



Department for Environment, Food & Rural Affairs
National Assembly for Wales

PLANT HEALTH

The Plant Health (Great Britain) Order 1993 (as amended)
The Plant Health (Licence Fees) (England and Wales) Regulations 1996

**Explanatory Leaflet on the Issue of
Licences for the Import, Movement
and Keeping of Prohibited Plants,
Plant Material, Plant Pests, Soil
and Growing Medium**

1. Around the world there are many plant pests and diseases which, if they were to become established in Great Britain, could cause serious damage to our crops and plants. To guard against the spread of harmful organisms official controls apply to the import, movement and keeping of plants, plant pests and other material, e.g. soil. These controls are based on EC and UK legal provisions.
2. Plant health controls include provision, subject to appropriate precautions, for trials, scientific or varietal selection work on plants, plant pests*, soil and growing medium which would otherwise be prohibited. The relevant licensing measures are prescribed in the Plant Health (Great Britain) Order 1993, as amended (the 1993 Order). This provides for the granting of licences in accordance with Commission Directive 95/44/EC, which prescribes, inter alia, detailed quarantine and containment conditions to be applied as appropriate. The details contained in the Directive should provide helpful guidance to those intending to apply for licences. Licences for soil for analysis generally involve less demanding requirements than those for other material.
3. This leaflet outlines the licensing procedures. It explains the charges payable in England and Wales for licences issued by the Department for Environment, Food and Rural Affairs (Defra), as well as procedures for issue of licences and letters of authority, and for plant passports or phytosanitary certificates, where appropriate.
4. Before you complete any application forms please read this leaflet and notes on the application forms very carefully. If you are not clear on any points please do not hesitate to seek advice from your local Senior Plant Health and Seeds Inspector (SPHSI) or from the following address:
 - Defra,
Plant Health Division, Room 340,
Foss House, Kings Pool,
1-2 Peasholme Green,
York YO1 7PX
Tel: 01904 455191/5192/5885
Fax: 01904 455199

Addresses, together with telephone and fax numbers of Senior Inspectors, and the geographical area they cover, are given on page 10.

5. Different arrangements apply in Scotland and information may be obtained from:
 - Scottish Executive Environment and Rural Affairs Department, Plants, Horticulture and Potatoes Branch, Pentland House, 47 Robb's Loan, Edinburgh EH14 1TW.
Tel: 0131 556 8400
Extension 6351

What if you are dissatisfied with our service?

6. If you have a complaint about the way we operate or the services we provide, you can tell us by telephone, in writing, by fax or in person. Initially you should contact either your local PHSI or Plant Health Division, depending on who is dealing with your application.
7. If you are not satisfied with the response you can telephone, fax or write to your local Senior Plant Health and Seeds Inspector (SPHSI). Addresses, together with telephone and fax numbers, of SPHSI's, and the geographical area they cover, are given on page 10. In cases involving Plant Health Division if the person dealing with your case cannot deal with your complaint to your satisfaction, we will give you the name of a more senior officer to contact.
8. If you feel your complaint has not been fully resolved you can write to the adjudicator, who is head of Defra's Open Government and Citizen's Charter Unit at the following address:
 - Defra,
Room 534,
Nobel House,
17 Smith Square,
London SW1P 3JR.

The adjudicator is independent of the management or policy of Plant Health Division and the PHSI, thus ensuring impartiality. The adjudicator will investigate your complaint and report back to you within 15 working days. If this is not possible, you will be notified in writing, explaining why and letting you know when you can expect a response.

9. If you are not satisfied with the adjudicator's decision you may write to your Member of Parliament and ask for your complaint to be passed to the Ombudsman or you can write to the Secretary of State for Defra or the National Assembly for Wales, as appropriate.

