
STATUTORY INSTRUMENTS

1993 No. 1320

The Plant Health (Great Britain) Order 1993

Interpretation

2.—(1) In this Order, unless the context otherwise requires—

“appropriate Minister” means in the application of this Order to England the Minister of Agriculture, Fisheries and Food, in its application to Scotland the Secretary of State for Scotland and in its application to Wales the Secretary of State for Wales;

“approved immune variety” means a variety of potatoes approved for the time being by the appropriate Minister as being immune from wart disease of potatoes;

“approved resistant variety” means a variety of potatoes approved for the time being by the appropriate Minister as being resistant to one or more pathotypes of potato cyst nematode;

“authorised officer” means—

- (a) in relation to a certificate, translation or copy issued in Great Britain, an inspector or other officer of the appropriate Minister, and
- (b) in relation to a certificate, translation or copy issued in a place other than Great Britain, a representative of the Plant Protection Service of the country in which the certificate, translation or copy was issued;

“authorised person” means a person authorised under article 17;

“Central America” means the geographical area comprising Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama and the islands commonly known as the West Indies;

“Customs Act” means the Customs and Excise Management Act 1979⁽¹⁾;

“Directive 77/93/EEC” means Council Directive of 21st December 1976 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽²⁾, as amended and supplemented by the instruments listed in Schedule 16;

“early potatoes” means potatoes harvested before they are completely mature, marketed immediately after their harvesting and whose skins can be easily removed without peeling;

“the Euro-Mediterranean area” means the geographical area comprising Europe, Algeria, Cyprus, Egypt, Israel, Jordan, Lebanon, Libya, Malta, Morocco, Syria, Tunisia and Turkey;

“Europe” includes the Canary Islands and Belarus, Estonia, Latvia, Lithuania, Moldova, the Ukraine and Russia (excluding the Regions of Buryat, Yakut and Tuva, the Altai, Khabarovsk, Drasnoyarsk and Maritime Krai and the Amur, Chita, Irkutsk, Kamchatka, Kemerovo, Kurgan, Magadan, Novosibirsk, Omsk, Sakhalin, Tomsk and Tyumen Oblasts) but does not include Cyprus or Turkey;

(1) 1979 c. 2.

(2) OJNo. L26, 31.1.77, p.20, as corrected by the Corrigenda published in OJ No. L130, 29.5.79, p.32.

“European Community” means the European Economic Community including the Isle of Man and the Channel Islands but excluding the Canary Islands, Ceuta, Melilla and the French Overseas Departments;

“fruit” means fruit in the botanical sense but does not include dried, dehydrated, lacquered or deep frozen fruit;

“genetically modified plant pest” means a plant pest, the genetic complement of which has been modified, and includes—

- (a) organisms and material which contain such a plant pest or parts thereof, and
- (b) any other modified organisms likely to be injurious to plants,

other than *Agrobacterium* species and other organisms which, in the opinion of the appropriate Minister, have been modified to eliminate all pathogenic sequences;

“growing medium” means material, intended to sustain the life of plants, which consists wholly or partly of soil or peat (whether used or unused), parts of plants, bark or other humus, or any other solid substance;

“importer” in relation to any plant pest, plant, plant product or other object includes—

- (a) any person who (whether as owner, consignor, consignee, agent, broker or otherwise) is in possession of or in any way entitled to the custody of the plant pest, plant, plant product or other object which is likely to be or has been landed in Great Britain from a country outside the European Community; and
- (b) any person by whose action the plant pest, plant, plant product or other object is likely to be or has been landed in Great Britain from a country outside the European Community;

“inspector” means any person authorised by the appropriate Minister to be an inspector for the purposes of this Order;

“landed” includes imported by post and “land” and “landing” shall be construed accordingly⁽³⁾;

“North America” means the geographical area comprising Canada, Mexico and the United States of America (except the state of Hawaii);

“nursery” means premises wholly or partly used for the cultivation or keeping of plants for the purpose of transplantation or removal to other premises;

“official” in relation to any testing or any other procedure required by this Order to be carried out in respect of any plant, plant product, soil or growing medium means carried out by or under the supervision of the Plant Protection Service of the country in which the testing or other procedure is carried out and “officially” shall be construed accordingly;

