STATUTORY INSTRUMENTS

1979 No. 639

PLANT HEALTH

The Dutch Elm Disease (Restriction on Movement of Elms) (Amendment) Order 1979

Made - - - -	11*th June* 1979
Laid before Parliament	19*th June* 1979
Coming into Operation	11*th July* 1979

The Forestry Commissioners, by virtue and in exercise of the powers vested in them by section 3(1), (2) and (4) of the Plant Health Act 1967(**a**), as read with section 20 of the Agriculture (Miscellaneous Provisions) Act 1972(**b**), and of all other powers enabling them in that behalf, hereby make the following Order:—

Citation and commencement

1. This Order, which may be cited as the Dutch Elm Disease (Restriction on Movement of Elms) (Amendment) Order 1979, shall come into operation on 11th July 1979.

Amendment of the Dutch Elm Disease (Restriction on Movement of Elms) Order 1977

2. The Dutch Elm Disease (Restriction on Movement of Elms) Order 1977(**c**) shall be amended as follows:—

(*a*) there shall be substituted for Article 7 (Service of Notices) the following Article—

"7.—(1) For the purposes of this Order, a notice shall be deemed to be duly served on, and a written notification shall be deemed to be given to, any person if it is delivered to him personally, or left for him at his last known place of abode or business, or sent through the post in a letter addressed to him there.

(2) Any notice or written notification may,—

(*a*) in the case of a body corporate, be served on or given to the secretary or clerk of that body at the address of the registered or principal office of that body;

(*b*) in the case of a partnership, be served on or given to a partner or a person having the control or management of the partnership business or, in Scotland, the firm at the principal office of the partnership.

(**a**) 1967 c. 8; sections 3(1) and (2) were amended by the European Communities Act 1972 (c. 68), section 4(1) and Schedule 4, paragraph 8(1) and (3); section 3(4) was amended by the Criminal Justice Act 1967 (c. 80), section 92(2) and Schedule 3, Part II.

(**b**) 1972 c. 62.

(**c**) S.I. 1977/1075.

(3) If the name or address of the owner or person in charge of an elm on whom a notice is authorised by this Order to be served cannot after reasonable inquiry be ascertained, the notice may be served by addressing it to the person on whom it is to be served by the description of "owner or person in charge" of the elm to which the notice relates and by leaving it in the hands of a person who is, or appears to be, resident or employed on the premises on which the elm is situated, or by affixing it or a copy of it to some building on, or to some conspicuous part of, or to some object on, the premises on which the elm is situated."

(*b*) Article 8 (Offences) shall be re-numbered as 8(1) and there shall be added at the end of that Article (as re-numbered) the following paragraph:—

"(2) Sub-paragraph (b) of paragraph (1) of this Article shall not have effect in relation to failure by any person to comply with any requirement of a notice mentioned in that sub-paragraph where the notice was served in accordance with Article 7(3) of this Order."

(*c*) there shall be substituted for the Schedule (Areas from which the movement of elm is restricted) the Schedule to this Order.

In Witness whereof the Official Seal of the Forestry Commissioners is hereunto affixed on 11th June 1979.

(L.S.)

P. J. Clarke,

Secretary to the Forestry Commissioners.

Article 2(c)

SCHEDULE

AREAS FROM WHICH THE MOVEMENT OF ELM IS RESTRICTED(a)

1. The City of London

2. London Boroughs

Barking	Hammersmith	Merton
Barnet	Haringey	Newham
Bexley	Harrow	Redbridge
Brent	Havering	Richmond-on-Thames
Bromley	Hillingdon	Southwark
Camden	Hounslow	Sutton
Croydon	Islington	Tower Hamlets
Ealing	Kensington and Chelsea	Waltham Forest
Enfield	Kingston-on-Thames	Wandsworth
Greenwich	Lambeth	Westminster
Hackney	Lewisham	

3. Counties

Avon	Gwent	*Nottinghamshire*
Bedfordshire	Hampshire	Oxfordshire
Berkshire	Hereford and Worcester	Salop
Buckinghamshire	Hertfordshire	Somerset
Cambridgeshire	Isle of Wight	South Glamorgan
Cornwall	Kent	Staffordshire
Devon	*Leicestershire*	Suffolk
Dorset	Mid Glamorgan	Surrey
Essex	Norfolk	Warwickshire
Gloucestershire	Northamptonshire	*West Glamorgan*
		Wiltshire