10. CITES

Trade in some plants is controlled internationally to safeguard wild species by CITES (Convention on International Trade in Endangered Species). If you want to know more about CITES contact:

- Defra
Wildlife Licensing and
Registration Service,
1/17 Temple Quay,
2 The Square,
Temple Quay,
Bristol, BS1 6EB.
Tel: 0117 372 8691/8168

11. Data Protection

Information provided will be used for the processing of your application. Details will be held in our computer system and will be used to compile statistics on activity in your sector for submission to the EC Commission. It will also be used by inspectors, Defra Plant Health Division and the Central Science Laboratory for administrative purposes. In emergency situations, such as a pest outbreak, information (including the location of licenced material) may be used by other divisions within Defra and other Government Departments or their appointed agents.

Defra may be required to release information, including personal data and commercial information, on request under the Environmental Information Regulations, the Code of Practice on Access to Government Information or the Freedom of Information Act 2000. However, Defra will not permit any unwarranted breach of confidentiality nor will we act in contravention of our obligations under the Data Protection Act 1998.

Defra or its appointed agents may use the name, address and other details on your application form to contact you in connection with occasional customer research aimed at improving the services that Defra provides to you.

Section A

Arrangements for the issue of licences for the import, movement and keeping of prohibited plants, plant material, plant pests, (including pathogens) soil and growing medium

■ What types of licence are issued?

10. Defra issues the following licences:

- licences for the import, movement and keeping of prohibited plants, plant material (including any that has been modified such that it contains genetic material derived from a plant pest - see Section B), plant pests (including any that have been genetically modified), soil and growing medium for scientific or trialling purposes or for work on varietal selections. Plants though not prohibited which cannot meet the plant health requirements of the 1993 Order (e.g. where a phytosanitary certificate is required but cannot be obtained) also require a licence;
- licences for the import, movement and keeping of soil and growing medium for physical or chemical analysis;
- licences for the import of other plant material which would otherwise be prohibited as provided for in various derogations from Council Directive 2000/29/EC.

■ Letters of authority

11. Community rules require that a **letter of authority** to accompany all material imported under licence, other than plant material imported under licences provided for in various derogations from Council Directive 2000/29/EC. Defra will issue letters of authority (see model at page 12) with the licences to which they apply.

12. Where material covered by a licence and a letter of authority is imported from another member state it is the responsibility of the licensee, where possible, to have the letter of authority endorsed by the plant health authorities in that member state. Where more than one consignment is to be imported each should be accompanied by a copy letter of authority, separately endorsed by the relevant plant health authority in the case of material from another member state. In the case of material imported from a third country, there is no requirement for the letter to be endorsed. Licensees may wish to arrange endorsement of letters of authority via their suppliers in other member states, who could, where appropriate approach the plant health authorities when making arrangements for plant passports (see paragraph 13).

■ Plant passport and phytosanitary certificates

13. The Community measures require that: in the case of certain plants, plant products and other objects originating in the Community, the material must be accompanied by a **plant passport** (issued under the authority of the plant health services of the exporting member state). The plants etc. to which this requirement applies are listed in Schedule 5, Part A of the Plant Health (Great Britain) Order 1993 (as amended). Suppliers of material in other member states may be best placed to deal with their plant health authorities for issue of plant passports.

14. In the case of certain plants, plant products and other objects to be introduced from a third country the material must be accompanied wherever possible by a **phytosanitary certificate**, issued in the country of origin. The plants etc. to which this requirement applies are listed in Schedule 5, Part B of the Plant Health (Great Britain) Order 1993 (as amended). Suppliers of material in third countries may be best placed to obtain phytosanitary certificates from their plant health authorities.
15. Requirements for letters of authority, plant passports and phytosanitary certificates are described in Commission Directive 95/44/EC, but if in doubt please seek advice from your local SPHSI or Plant Health Division. Relevant addresses are given on pages 2 and 10 of this leaflet.

■ How do I apply for a licence?