“official register” means the register referred to in article 15;

“official statement” means a statement by an authorised officer and shall be deemed to have been given—

- (a) in respect of plants, plant products and other objects imported into Great Britain from outside the European Community by the issue of a phytosanitary certificate; and
- (b) in respect of plants, plant products and other objects moved within the European Community by the issue of a plant passport;

“phytosanitary certificate” means a certificate duly completed either in the form set out in Schedule 14 or the equivalent written in a language other than English;

(3) By the Channel Tunnel (Amendment of Agriculture, Fisheries and Food Import Legislation) Order 1990 (S.I. 1990/2371) this expression includes reference to importation through the tunnel system.

“place of production” means any premises, normally worked as a unit, together with any contiguous uncultivated land;

“plant” means a living plant or living part of a plant, including seed; living parts of plants include—

- (a) fruit, in the botanical sense,
- (b) vegetables (other than those preserved by deep freezing),
- (c) tubers, corms, bulbs or rhizomes,
- (d) cut flowers,
- (e) branches with foliage,
- (f) cut trees retaining foliage, and
- (g) plants in tissue culture;

“plant passport” means a label and, where appropriate, an accompanying document containing the relevant information in Schedule 7 which gives evidence that the provisions of this Order relating to plant health standards and special requirements for plants and plant products moving within the European Community have been complied with;

“plant in tissue culture” means a plant growing in a liquid or solid aseptic culture medium in a closed transparent container;

“plant pest” means pests of and harmful organisms liable to infect plants or plant products which belong to the animal or plant kingdoms, or which are viruses, mycoplasmas or other pathogens and includes genetically modified plant pests;

“plant product” means a product of plant origin, which is unprocessed or has undergone simple preparation insofar as it is not a plant;

“potato” means any tuber or true seed or any other plant of *Solanum tuberosum* L. or other tuber-forming species or hybrid of the genus *Solanum* L.;

“potato cyst nematode” means cyst-forming nematodes of the genus *Globodera* Skarbilovich (Behrens) that infest and multiply on potatoes and includes all strains and pathotypes thereof;

“potato ring rot” means either the disease of potatoes which is caused by the bacterium *Clavibacter michiganensis* (Smith) Davis et al. ssp. *sepedonicus* (Spieckermann and Kotthoff) Davis et al. and is known as potato ring rot or that bacterium as the context may require;

“premises” includes any land, building, vehicle, vessel, aircraft, hovercraft or freight container;

“protected zone” means a zone in the European Community:

- (a) in which one or more plant pests referred to in Directive [77/93/EEC](#), which are established in one or more parts of the European Community, are not endemic or established, despite favourable conditions for them to establish there, or
- (b) in which there is a danger that certain plant pests will establish themselves, given propitious ecological conditions, for particular crops, despite the fact that these organisms are not endemic or established in the European Community,

and which has been recognised, in accordance with the procedure laid down in Article 16a of Directive [77/93/EEC](#);

“reforwarding phytosanitary certificate” means a certificate duly completed either in the form set out in Schedule 15 or the equivalent written in a language other than English;

“seed” means seed in the botanical sense other than seed not intended for planting;

“soil” means material wholly or partly derived from the upper layer of the earth’s crust which is capable of sustaining plant life and which contains solid organic substances such as parts of plants, humus, peat or bark, but does not include material composed entirely of unused peat;

“South America” means the geographical area comprising Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, French Guyana, Guyana, Paraguay, Peru, Surinam, Uruguay and Venezuela;

“third country” means a country or territory other than one within the European Community;

“wart disease of potatoes” means either the disease of potatoes which is caused by the fungus *Synchytrium endobioticum* (Schilb.) Perc. and is known as wart disease of potatoes or that fungus as the context may require.

(2) Any reference in this Order to a particular plant pest is a reference to that pest in any stage of its existence.

(3) 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 the plant belongs.

(4) Any reference in this Order to the European Community, or a third country includes reference to a state, province or region within the European Community, or that third country.

(5) Any reference in this Order to a numbered Article or a numbered Schedule is a reference to the article or Schedule so numbered in this Order.