
STATUTORY INSTRUMENTS

1998 No. 1121

PLANT HEALTH

**The Plant Health (Great Britain)
(Amendment) (No. 2) Order 1998**

<i>Made</i>	- - - -	<i>24th April 1998</i>
<i>Laid before Parliament</i>		<i>27th April 1998</i>
<i>Coming into force</i>	- -	<i>1st May 1998</i>

The Minister of Agriculture, Fisheries and Food in relation to England, the Secretary of State for Scotland in relation to Scotland and the Secretary of State for Wales in relation to Wales, in exercise of the powers conferred on them by sections 2 and 3 of the Plant Health Act 1967⁽¹⁾ and now vested in them⁽²⁾ and of all other powers enabling them in that behalf, hereby make the following Order:

Title and commencement

1. This Order may be cited as the Plant Health (Great Britain) (Amendment) (No. 2) Order 1998 and shall come into force on 1st May 1998.

Amendment of the Plant Health (Great Britain) Order 1993

2.—(1) The Plant Health (Great Britain) Order 1993⁽³⁾ shall be amended in accordance with paragraphs (2) to (13) below.

(2) In Schedule 1, Part A, Section 1(a)—

(a) after item 10 there shall be inserted the following—

“**10.1.** *Diabrotica barberi* Smith & Lawrence

10.2. *Diabrotica undecimpunctata howardi* Barber

10.3. *Diabrotica undecimpunctata undecimpunctata* Mannerheim

10.4. *Diabrotica virgifera* Le Conte”; and

(b) after item 11 there shall be inserted the following—

(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) In the case of the Secretary of State for Wales, by virtue of S.I. 1978/272.
(3) S.I. 1993/1320; amended by S.I. 1993/3213, 1995/1358 and 2929, 1996/25, 1165 and 3242, 1997/1145 and 2907 and 1998/349.

“**11.1.** *Hirschmanniella* spp., other than *Hirschmanniella gracilis* (de Man) Luc & Goodey”.

(3) In Schedule 1, Part A, Section 2(a)—

(a) after item 6 there shall be inserted the following—

“**6.1.** *Meloidogyne chitwoodi* Golden et al. (all populations)

6.2. *Meloidogyne fallax* Karsen”; and

(b) after item 8 there shall be inserted the following—

“**8.1.** *Rhizoecus hibisci* Kawai & Takagi”.

(4) In Schedule 2, Part A, Section 1(a), item 12, for the wording in the second column there shall be substituted the following—

“Plants of *Crataegus* L., *Malus* Mill. *Photinia* Ldl., *Prunus* L. and *Rosa* L., intended for planting, other than seeds, and fruit of *Malus* Mill. and *Prunus* L., originating in non-European countries”.

(5) In Schedule 2, Part A, Section 2(d)—

(a) in item 15, there shall be inserted at the end of the second column the words “other than seeds”; and

(b) after item 15 there shall be inserted the following—

“ 16. Tomato yellow leaf curl virus	Plants of <i>Lycopersicon lycopersicum</i> (L.) Karsten ex Farw., intended for planting, other than seeds.”
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(6) In Schedule 3, Part A—

(a) for item 9 there shall be substituted the following—

“**9.** Plants of *Chaenomeles* Lindl., *Cydonia* Mill., *Prunus* L.,¹ *Pyrus* L., intended for planting, other than dormant plants free from leaves, flowers and fruit

9.1. Plants of *Photinia* Ldl., intended for planting, other than dormant plants free from leaves, flower and fruit USA, China, Japan, the Republic of Korea and Korea Democratic People’s Republic”;

(b) in item 12, for the entry in the first column there shall be substituted the following—

“Tubers of species of *Solanum* L. and their hybrids, other than those specified in Schedule 3A(10) and (11).”

