

STATES OF JERSEY

r

DRAFT PLANT HEALTH (JERSEY) LAW 2003 (APPOINTED DAY) ACT 200

**Lodged au Greffe on 28th June 2005
by the Environment and Public Services Committee**

STATES GREFFE



Jersey

DRAFT PLANT HEALTH (JERSEY) LAW 2003 (APPOINTED DAY) ACT 200

REPORT

Adoption of updated Plant Health Legislation

The Plant Health (Jersey) Law 2003 was approved by the States on 4th February 2003 having been lodged by the Economic Development Committee, it was then sanctioned by Her Majesty in Council on 12th June 2003, and registered in the Royal Court on 11th July 2003.

The Plant Health (Jersey) Law 2003 needs to be brought into force to enable the Plant Health (Jersey) Order 2005 to come into force. This Report seeks to inform the States about the need for the legislation and the context in which it will be applied.

The Law and Order are required to replace the Destructive Insects and Pests (Jersey) Law 1960 and main Order of 1982. The new Order is much more comprehensive but fundamentally the same as the instruments that it replaces, and is substantially in line with the Plant Health (Great Britain) Order 1993 and parts of the Plant Health (Forestry) (Great Britain) Order 1993. These instruments in turn effectively implement what is now European Council Directive 2000/29/EC.

The object of this Law and any attendant Orders are to prevent and control the development and spread of plant pests within the Island and their spread to and from the Island.

The Order defines a **plant pest** as a harmful organism liable to infect a plant or plant product. Plant pests include insects, fungi, bacteria and viruses that feed on, infect or cause disease on plants or plant products. A **disease** is a condition where the normal functions of the plant are disturbed and harmed. A pathogen is an organism that causes disease. Generally, plant pests and diseases are not transferable to people, and plants affected by them do not harm consumers. Their main impacts are economic or environmental, as they affect the appearance, growth, yield and ultimately the value of farmers' and growers' produce, or the Islands' environment (e.g. Dutch Elm Disease).

The European Union lists some 470 key pests and diseases that plant health authorities must prevent from being moved into the Community. The EU considers Jersey to be part of the United Kingdom with regard to trade in plants and plant produce, thus allowing it to trade freely with the United Kingdom and other Member States without the need for example, to have its exports inspected by the importing country. This places a requirement on the States of Jersey to implement controls equivalent to those applied in the United Kingdom.

The Plant Health (Jersey) Order 2005 contains some 40 articles regarding –

- importation and spread of plant pests;
- Protected Zone (PZ) status for a range of plant pests, and the duty to carry out surveys;
- issue and use of Phytosanitary Certificates and Plant Passports;
- registration of plant producing premises;
- actions authorised by Inspectors, including serving of notices, monitoring and issuing of licences;
- compliance and offences.

The Order also contains some 19 Schedules detailing the specific plant pests and/or plant products which may not be imported, or must be inspected before movement within the Community or into the Island. In addition the

Special Measures that could be enforced should three devastating potato diseases ever occur in the Island, Potato Brown Rot, Ring Rot and Wart disease. The Schedules also define the form of Certification in order to comply with EU standards.

The Order revokes 8 Orders including –

- Colorado Beetle Orders of 1960, 1961 and 1967;
- Destructive Insect and Pests Orders 1982,1987(2), and 1992;
- Dutch Elm Disease Order 1982.

These Orders are either now covered by the provisions of the new Order, or are no longer required as in the case of the Dutch Elm Disease Order, as the disease is endemic in the Island.

Financial and manpower implications

This draft Law and Order has no additional financial or manpower implications for the resources of the States. The Environment Department currently carries out the required activities which are at present under review by the U.K. National Audit Office who scrutinise public spending on behalf of Parliament. They are totally independent of Government and able to report on the economy, efficiency and effectiveness with which departments have used their resources.

European Convention on Human Rights

At the time that the Law was approved in the States, Deputy Gerald Voisin quoted the previous President of the Agriculture and Fisheries Committee as stating that the provisions of the Law were compatible with the Rights of the Convention.

Explanatory Note

The object of this Act is to prescribe the date on which the Plant Health (Jersey) Law 2003 is to come into force.



Jersey

DRAFT PLANT HEALTH (JERSEY) LAW 2003 (APPOINTED DAY) ACT 200

Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of Article 17(2) of the Plant Health (Jersey) Law 2003^[1] have made the following Act –

1 Commencement of Plant Health (Jersey) Law 2003

The Plant Health (Jersey) Law 2003 shall come into force on the seventh day after this Act is made.

2 Citation

This Act may be cited as the Plant Health (Jersey) Law 2003 (Appointed Day) Act 200-.

[\[1\]](#) *Recueil des Lois, Volume 2003, page 379.*