STATUTORY INSTRUMENTS

1986 No. 197

PLANT HEALTH

The Tree Pests (Great Britain) (Amendment) Order 1986

Made - - -	*6th February* 1986
Laid before Parliament	*17th February* 1986
Coming into Operation	*10th March* 1986

The Forestry Commissioners, in exercise of the powers conferred on them by section 3(1) and (2) of the Plant Health Act 1967(**a**), and of every other power enabling them in that behalf, hereby make the following order:—

Title, extent and commencement

1. This order may be cited as the Tree Pests (Great Britain) (Amendment) Order 1986, shall apply to Great Britain and shall come into operation on 10th March 1986.

Amendment of principal order

2. The Tree Pests (Great Britain) Order 1980(**b**) is further amended as follows:—

(*a*) for sub-paragraph (*a*)(i) of paragraph (1) of Article 3 (prohibitions relating to non-indigenous tree pests etc) there is substituted the following:—

"(i) any tree pest which is mentioned in Schedule 1 or 2 to the Import and Export of Trees, Wood and Bark (Health) (Great Britain) Order 1980(**c**) or any plant or wood carrying or infected with any such pest; or"; and

(*b*) after paragraph (6) of Article 6 (powers of inspectors to deal with and prevent the spread of non-indigenous tree pests etc) there is added the following paragraph:—

"(7) In this Article and in Article 5 "non-indigenous tree pest" means —

(*a*) any tree pest which is mentioned in Schedule 1 or 2 to the Import and Export of Trees, Wood and Bark (Health) (Great Britain) Order 1980, or

(*b*) any other tree pest which is not normally present in Great Britain and in respect of which there is in the opinion of an inspector an imminent danger of its spreading or being spread in Great Britain.".

(**a**) 1967 c.8; section 3(1) and (2) was amended by the European Communities Act 1972 (c.68), section 4(1) and Schedule 4, paragraph 8.
(**b**) S.I. 1980/450; the relevant amending instrument is S.I. 1982/1457.
(**c**) S.I. 1980/449; the relevant amending instrument is S.I. 1983/807.

In Witness whereof the Official Seal of the Forestry Commissioners is hereunto affixed on 6th February 1986.

P. J. Clarke,
Secretary to the Forestry Commissioners.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order amends Article 3(1)(*a*)(i) of the Tree Pests (Great Britain) Order 1980, as amended, (which referred to the keeping etc of non-indigenous tree pests and plants and wood carrying such pests) so as to prohibit the keeping etc without a licence of any tree pest mentioned in Schedule 1 or 2 to the Import and Export of Trees, Wood and Bark (Health) (Great Britain) Order 1980 (Article 2). It also provides for the purposes of Articles 5 and 6 of the Tree Pests (Great Britain) Order 1980 a new definition of "non-indigenous tree pest" so as to comprise all the tree pests mentioned in Schedules 1 and 2 to the Import and Export of Trees, Wood and Bark (Health) (Great Britain) Order 1980 and any other tree pests which are not normally present in Great Britain and in respect of which there is in the opinion of an inspector an imminent danger of their spreading or being spread in Great Britain (Article 2).

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