(7) In Schedule 4, Part A, Section 1—

(a) in item 16, for the entry in the first column there shall be substituted the following—

“From 15 February to 30 September, fruits of *Prunus* L., originating in non-European countries;”

(b) for items 16.1, 16.2 and 16.3 there shall be substituted the following—

“ 16.1 Fruits of <i>Citrus</i> L., <i>Fortunella</i> Swingle, <i>Poncirus</i> Raf., and their hybrids, originating in third countries	The fruits shall be free from peduncles and leaves and the packaging shall bear an appropriate origin mark.
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- 16.2** Fruits of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., and their hybrids, originating in third countries
- Without prejudice to the provisions applicable to the fruits in Schedule 4A1(16.1), (16.3), (16.3a) and (16.4), official statement that:
- (a) the fruits originate in a country recognised as being free from *Xanthomonas campestris* (all strains pathogenic to Citrus), or
 - (b) the fruits originate in an area recognised as being free from *Xanthomonas campestris* (all strains pathogenic to Citrus), and mentioned on the certificates referred to in Articles 7 or 8 of Directive [77/93/EEC](#), or
 - (c) either,
 - in accordance with an official control and examination regime, no symptoms of *Xanthomonas campestris* (all strains pathogenic to Citrus) have been observed in the field of production and in its immediate vicinity since the beginning of the last cycle of vegetation, and none of the fruits harvested in the field of production has shown symptoms of *Xanthomonas campestris* (all strains pathogenic to Citrus), and
 - the fruits have been subjected to treatment such as sodium orthophenylphenate, mentioned on the certificates referred to in Articles 7 or 8 of Directive [77/93/EEC](#), and the fruits have been packed at premises or dispatching centres registered for this purpose, or
 - any certification system, recognised as equivalent to the above provisions, has been complied with.

- 16.3** Fruits of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., and their hybrids, originating in third countries
- Without prejudice to the provisions applicable to the fruits in Schedule 4A1 (16.1), (16.2), (16.3a) and (16.4), official statement that:
- (a) the fruits originate in a country recognised as being free from *Cercospora angolensis* Carv. & Mendes, or
 - (b) the fruits originate in an area recognised as being free from *Cercospora angolensis* Carv. & Mendes, and mentioned on the certificates referred

to in Articles 7 or 8 of Directive [77/93/EEC](#), or

- (c) no symptoms of *Cercospora angolensis* Carv. & Mendes have been observed in the field of production and in its immediate vicinity since the beginning of the last cycle of vegetation, and none of the fruits harvested in the field of production has shown, in appropriate official examination, symptoms of this organism.

16.3a Fruits of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf., and their hybrids, other than fruits of *Citrus aurantium* L., originating in third countries

- Without prejudice to the provisions applicable to the fruits in Schedule 4A1 (16.1), (16.2), (16.3) and (16.4), official statement that:
- (a) the fruits originate in a country recognised as being free from *Guignardia citricarpa* Kiely (all strains pathogenic to Citrus), or
- (b) the fruits originate in an area recognised as being free from *Guignardia citricarpa* Kiely (all strains pathogenic to Citrus), and mentioned on the certificates referred to in Article 7 or 8 of Directive [77/93/EEC](#), or
- (c) no symptoms of *Guignardia citricarpa* Kiely (all strains pathogenic to Citrus) have been observed in the field of production and in its immediate vicinity since the beginning of the last cycle of vegetation, and none of the fruits harvested in the field of production has shown, in appropriate official examination, symptoms of this organism, or
- (d) the fruits originate in a field of production subjected to appropriate treatments against *Guignardia citricarpa* Kiely (all strains pathogenic to Citrus), and none of the fruits harvested in the field of production has shown, in appropriate official examination, symptoms of this organism.”;

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- (c) in item 25.4, at the end of the entry in the second column there shall be inserted the following—

“and

- (c) that the tubers originate in areas in which *Meloidogyne chitwoodi* Golden et al. (all populations) and *Meloidogyne fallax* Karssen are known not to occur or, where the tubers originate in areas where *Meloidogyne chitwoodi* Golden et al. (all populations) and *Meloidogyne fallax* Karssen are known to occur:

- that the tubers originate from a place of production which has been found free from *Meloidogyne chitwoodi* Golden et al. (all populations) and *Meloidogyne fallax* Karssen based on an annual survey of host crops by visual inspection of host plants at appropriate times and by visual inspection both externally and by cutting of tubers after harvest from potato crops grown at the place of production, or
- that the tubers after harvest have been randomly sampled and have either been:
 - checked for the presence of symptoms after an appropriate method to induce symptoms, or
 - laboratory tested,
- as well as inspected visually both externally and by cutting the tubers, at appropriate times and in all cases at the time of closing of the packages or containers before marketing according to the provisions on closing in Council Directive 66/403/EEC(4), and no symptoms of *Meloidogyne chitwoodi* Golden et al. (all populations) and *Meloidogyne fallax* Karssen have been found.”;

(d) for item 43 there shall be substituted the following—

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| “43. Naturally or artificially dwarfed plants intended for planting other than seeds, originating in non-European countries | Without prejudice to the provisions applicable to the plants listed in Schedule 3A(1), (2), (3), (9), (13), (15), (16), (17), (18), Schedule 3B(1) and Schedule 4A1 (8.1), (8.2), (9.1), (9.2), (10), (11.1), (11.2), (12), (13.1), (13.2), (14), (15), (17), (18), (19.1), (19.2), (20), (22.1), (22.2), (23.1), (23.2), (24), (25.5), (25.6), (26), (27.1), (27.2), (28), (32.1), (32.2), (33), (34), (36), (37), (38.1), (38.2), (39), (40), (42), where appropriate, official statement that: <ul style="list-style-type: none">(a) the plants, including those collected directly from natural habitats, shall have been grown, held and trained for at least two consecutive years prior to dispatch in officially registered nurseries, which are subject to an officially supervised control regime,(b) the plants on the nurseries referred to in (a) shall:<ul style="list-style-type: none">(aa) at least during the period referred to in (a):<ul style="list-style-type: none">— be potted, in pots which are placed on shelves at least 50 cm above ground,— have been subjected to appropriate treatments to ensure freedom from non-European rusts; the active ingredient, concentration and date of application of these |
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(4) OJ 125, 11.7.1966, p. 2320/66, as last amended by Commission Decision 98/111/EC (OJ No. L28, 4.2.98, p. 42).

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- treatments shall be mentioned on the phytosanitary certificate under the rubric “disinfestation and/or disinfection treatment”,
- have been officially inspected at least six times a year at appropriate intervals for the presence of plant pests of concern, which are those in the Schedules to this Order. These inspections, which shall also be carried out on plants in the immediate vicinity of the nurseries referred to in (a), shall be carried out at least by visual examination of each row in the field or nursery and by visual examination of all parts of the plant above the growing medium, using a random sample of at least 300 plants from a given genus where the number of plants of that genus is not more than 3,000 plants, or 10% of the plants if there are more than 3,000 plants from that genus,
 - have been found free, in these inspections, from the relevant plant pests of concern as specified in the previous indent. Infested plants shall be removed. The remaining plants, where appropriate, shall be effectively treated, and in addition shall be held for an appropriate period and inspected to ensure freedom from such plant pests of concern,
 - have been planted in either an unused artificial growing medium or in a natural growing medium which has been treated by fumigation or by appropriate heat treatment and has been examined afterwards and found free of any plant pests,
 - have been kept under conditions which ensure that

- the growing medium has been maintained free from plant pests and within two weeks prior to dispatch, have been:
 - shaken and washed with clean water to remove the original growing medium and kept bare rooted, or
 - shaken and washed with clean water to remove the original growing medium and planted in growing medium which meets the conditions laid down in (aa) fifth indent, or
 - subjected to appropriate treatments to ensure that the growing medium is free from plant pests; the active ingredient, concentration and date of application of these treatments shall be mentioned on the phytosanitary certificate under the rubric “disinfestation and/or disinfection treatment”, and
- (bb) be packed in closed containers which have been officially sealed and bear the registration number of the registered nursery; this number shall also be indicated under the rubric “additional declaration” on the phytosanitary certificate, enabling the consignments to be identified”;