4. Metropolitan Districts

Birmingham	Solihull
Coventry	Walsall
Dudley	Wolverhampton
Sandwell	

5. Parts of Counties

(*a*) The part of the non-metropolitan county of Cheshire which comprises the districts of Chester and Crewe, the parishes of Acton, Alvanley, Anderton, Antrobus, Aston, Barnton, Betchton, Bostock, Bradwell, Byley, Comberbach, Crowton, Cuddington, Darnhall, Davenham, Delamere, Dutton, Great Budworth, Hartford, Hassall, Kingsley, Lach Dennis, Little Budworth, Little Leigh, Lostock Gralam, Manley, Marbury, Marston, Marton, Middlewich, Moston, Moulton, Nether Peover, Norley, Northwich, Oakmere, Rudheath, Rushton, Sandbach, Sproston, Stanthorne, Sutton, Tarporley, Utkinton, Weaverham cum Milton, Whatcroft, Whitley, Wimboldsley, Wincham, Winsford,

(a) Entries in the Schedule shown in italics indicate areas which were not included, or not included in full, in the Schedule to the Dutch Elm Disease (Restriction on Movement of Elms) Order 1977.

those parts of the parishes of Frodsham and Helsby which lie east of the eastern boundary of the road from Chester to Warrington (A56), those parts of the parishes of Allostock, Arclid, Brereton, Church Hulme, Church Lawton, Cranage, Odd Rode and Smallwood which lie west of the western boundary of the road from Kidsgrove to Knutsford (A50) and that part of the parish of Alsager which lies west of the western boundary of the road from Alsager to Newcastle (A5011).

(*b*) *The parts of the non-metropolitan county of Derbyshire which comprise the districts of Derby City, Erewash Borough, Amber Valley and South Derbyshire, those parts of the district of West Derbyshire which comprise the parishes of Alkmonton, Ashbourne, Atlow, Biggin, Boylestone, Bradbourne, Bradley, Brailsford, Brassington (south of the B5056 road), Callow, Carsington, Clifton and Compton, Cubley, Doveridge, Edlaston and Wyaston, Hognaston, Hopton, Hollington, Hulland, Hulland Ward, Hungry Bentley, Kirk Ireton, Kniveton, Longford, Mapleton, Marston Montgomery, Mercaston, Norbury and Roston, Offcote and Underwood, Osmaston, Rodsley, Shirley, Snelston, Somersal Herbert, Sudbury, Wirksworth, Yeavely and Yeldersley.*

(*c*) The part of the non-metropolitan county of East Sussex which comprises the districts of Hastings and Rother, those parts of the parishes of Chailey and Newick which lie north of the southern boundary of the road from Haywards Heath to Maresfield (A272), the parishes of Buxted, Crowborough, Danehill, Fletching, Forest Row, Frant, Hadlow Down, Hartfield, Heathfield, Herstmonceux, Hooe, Horam, Maresfield, Mayfield, Ninsfield, Rotherfield, Uckfield, Wadhurst, Waldron, Warbleton, Wartling, Withyham and those parts of the parishes of East Hoathly and Framfield which lie to the north of the southern boundary of the road from Newick to Cross-in-Hand (B2102).

(*d*) *The part of the non-metropolitan county of Lincolnshire which comprises the districts of South Kesteven and South Holland.*

(*e*) *The part of the metropolitan county of Merseyside which comprises the district of Wirral.*

(*f*) The part of the non-metropolitan county of West Sussex which comprises the boroughs of Crawley and Worthing, the districts of Arun, Chichester, Horsham and Mid Sussex and the parishes of Coombes, Lancing and Sompting.

(*g*) The part of the county of Clwyd which comprises the districts of Alyn and Deeside, Delyn, *Glyndwr*, Rhuddlan and Wrexham Maelor.

(*h*) *The part of the county of Dyfed which comprises the district of Llanelli.*

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Dutch Elm Disease (Restriction on Movement of Elms) Order 1977 by—

(1) adding provisions governing the procedure for serving notices under that Order in the case of a body corporate or partnership, or in cases where the owner or person in charge of an elm is unknown;

(2) modifying the effect of Article 8 (Offences) so that, where a notice is served in a case where the owner or person in charge of an elm is unknown (as now provided for), failure to comply with that notice will not constitute an offence under that Order;

(3) adding to the list of areas from which the movement of elm is restricted the counties of Nottinghamshire and West Glamorgan, the remaining parts of the county of Leicestershire not previously restricted, the part of the county of Merseyside which comprises the district of Wirral, parts of the counties of Derbyshire and Lincolnshire, the part of the county of Clwyd which comprises the district of Glyndwr and the part of the county of Dyfed which comprises the district of Llanelli.

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