16. Please complete the relevant application form, available from your local SPHSI or Plant Health Division. Return the form, together with the appropriate fee, to:
 - The Cashier,
Accounting Service Division,
Defra,
PO Box 347, York YO1 2YX

We cannot issue a licence unless we have received one of the following forms, properly completed and signed, and the appropriate fee:

- PHI 3 - Application to import, move and keep prohibited plants, plant material, plant pests, soil or growing medium for scientific or trialling purposes and for work on varietal selections, and to import other plant material which would otherwise be prohibited, as provided for in various derogations from Council Directive 2000/29/EC;
- PHI 3A - Application to import, move and keep prohibited soil or growing medium for physical or chemical analysis.

17. You should enclose a copy of Standard operating procedures relating to the work for which the material covered by the application is to be used. Guidance on the information to be included in standard operating procedures is given at page 11

■ To whom will the licence be issued?

18. Usually licences will be issued only in the name of an individual, who must be a permanent member of staff. In the case of a university or research establishment this will normally be the head of the relevant department. In the case of a commercial establishment, the licence will be issued in the name of the company, with a permanent member of staff nominated as the person responsible. However, a list of all personnel and their scientific and technical qualifications, who will undertake the activities under the licence should be included in the Standard Operating Procedures.

19. For applications involving genetically modified plant pest micro-organisms, a copy of the risk assessment produced and supplied in accordance with the GMO (Contained Use) Regulations 1992 should also be enclosed.

■ When should I apply?

20. You should submit your application **as soon as possible and at least one month before the licence is required**. We aim, wherever possible, to provide new licences within one month of receipt of a complete, valid application.

■ For how long are licences valid?

21. The authorised activities for which your licence was issued must be confirmed every 12 months. This may involve an inspection visit prior to issue of a new licence for the activity to continue (and for further imports if required), subject to any changes required to ensure containment. We will write to you shortly before this further authorisation is due.

■ How much will I have to pay?

22. Licences to import, move and keep prohibited plants, plant material, plant pests, soil or growing medium for scientific or trialling purposes and for work on varietal selections, and to import other plant material which would otherwise be prohibited, as provided for in various derogations from Council Directive 2000/29/EC, will cost £305, which must be paid when you apply for your licence.
23. Licences to import, move and keep prohibited soil or growing medium for physical or chemical analysis will cost £220. Import, movement or keeping of soil or growing medium for isolation of micro-organisms or for bio-assay require the type of licence described in paragraph 22.
24. If after 12 months you wish to continue with the activities covered by your licence with no changes or with minor changes (which could include, for example, changes in named personnel, changes in title of establishment etc.) requiring no scientific or technical assessment you will be charged £12 for the necessary authorisation.
25. If you wish your licence to continue after 12 months with changes requiring scientific or technical assessment you will be charged £100 for authorisation. A separate charge will apply in cases where a site inspection is required.
26. Licensed premises will be visited to monitor compliance with licence terms and conditions. The frequency of such visits will be influenced by factors such as the plant health risk associated with the type of material imported or kept. The charge for such inspection and associated activities (including travelling and office time) is £27 per hour.
27. Details of all fees are given in Section C of this leaflet.

■ What does the licence fee cover?

28. The initial licence fee covers consideration of your application and, the initial inspection of the premises at which the material is to be kept. It also covers inclusion in the licence of up to 5 separate items of one of the following categories of prohibited material, provided the items are held in a single facility under identical conditions:
 - plants or plant material;
 - invertebrates;
 - plant pathogens;
 - soil samples;
 - genetically modified plant pests and plants genetically modified using a plant pest;If you wish to include more than 5 separate items you will be charged £12 for each item in excess of 5. Items could, for example, cover separate genera or species.
29. If you wish to import, move or keep items from more than one category, e.g. plant pathogens and invertebrates, you will require two separate licences (except when one is the vector of the other).

■ How do I pay?

30. Please send a crossed cheque, made payable to the **Department for Environment, Food and Rural Affairs**, together with the relevant application form to:
 - The Cashier,
Accounting Service Division,
Defra,
PO Box 347,
York YO1 2YX

Applications are not considered until the correct fees have been paid.

■ **Can I change my existing licence before the annual authorisation?**

31. Changes to existing licences can be requested at any time using form PHI 3/PHI 3A. The fees for such changes are those described in paragraphs 24 and 25, i.e. £12 or £100 depending upon the nature of any changes.

