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STATUTORY INSTRUMENTS

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**2007 No. 3450**

**PLANT HEALTH**

The Plant Health (Forestry) (*Phytophthora ramorum*) (Great Britain) (Amendment) Order 2007

Made - - - - 6th December 2007  
Laid before Parliament 10th December 2007  
Coming into force - - 31st December 2007

The Forestry Commissioners make the following Order in exercise of the powers conferred by sections 2 and 3(1), (2), (3) and (4) of the Plant Health Act 1967<sup>(1)</sup>:

**Title and commencement**

1. This Order may be cited as the Plant Health (Forestry) (*Phytophthora ramorum*) (Great Britain) (Amendment) Order 2007 and comes into force on 31st December 2007.

**Amendments to the Plant Health (Forestry) (*Phytophthora ramorum*) (Great Britain) Order 2004**

2.—(1) The Plant Health (Forestry) (*Phytophthora ramorum*) (Great Britain) Order 2004<sup>(2)</sup> is amended as follows.

(2) In article 2 (interpretation), in the definition of “susceptible bark”, replace the words after “*Acer macrophyllum* Pursh.,” with “*Aesculus californica* (Spach) Nutt., *Lithocarpus densiflorus* (Hook. & Arn.) Rehd., *Quercus* spp. L. and *Taxus brevifolia* Nutt.”.

(3) In article 13 (offences)—

(a) for sub-paragraph (a) of paragraph (1) substitute—

“(a) subject to paragraph (1A), he contravenes or fails to comply with article 3, 4, 5(1) or 9(1);”;

(b) after paragraph (1), insert—

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(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). Section 1(2) of the Plant Health Act 1967 defines “competent authorities” for the purposes of the Act.  
(2) S.I. 2004/3213.

“(1A) Paragraph (1)(a) shall not apply where an article of any description is landed in Great Britain in contravention of a prohibition in this Order.”(3).

(4) In the Schedule, for the first column substitute—

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**“I. Susceptible material, other than susceptible wood and susceptible bark**

*Acer macrophyllum* Pursh.

*Acer pseudoplatanus* L.

*Adiantum aleuticum* (Rupr.) Paris

*Adiantum jordanii* C. Muell.

*Aesculus californica* (Spach) Nutt.

*Aesculus hippocastanum* L.

*Arbutus menziesii* Pursch.

*Arbutus unedo* L.

*Arctostaphylos* spp. Adans

*Calluna vulgaris* (L.) Hull

*Castanea sativa* Mill.

*Fagus sylvatica* L.

*Frangula californica* (Eschsch.) Gray

*Frangula purshiana* (DC.) Cooper

*Fraxinus excelsior* L.

*Griselinia littoralis* (Raoul)

*Hamamelis virginiana* L.

*Heteromeles arbutifolia* (Lindley) M. Roemer

*Kalmia latifolia* L.

*Laurus nobilis* L.

*Leucothoe* spp. D. Don

*Lithocarpus densiflorus* (Hook. & Arn.) Rehd.

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(3) Sections 49 and 50 of the Customs and Excise Management Act 1979 (c.2) provide respectively for forfeiture of goods improperly imported and penalties for improper importation of goods.

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**“I. Susceptible material, other than susceptible wood and susceptible bark**

*Lonicera hispidula* (Lindl.) Dougl. ex Torr. & Gray

*Magnolia* spp. L.

*Michelia doltsopa* Buch.-Ham. ex DC

*Nothofagus obliqua* (Mirbel) Blume

*Osmanthus heterophyllus* (G. Don) P. S. Green

*Parrotia persica* (DC) C.A. Meyer

*Photinia x fraseri* Dress

*Pieris* spp. D. Don

*Pseudotsuga menziesii* (Mirbel) Franco

*Quercus* spp. L.

*Rosa gymnocarpa* Nutt.

*Salix caprea* L.

*Sequoia sempervirens* (Lamb. ex D. Don) Endl.

*Syringa vulgaris* L.

*Taxus* spp. L.

*Trientalis latifolia* (Hook)

*Umbellularia californica* (Hook. & Arn.) Nutt

*Vaccinium ovatum* Pursh

**II. Susceptible wood**

a. Wood of—

*Acer macrophyllum* Pursh.

*Aesculus californica* (Spach) Nutt.

*Lithocarpus densiflorus* (Hook. & Arn.) Rehd.

*Taxus breviflora* Nutt.

b. Wood of *Quercus* spp. L.”.

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The Official Seal of the Forestry Commissioners

6th December 2007

*Wilma Harper*  
Secretary to the Forestry Commissioners

## **EXPLANATORY NOTE**

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

This Order amends the Plant Health (Forestry) (*Phytophthora ramorum*) (Great Britain) Order 2004 (S.I. 2004/3213) (“the Order”) so as to implement Commission Decision 2007/201/EC amending Decision 2002/757/EC on provisional emergency phytosanitary measures to prevent the introduction into and the spread within the Community of *Phytophthora ramorum* Werres, De Cock & Man in ‘t Veld sp.nov (O.J. No. L 90, 30.3.2007, p. 83). The principal change is to amend the description of susceptible material to which the Order applies (article 2(2) and (4)).

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.