(e) after item 45 there shall be inserted the following—

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- “**45.1** Plants of *Lycopersicon lycopersicum* (L.) Karsten ex Farw. intended for planting, other than seeds, originating in countries where Tomato yellow leaf curl virus is known to occur Without prejudice to the requirements applicable to plants listed in Schedule 3A(13) and Schedule 4A1 (25.5), (25.6) and (25.7) where appropriate
- (a) Where *Bemisia tabaci* Genn. is not known to occur Official statement that no symptoms of Tomato yellow leaf curl virus have been observed on the plants
 - (b) Where *Bemisia tabaci* Genn. is known to occur. Official statement that:
 - (a) no symptoms of Tomato yellow leaf curl virus have been observed on the plants, and
 - (aa) the plants originate in areas known to be free from *Bemisia tabaci* Genn., or

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- (bb) the place of production has been found free from *Bemisia tabaci* Genn. on official inspections carried out at least monthly during the three months prior to export, or
- (b) no symptoms of Tomato yellow leaf curl virus have been observed at the place of production and the place of production has been subjected to an appropriate treatment and monitoring regime to ensure freedom from *Bemisia tabaci* Genn.”; and

(f) in item 46, in the second column, after “(45)” there shall be inserted the words “and (45.1)”.
(8) In Schedule 4, Part A, Section 2—

(a) in item 19.1, at the end of the second column there shall be inserted the following—
“and

(e) either:

- the tubers originate in areas in which *Meloidogyne chitwoodi* Golden et al. (all populations) and *Meloidogyne fallax* Karssen are known not to occur,
- or
- they originate in areas where *Meloidogyne chitwoodi* Golden et al. (all populations) and *Meloidogyne fallax* Karssen are known to occur, and either:

the tubers originate from a place of production which has been found free from *Meloidogyne chitwoodi* Golden et al. (all populations) and *Meloidogyne fallax* Karssen based on an annual survey of host crops by visual inspection of host plants at appropriate times and by visual inspection both externally and by cutting of tubers after harvest from potato crops grown at the place of production, or

the tubers after harvest have been randomly sampled, and have either:

been checked for the presence of symptoms after an appropriate method to induce symptoms, or

been laboratory tested,

as well as inspected visually both externally and by cutting the tubers, at appropriate times and in all cases at the time of closing of the packages or containers before marketing according to the provisions on closing in Council Directive [66/403/EEC](#), and no symptoms of *Meloidogyne chitwoodi* Golden et al. (all populations) and *Meloidogyne fallax* Karssen have been found.”;

(b) after item 27 there shall be inserted the following—

“**27.1** Plants of *lycopersicon lycopersicum* (L.) Karsten ex Farw., intended for planting, other than seeds Without prejudice to the requirements applicable to the plants, where appropriate, listed in Schedule 4A2 (19.6) and (24), official statement that:

- (a) the plants originate in areas known to be free from Tomato yellow leaf curl virus, or
- (b) no symptoms of Tomato yellow leaf curl virus have been observed on the plants, and
 - (aa) the plants originate in areas known to be free from *Bemisia tabaci* Genn., or
 - (bb) the place of production has been found free from *Bemisia tabaci* Genn. on official inspections carried out at least monthly during the three months prior to export, or
- (c) no symptoms of Tomato yellow leaf curl virus have been observed at the place of production and the place of production has been subjected to an appropriate treatment and monitoring regime to ensure freedom from *Bemisia tabaci* Genn.”; and

(c) in item 29.2, in the second column there shall be inserted the word “or” after the words—
“the seeds originate in areas known to be free from *Clavibacter michiganensis* ssp. *insidiosus* Davis et al.”.

(9) In Schedule 4, Part B, item 24, for the entry in the first column there shall be substituted the following—

“Plants of *Begonia* L., intended for planting, other than seeds, tubers and corms, and plants of *Euphorbia pulcherrima* Willd., intended for planting, other than seeds, other than (in each case) those for which there is evidence by their packaging or their flower (or bract) development or by other means that they are intended for sale to final consumers not involved in professional plant production.”.

