction on the planting or sale for planting of certain hop plants) shall be omitted;

(7) In Part IIC of Schedule I for Item 14 (*Verticillium albo-atrum* Reinke and Berth.) there shall be substituted the following Item—

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“**14.** *Verticillium albo-atrum* Reinke Plants of hop (*Humulus lupulus* L.) and seeds and Berth. — *Verticillium* Wilt Disease. of lucerne (*Medicago sativa* L.)”;

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(8) In Part IIIC of Schedule 1 for Item 9 (*Verticillium albo-atrum* Reinke and Berth.) there shall be substituted the following Items—

“**9.** *Verticillium albo-atrum* Reinke and Berth. — *Verticillium* Wilt Disease other than where it occurs on plants of hop

**10.** *Verticillium dahliae* — Kleb — Hop Wilt”;

(9) In Part IIC of Schedule 3 for Item 16 there shall be substituted the following Items—

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<p>“<b>16.</b> Plants of:—</p> <p><i>Apium graveolens</i> L.</p> <p><i>Brassica</i> L.</p> <p><i>Capsicum annuum</i> L.</p> <p><i>Chrysanthemum</i> L.</p> <p><i>Cucumis</i> L.</p> <p><i>Dendranthema</i> (DC.) Des Moulins</p> <p><i>Dianthus</i> L.</p> <p><i>Gerbera</i> L.</p>	<p>(1) Where the plants comprising the consignment were grown in a Member State an official statement shall have been made:—</p>	<p>(a) either that the plants or, in the case of cuttings, the stock plants were grown at a place of production at which no evidence of <i>Amauromyza maculosa</i> (Malloch), <i>Liriomyza huidobrensis</i> (Blanchard), <i>Liriomyza sativae</i></p>
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*Gypsophila* L.  
*Lactuca Sativa* L.  
*Leucanthemum*  
Miller  
*Lycopersicon*  
*Lycopersicum* (L.)  
Karsten melongena  
L.  
*Tanacetum* L.  
other than plants in  
tissue culture.

(Blanchard) or  
*Liriomyza trifolii*  
(Burgess) has been  
observed during  
official inspections  
carried out at least  
monthly during the  
three months prior to  
harvesting; or

- (b) that immediately  
prior to export the  
plants have been  
inspected and found  
free from evidence  
of the pests specified  
in paragraph 1(a) of  
this Item and have  
been subjected to an  
appropriate treatment  
aimed at eradicating  
those pests..

(2) Where the plants  
comprising the consignment  
were grown in a third country  
an official statement shall have  
been made that the plants or,  
in the case of cutting, the  
stock plants were grown at a  
place of production at which no  
evidence of the pests specified  
in paragraph 1(a) of this  
Item has been observed during  
official inspections carried out  
at least monthly during the three  
months prior to harvesting.

**16A.** Herbaceous plants (other than those referred to in Item 16 above) other than plants in tissue culture.

Where the plants comprising the consignment were grown in a Member State where the pests specified in paragraph 1(a) of Item 16 are known to occur or in a third country an official statement shall have been made:—

- (a) either that the plants or, in the case of cuttings, the stock plants were grown at a place of production at which no evidence of the pests specified in paragraph 1(a) of Item 16 has been observed during an

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- (b) official inspection carried out prior to harvesting; or that immediately prior to export the plants have been inspected and found free from evidence of the pests specified in paragraph 1(a) of Item 16 and have been subjected to an appropriate treatment aimed at eradicating those pests.”; and

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(10) For Schedule 5 (meaning of “Directive [77/93/EEC](#)”) there shall be substituted the Schedule set out in the Schedule to this Order.