■ **Can I claim a refund if a licence is not issued?**

32. If after investigation and inspection it is decided on plant health grounds that a licence cannot be issued any fees paid will not be refunded. Fees will be refunded if it is decided that a licence is not required.

■ **What conditions will the licence impose?**

33. The licence will prescribe conditions which are designed to ensure that the material imported, moved or kept does not pose a risk to plant health. These will include instructions for the safe transport of licensed material, where and how it should be contained and arrangements for its safe disposal.

All plant health licences are issued on the strict understanding that licensees observe all conditions which form part of those licences. Failure to comply with any licence conditions could result in withdrawal of a licence without any refund of fees and destruction of the relevant material. It could also involve liability to prosecution under the Plant Health (Great Britain) Order 1993 (as amended). Inspections of imported or retained material may be made at any time.

■ **Can prohibited material covered by a licence be provided to other persons or organisations?**

34. Licensed material may be provided to persons or organisations who hold a relevant current Defra licence, **providing written agreement has first been obtained from Plant Health Division.** Licensed material may also be sent to persons or organisations overseas who have authority from their national Plant Health Service to receive such material. A copy of application form PHI 10 can be obtained from your local SPHSI or Plant Health Division.

Section B

Licences for the import, movement and keeping of genetically modified plant pests (including pathogens), and for genetic modification work involving plant pests

35. The Plant Health (Great Britain) Order 1993 (as amended) prohibits the import, movement and keeping of any plant pest which has been genetically modified and any plant material that has been modified such that it contains genetic material derived from a plant pest. This legislation also prohibits any activity that involves genetic modification of a plant pest. However, with the provision of suitable safeguards, a plant health licence may be issued to allow genetic modification work with plant pests and for the import, movement and keeping of genetically modified plant pests.

36. These strict controls are necessary because the genetic modification process could either alter the pathogenicity of an organism such that it poses a different risk (e.g. altered host range or increases pathogenicity) or produce a plant pathogen (or pest) from material originally of non-pathogenic status.

■ Genetic modification work for which a plant health licence is required

37. A plant health licence will be required for all work involving genetically modified plant pests, including *Agrobacterium* spp., used either as a vector or modified as a whole organism, apart from the exemptions listed in paragraph 40 below.

38. Work with alien plant pests, and with any plant pests under statutory control also requires a plant health licence, whether or not they have been genetically modified.

■ How do I apply for a plant health licence for genetic modification work?

39. Please see the relevant paragraphs in Section A of this leaflet.

■ Is there any genetic modification work where a plant health licence is not required?

40. Certain plant pests or parts of plant pests used in genetic modification work are unlikely to be injurious to plants. For example, disarmed and non-pathogenic strains of *Agrobacterium* spp. (see list below) are commonly used as vectors in the genetic modification of higher plants. They cannot produce galls or root proliferation in plants when used as vectors so work solely involving these strains does not require a plant health licence. Similarly the incorporation of certain gene sequences from plant pathogens, such as the 35S Promoter from cauliflower mosaic virus, does not in itself cause the organism to be re-defined as a plant pest and would not need a licence.

A plant health licence is not required for:

(a) genetic modification work solely involving the following categories of *Agrobacterium tumefaciens*, *A. radiobacter* or *A. rhizogenes* as vectors provided the genetic material to be inserted is not derived from a plant pathogen or pest:

- any naturally occurring strain that does not naturally possess Ti- and Ri-plasmids;
- any tumorigenic or rhizogenic strain cured of (i.e. lacking) its Ti- and Ri-plasmids;
- any tumorigenic or rhizogenic strain cured of its Ti- and Ri-plasmids, and not containing an intact T-DNA and *vir*-region on one or more recombinant plasmid;

- any tumorigenic or rhizogenic strain carrying an intact T-DNA but lacking a functional *vir*-region;
 - any tumorigenic or rhizogenic strain carrying a functional *vir*-region but lacking an intact T-DNA;
 - any tumorigenic strain carrying a functional *vir*-region but with a T-DNA from which the oncogenes have been deleted; or
- (b) Cauliflower Mosaic Virus 35S Promoter: This list will be kept under review with a view to adjustments in the light of appropriate scientific evidence.

