

**EXPLANATORY MEMORANDUM TO  
THE PLANT HEALTH (ENGLAND)(AMENDMENT) ORDER 2007**

**2007 No. 1893**

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1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

- 2. Description**

This Order amends the Plant Health (England) Order 2005 ('the principal Order') which contains measures to prevent the introduction and spread of harmful plant pests and diseases. It implements Commission Directives 2006/56/EC and 2006/63/EC and corrects minor transposition errors in the principal Order.

- 3. Matters of special interest to the Joint Committee on Statutory Instruments**

The substituted definitions of "Directive 93/85/EEC" and "Directive 98/57/EC" in article 2(1) are made for the purpose of triggering the new rule of statutory interpretation in section 20A of the Interpretation Act 1978, which relates to references to Community instruments in national legislation. The effect of the substituted definitions is that, in the Plant Health (England) Order 2005, the references to those Directives are to be construed as references to those Directives as last amended by Commission Directives 2006/56/EC and 2006/63/EC, which are the latest amending instruments at the date this Plant Health (England) (Amendment) Order 2007 is made.

- 4. Legislative Background**

- 4.1 Commission Directives 2006/56/EC and 2006/63/EC amend Council Directives 93/85/EEC and 98/57/EC respectively. Directives 93/85/EEC and 98/57/EC set out detailed measures to be taken within Member States against potato ring rot (*Clavibacter michiganensis*) and potato brown rot (*Ralstonia solanacearum*) respectively in order to locate the organisms and determine their distribution; prevent their occurrence and spread; and, if found to prevent further spread and control and eradicate the organisms. These Directives are implemented in England by the Plant Health (England) Order 2005. Similar but separate legislation operates in Scotland, Wales and Northern Ireland.

- 5. Extent**

This instrument applies to England only.

## **6. European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

7.1 Directives 2006/56/EC and 2006/63/EC update the requirements in the Annexes to Directives 93/85 and 98/57 which set out measures for the disposal of contaminated and possibly contaminated material and control measures on contaminated places of production and within demarcated zones. These changes reflect developments in the understanding of the biology, detection and identification procedures of the organisms and practical experience gained in their control.

7.2 The Order also makes a minor change to Article 42(3) of the principal Order to clarify the notification requirements where a notifiable plant pest is found. It also makes a minor amendment to item 77 of Schedule 4 A to the principal Order to correct an error as regards the import requirements for seeds of *Phaseolus L.*

## **8. Impact**

A regulatory impact assessment has not been prepared as the Order has no impact on the costs for business.

## **9. Contact**

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