(10) In Schedule 5, Part A, Section I—

- (a) in item 1.1, for the words “*Prunus* L.” there shall be substituted “*Prunus* L., other than *Prunus laurocerasus* L. and *Prunus lusitanica* L.”; and
- (b) in item 2.1, after the words “*Populus* L.” there shall be inserted the words “*Prunus laurocerasus* L., *Prunus lusitanica* L.”.

(11) In Schedule 5, Part A, Section II, for item 2.1 there shall be substituted the following—

“Plants of *Begonia* L., intended for planting, other than seeds, tubers and corms, and plants of *Euphorbia pulcherrima* Willd., intended for planting, other than seeds.”.

(12) In Schedule 5, Part B, Section I—

- (a) in item 1—
 - (i) the words “or aquarium plants” shall be omitted; and
 - (ii) after the words “*Zea mais* L.” there shall be inserted the words “*Allium ascalonicum* L.”; and
- (b) for item 2 there shall be substituted the following—
“2. Parts of plants, other than fruits and seeds, of

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- *Castanea* Mill., *Dendranthema*(DC) Des. Moul., *Dianthus* L., *Pelargonium* l'Herit ex Ait, *Phoenix* spp., *Populus* L., *Quercus* L.,
- conifers (Coniferales),
- *Acer saccharum* Marsh., originating in North American countries,
- *Prunus* L., originating in non-European countries.”.

(13) In Schedule 16 there shall be inserted at the end the following—

“Commission Directive 98/1	OJ No. L15, 21.1.98, p. 26.
Commission Directive 98/2	OJ No. L15, 21.1.98, p. 34.”.

24th April 1998

Jeff Rooker
Minister of State, Ministry of Agriculture,
Fisheries and Food

24th April 1998

Sewel
Parliamentary Under Secretary of State, Scottish
Office

Signed by authority of the Secretary of State for Wales

24th April 1998

Win Griffiths
Parliamentary Under Secretary of State, Welsh
Office

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Plant Health (Great Britain) Order 1993 so as to implement Commission Directives [98/1/EC](#) (OJ No. L15, 21.1.98, p. 26) and [98/2/EC](#) (OJ No. L15, 21.1.98, p. 34) which amend certain Annexes to Council Directive [77/93/EEC](#) on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community.

Commission Directive [98/1/EC](#) is implemented by article 2(2) to (6), (7)(a) and (c) to (f) and (8) to (12). Commission Directive [98/2/EC](#) is implemented by article 2(7)(b).

The Order makes substantial changes to requirements for import of citrus fruit (article 2(7)(b)) and bonsai plants (article 2(7)(d)). It adds to the list of quarantine pests Tomato yellow leaf curl virus (article 2(5)(b)) and two species of *Meloidogyne* nematodes (article 2(3)(a)), and introduces safeguards against their spread on tomato plants (article 2(7)(e) and article 2(8)(b)) and seed potatoes (article 2(7)(c) and article 2(8)(a)) respectively. The Order amends the range of hosts on which *Enarmonia prunivora* (plum moth) is recognised as a quarantine pest (article 2(4)), and adds to the quarantine lists *Rhizoecus hibisci* (a root mealybug) (article 2(3)(b)), and some species of *Diabrotica* (corn rootworms) (article 2(2)(a)) and *Hirschmaniella* nematodes (article 2(2)(b)).

The Order extends to aquarium plants the general requirement that imported plants for planting should be accompanied by a phytosanitary certificate (article 2(12)(a)(i)). It also extends to all tubers of *Solanum* species the import prohibitions which currently apply only to *Solanum tuberosum* (article 2(6)(b)). It removes the prohibition on imports of *Photinia* with leaves from certain third countries (article 2(6)(a)) and removes the plant passporting requirement for plants of *Prunus laurocerasus* and *Prunus lusitanica* intended for retail sale (article 2(10)). The Order also makes a number of other minor amendments.

The Order also makes a minor consequential amendment to the 1993 Order (article 2(13)).