Further guidance will be provided, on request, to applicants for licences involving genetic modification work with plant pests.

■ **What about Health and Safety Executive (HSE)/Defra genetic modification (GM) regulations for contained use and deliberate release?**

41. It is the responsibility of applicants to ensure that they comply with any other relevant Regulations and requirements, e.g.

(a) **The Genetically Modified Organisms (Contained Use) Regulations 1992**

Further information on these matters is provided in “A Guide to the Genetically Modified Organisms (Contained Use) Regulations 1992” published by the HSE which can be obtained from outlets of HMSO publications.

(b) **The Genetically Modified Organisms (Deliberate Release) Regulations 1992**

For guidance on these Regulations please contact:

Defra,
 Chemical & Genetic Modification
 GM Policy Unit,
 Room 3/G9,
 Ashdown House,
 123 Victoria Street,
 London, SW1E 6DE
 Tel: 0207 944 5248
 Email: biotech@defra.gsi.gov.uk

Section C

Fees in respect of licensing services

41. The appropriate fees must be submitted with applications for licences listed under items 1 to 5. Licensees will be advised of the fees payable for inspections under item 6.

Item	Type of application or inspection	Fee
1	Application for a licence other than a licence covered by item 2 or 3 below	£305
2	Application for a licence in respect of soil or other growing medium for analysis	£220
3.	Application for a licence for scientific or trial purposes covering more than 5 types of article	£305 plus £12 per type of article in excess of 5
4.	Application for extension or variation of a licence with changes requiring scientific or technical assessment	£100
5.	Application for extension of a licence with no changes or for extension or variation of a licence with only minor changes requiring no scientific or technical assessment	£12
6.	Inspection and associated activities (including travelling time and office time) for monitoring compliance with licence terms and conditions	£27 per hour

The above fees are exempt from VAT

Application forms can be obtained from Senior Plant Health and Seeds Inspectors (see page 10 for a list of addresses) or from:

- Defra,
Plant Health Division, Room 340,
Foss House, Kings Pool,
1-2 Peasholme Green, York YO1 7PX
Tel: 01904 455191/5192/5885
Fax: 01904 455199

Senior Plant Health and Seeds Inspector (SPHSI) addresses

- **East Anglia (North)**
Defra
Ground Floor,
Eastbrook,
Shaftesbury Road,
Cambridge CB2 2DR
Tel: 01223 533651
Fax: 01223 533661
- **London & South East**
Defra Room 823
Market Towers
1 Nine Elms Lane
London SW8 5NQ
Tel: 0207 084 2744
Fax: 0207 084 2741
- **Central Southern**
Defra
Government Buildings
Coley Park
Reading RG1 6DT
Tel: 0118 939 2362
Fax: 0118 939 2350
- **North Wales & East Midlands**
Defra
North Mercia RSC
Electra Way
Crewe CW1 6GJ
Tel: 01270 754250
Fax: 01270 754280
- **North**
Defra
The Quadrant,
Newburn Riverside,
Newcastle-upon-Tyne NE15 8NZ
Tel: 0191 229 5500
Fax: 0191 229 5501
- **East Anglia (South)**
Defra
Government Buildings
Beeches Road
Chelmsford CM1 2RU
Tel: 01245 490886
Fax: 01245 347294
- **South West**
Defra
Estuary House, Peninsula Park
Rydon Lane
Exeter EX2 7XE
Tel: 01392 352003
Fax: 01392 352002
- **East Yorkshire & Lincoln**
Defra
Crosskill House
Mill Lane
Beverley HU17 9JB
Tel: 01482 882852
Fax: 01482 872694
- **South Wales & South West Midlands**
NAW
Government Buildings
Spa Road East
Llandrindod Wells LD1 5HA
Tel: 01597 828222
Fax: 01597 825544
- **South Lincs, West Norfolk,
Northamptonshire
& South Leicestershire**
Defra
Government Buildings
Willington Road, Kirton
Boston PE20 1EJ
Tel: 01205 722391
Fax: 01205 724101

