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STATUTORY INSTRUMENTS

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**2009 No. 3020**

**PLANT HEALTH**

**The Plant Health (Forestry) (Amendment) (No. 2) Order 2009**

*Made* - - - - *9th November 2009*  
*Laid before Parliament* *16th November 2009*  
*Coming into force* - - *21st December 2009*

The Forestry Commissioners make this Order in exercise of the powers conferred by sections 2(1) and 3(1) of the Plant Health Act 1967(1) and paragraph 1A of Schedule 2 to the European Communities Act 1972(2).

This Order makes provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Forestry Commissioners that it is expedient for the references in the following Order to Council Directive [2000/29/EC](#) on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community(3) to be construed as references to that instrument as amended from time to time.

**Title and commencement**

1. This Order may be cited as the Plant Health (Forestry) (Amendment) (No. 2) Order 2009 and comes into force on 21st December 2009.

**Amendments**

2.—(1) The Plant Health (Forestry) Order 2005(4) is amended as follows.

(2) In article 2(1), for the definition of “the Directive” substitute—

““the Directive” means Council Directive [2000/29/EC](#) on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community, as amended from time to time;”.

(3) In Schedule 3, for the entry in column (3) corresponding to item 8 substitute—

“Belarus, Moldova, Russia, Turkey, Ukraine and any third country not in mainland Europe, other than Egypt, Israel, Libya, Morocco or Tunisia”.

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(1) [1967 c. 8](#). Sections 2(1) and 3(1) were amended by the [European Communities Act 1972 \(c. 68\)](#), Schedule 4, paragraph 8. The powers conferred by sections 2 and 3 are conferred on a “competent authority”, which is defined in section 1(2), as regards the protection of forest trees and timber from attack by pests, as the Forestry Commissioners.  
(2) [1972 c. 68](#). Paragraph 1A of Schedule 2 was inserted by section 28 of the [Legislative and Regulatory Reform Act 2006 \(c. 51\)](#).  
(3) OJ No L 169, 10.7.2000, p1.  
(4) [S.I. 2005/2517](#) as amended by [S.I. 2006/2696](#), [2008/644](#) and [2009/594](#).

- (4) In Schedule 4, Part A, for the entry in column (2) corresponding to item 30 substitute—
- “Soil or growing medium that—
- (a) is attached to, or accompanies, trees for the purpose of sustaining the vitality of those trees;
  - (b) consists—
    - (i) wholly or partly of soil or any solid organic substance such as parts of plants or humus (including peat or bark); or
    - (ii) partly of any solid inorganic substance; and
  - (c) originates from—
    - (i) Belarus, Georgia, Moldova, Russia, Turkey or the Ukraine; or
    - (ii) any country outside Europe, other than Algeria, Egypt, Israel, Libya, Morocco or Tunisia”.

Official Seal of the Forestry Commissioners

9th November 2009

*Wilma Harper*  
Secretary to the Forestry Commissioners

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## EXPLANATORY NOTE

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

This Order amends the Plant Health (Forestry) Order 2005 ([S.I. 2005/2517](#)) (“the principal Order”) so as to implement Commission Directive [2009/118/EC](#) amending Annexes II to V to Council Directive [2000/29/EC](#) on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ No L 239, 10.09.2009, p 51).

Article 2(2) makes the references to Council Directive 2000/29 in the principal Order ambulatory. Article 2(3) amends the entry for countries of origin contained in item 8 of Schedule 3 to the principal Order and article 2(4) amends the description of relevant material contained in item 30 of Part A of Schedule 4 to the principal Order.

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