
STATUTORY INSTRUMENTS

2019 No. 1128

PLANT HEALTH, ENGLAND

The Plant Health (Amendment) (England) Order 2019

<i>Made</i>	- - - -	<i>at 4.57 p.m. on 15th July 2019</i>
<i>Laid before Parliament</i>		<i>at 6.00 p.m. on 15th July 2019</i>
<i>Coming into force</i>	- -	<i>at 7.00 p.m. on 15th July 2019</i>

The Secretary of State, in exercise of the powers conferred by sections 2 and 3(1) of the Plant Health Act 1967⁽¹⁾ and now vested in the Secretary of State⁽²⁾, and the Forestry Commissioners, in exercise of the powers conferred on them by those sections, make this Order.

Citation, commencement, extent and application

- 1.—(1) This Order may be cited as the Plant Health (Amendment) (England) Order 2019.
- (2) It comes into force at 7.00 p.m. on 15th July 2019.
- (3) It extends to England and Wales and applies in relation to England only.

Amendment of the Plant Health (Forestry) Order 2005

2. In the table in Part C of Schedule 4 to the Plant Health (Forestry) Order 2005⁽³⁾, in item 7E, in the entry in the third column, omit paragraph (c) (but not the “or” following it).

Amendment of the Plant Health (England) Order 2015

3. In the table in Part C of Schedule 4 to the Plant Health (England) Order 2015⁽⁴⁾, in item 7, in the entry in the third column, omit paragraph (c) (but not the “or” following it).

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- (1) [1967 c. 8](#); section 2 was amended by paragraph 8(2)(a) of Schedule 4 to the European Communities Act [1972 \(c. 68\)](#), Part 1 of the table in paragraph 12 of Schedule 4 to the Customs and Excise Management Act [1979 \(c. 2\)](#) and [S.I. 1990/2371, 2011/1043](#). Section 3(1) was amended by paragraph 8(2)(a) and (b) of Schedule 4 to the European Communities Act 1972 and [S.I. 2011/1043](#). The powers conferred by sections 2 and 3(1) are conferred on a “competent authority”, which is defined in section 1(2). Section 1(2) provides that the Forestry Commissioners are the competent authority for England as regards the protection of forest trees and timber from attack by pests and the Secretary of State is the competent authority otherwise for England.
- (2) The functions of the Minister of Agriculture, Fisheries and Food under the Plant Health Act 1967, in so far as they were not exercisable in relation to Wales, were transferred to the Secretary of State by article 2(2) of [S.I. 2002/794](#).
- (3) [S.I. 2005/2517](#); relevant amending instruments are [S.I. 2014/2420](#), [2017/1178](#), [2018/1048](#), [2019/1075](#).
- (4) [S.I. 2015/610](#); relevant amending instruments are [S.I. 2017/1220](#), [2018/ 910](#), [2019/1070](#).

Amendment of the Plant Health (England) (Amendment) Order 2019

4. In article 7(c) of the Plant Health (England) (Amendment) Order 2019⁽⁵⁾, omit paragraph (iv).

Amendment of the Plant Health (Forestry) (Amendment) (England) Order 2019

5. In article 8(c) of the Plant Health (Forestry) (Amendment) (England) Order 2019⁽⁶⁾, omit paragraph (ii).

Gardiner of Kimble
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs

At 4.57 p.m. on 15th July 2019

The official seal of the Forestry Commissioners

Richard Barker
Secretary to the Forestry Commissioners

At 3.40 p.m. on 15th July 2019

(5) [S.I. 2019/1070.](#)
(6) [S.I. 2019/1075.](#)

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Plant Health (Forestry) Order 2005 ([S.I. 2005/2517](#)) and the Plant Health (England) Order 2015 ([S.I. 2015/610](#)) in order to prevent:

- (a) the introduction of *Thaumetopoea processionea* L. (the Oak Processionary Moth) into the area in England which is recognised as a protected zone for this harmful plant pest (“the protected area”); and
- (b) the spread of this harmful plant pest within the protected area.

Articles 2 and 3 amend the technical requirements that must be satisfied when bringing in certain plants of *Quercus* L., intended for planting, into the protected area or when moving those plants within the protected area.

Articles 4 and 5 make consequential amendments to the Plant Health (England) (Amendment) Order 2019 ([S.I. 2019/1070](#)) and the Plant Health (Forestry) (Amendment) (England) Order 2019 ([S.I. 2019/1075](#)).

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.