Information to be included in Standard Operating Procedures for work involving material covered by a Plant Health Licence

1. Security

- (a) Are areas containing quarantine material kept locked?
- (b) Who has access to quarantine areas and who hold keys to these areas?
- (c) How are quarantine areas labelled?
- (d) Are authorised personnel listed; do they have to read and sign the Standard Operating Procedures before they can work on the licenced material?

2. Administration and recording

- (a) Are dated records kept of all introductions of licenced material?
- (b) Is licenced material labelled as such through all stages of experimentation?

3. Transport between and within licenced areas

- (a) How is the licenced material securely contained such that escape of any associated pests and diseases is minimised?
- (b) What other material could arrive with the licenced material e.g. soil - how will this be handled?

4. Containment facilities

- (a) What type of containment facility is to be used (i.e. glasshouse, polytunnel, laboratory)?
- (b) Where are these located on your premises (provide room numbers or a geographical location relative to a named/numbered area)?
- (c) How often are they accessed by authorised staff?

- (d) How much material will be held at any one time?
- (e) Will any containment facilities be shared between non-licenced and licenced material?
- (f) What type of work will take place in each area?
- (g) If the licenced material includes plants for planting, what will they be grown in? Soil from the country of origin, native soil or peat, directly in the ground or in pots?
- (h) Are traps present to detect any escapes of the licenced organisms?

5. Experimental procedures

- (a) How will the work be carried out?
- (b) Will workers wear special protective clothing used only for work on licenced material?
- (c) Will there need to be transport of material between containment facilities during the experiments - what precautions will be taken to ensure that associated pests or diseases will not escape during this process?

6. Hygiene and disposal


- (a) How will areas be disinfected once work with the licenced material has finished i.e. which disinfectants, what concentrations and how applied?
- (b) Once work on the material has finished, how will steps be taken to ensure that any associated pests or diseases are destroyed, and where will the treated material finally be disposed of?

7. Qualifications

A list of the scientific and technical qualifications of all the personnel who will undertake activities under the licence.

EUROPEAN COMMUNITIES

LETTER OF AUTHORITY

<p>1. Name and address of consignor/Plant protection organization of the country of origin</p>	<p align="center">Letter of Authority</p> <p align="center">for the introduction and/or movement of harmful organisms, plants, plant products and other objects for trial or scientific purposes and for work on varietal selections (issued under Directive 95/44/EC)</p>	
<p>2. Name and address of person responsible for the approved activities</p>	<p>3. Name of the responsible official body of the Member State of issue</p> <p align="center">Department for Environment, Food and Rural Affairs (Defra) National Assembly for Wales (NAW)</p>	
<p>4. Address and description of the specific sites or sites for quarantine containment</p>	<p>5. Place of origin (documentary evidence attached for material originating in a third country)</p>	<p>6. Plant passport number: or Phytosanitary certificate number:</p>
<p>7. Declared point of entry for material introduced from a third country</p>	<p>8. Scientific name(s) of the material; including the harmful organisms concerned</p> <p align="center">MODEL</p>	
		<p>9. Quantity of material</p>
<p>10. Type of material</p>		
<p>11. Additional declaration This material is introduced into/moved within ⁽¹⁾the Community under Directive 95/44/EC and Defra plant health licence no PHL</p>		
<p>12. Additional information</p>		
<p>13. Endorsement by the responsible official body of the Member State of origin of the material</p> <p>Place of endorsement: Date: Signature of authorized officer Name in BLOCK LETTERS</p>	<p>14. Stamp of the responsible official body of issue</p> <div align="center">  </div> <p>Place of issue: YORK Date: Signature of authorized officer Name in BLOCK LETTERS</p>	

(1) Delete if not applicable