

## PLANT HEALTH

The Plant Health (England) Order 2005 (as amended)

The Plant Health (Wales) Order 2006 (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

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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 (England) Order 2005, in Respect of England, and The Plant Health (Great Britain) Order 1993, in Respect of Wales. This provides for the granting of licences in accordance with Commission Directive 2008/61/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.

*\*'Plant pest' means any living organism other than a vertebrate animal, in any stage of its existence, which is injurious or likely to be injurious to any plant or plant product.*

3. This leaflet outlines the licensing procedures. It explains the charges payable in England and Wales for licences issued by The Food and Environment Research Agency (Fera), 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 Fera Senior Plant Health and Seeds Inspector (SPHSI). Contact details for all our offices are available on the Fera [www.defra.gov.uk/fera/contactUs/contactPlh.cfm](http://www.defra.gov.uk/fera/contactUs/contactPlh.cfm)



5. Different arrangements apply in Scotland and information may be obtained from:
- Scottish Government Rural Payments and Inspections Directorate (SGRPID) Plants, Horticulture and Potatoes Branch, Pentland House, 47 Robb's Loan, Edinburgh EH14 1TW.  
Tel: 0131 244 6345  
e-Mail: [php@scotland.gsi.gov.uk](mailto:php@scotland.gsi.gov.uk)

**What if you are dissatisfied with our service?**

6. If you have any concerns or specific complaints about the way Fera operates or the services we provide, please refer to Fera's Customer Charter for details of our complaints procedure. The Customer Charter is available on the Fera website at: [www.defra.gov.uk/fera/news](http://www.defra.gov.uk/fera/news)

7. **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  
Website: [www.ukcites.gov.uk](http://www.ukcites.gov.uk)

8. **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 and for administrative purposes. In emergency situations, such as a pest outbreak, information (including the location of licenced material) may be used by Fera, Defra and other Government Departments or their appointed agents.

Fera 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, Fera will not permit any unwarranted breach of confidentiality nor will we act in contravention of our obligations under the Data Protection Act 1998.

Fera 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 Fera 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

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### ■ What types of licence are issued?

9. Fera issues the following licences:

- licences for the import, movement and keeping of prohibited plants, plant material, plant pests, 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 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.

10. Although there is no requirement for a licence under plant health legislation, genetic modification work involving non-prohibited plant pests may be subject to controls under the Genetically Modified Organisms (Contained Use) Regulations 2000. Further information can be obtained from:

- The Health and Safety Executive, Biological Agents and ID Technical Strategy Unit, TD6, Room 443, Magdalen House, Trinity Road, Bootle, Merseyside, L20 3QZ.  
Tel: 0151 951 4772  
Fax: 0151 951 3474  
e-Mail: [diane.fox-purday@hse.gsi.gov.uk](mailto:diane.fox-purday@hse.gsi.gov.uk)

### ■ 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. Fera will issue letters of authority (see model at page 9) 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 14).

### ■ 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 Schedules 7, Part A of the Plant Health (England) Order 2005. 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 A of the Plant Health (England) Order 2005. Suppliers of material in third countries should obtain phytosanitary certificates from their plant health authorities.
15. Requirements for letters of authority, plant passports and phytosanitary certificates are described in Commission Directive 2008/61/EC, but if in doubt please seek advice from your local Fera SPHSI or PHSI Office.

#### ■ How do I apply for a licence?

16. Please complete the relevant application form, available on the Fera website at: [www.defra.gov.uk/fera/plants/forms/plantHealthForms.cfm](http://www.defra.gov.uk/fera/plants/forms/plantHealthForms.cfm) or from your local PHSI Office. Return the form, together with the appropriate fee, to:

- The Cashier,  
Shared Services Directorate,  
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 8.

#### ■ 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.

#### ■ When should I apply?

19. 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?

20. 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?

21. 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.

22. 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 21.
23. 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.
24. 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.
25. 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.
26. Details of all fees are given in Section B of this leaflet.

■ **What does the licence fee cover?**

27. 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;

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.

28. 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?**

29. Please send a crossed cheque, made payable to the **Department for Environment, Food and Rural Affairs**, who collect fees on behalf of Fera together with the relevant application form to:

- The Cashier,  
Shared Services Directorate,  
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?**

30. 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?**

31. 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?**

32. 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 (England) Order 2005 or The Plant Health (Great Britain) Order 1993, in Respect of Wales. 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?**

33. Licensed material may be provided to persons or organisations who hold a relevant current Fera licence, **providing written agreement has first been obtained from Fera.** 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 is available on the Fera website at: [www.defra.gov.uk/fera/plants/forms/plantHealthForms.cfm](http://www.defra.gov.uk/fera/plants/forms/plantHealthForms.cfm) or can be obtained from your local PHSI Office.

## Section B

### Fees in respect of licensing services

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34. 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 are available on the Fera website at: [www.defra.gov.uk/fera/plants/forms/plantHealthForms.cfm](http://www.defra.gov.uk/fera/plants/forms/plantHealthForms.cfm) or can be obtained from the local PHSI office. Contact details for all our offices are available on the Fera website at: [www.defra.gov.uk/fera/contactUs/contactPIh.cfm](http://www.defra.gov.uk/fera/contactUs/contactPIh.cfm).

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

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## 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.

<p>1. Name and address of consignor/Plant protection organization of the country of origin</p>	<p><b>Letter of Authority</b> 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 2008/61/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 <b>Department for Environment, Food and Rural Affairs (Defra) Welsh Assembly Government (WAG)</b></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 style="text-align: center; font-size: 48px; font-weight: bold;">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 <sup>(1)</sup> the Community under Directive 2008/61/EC and Fera 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 style="text-align: center;">  <p><b>YORK</b></p> </div> <p>Place of issue: Date: Signature of authorized officer Name in BLOCK LETTERS</p>	

<sup>(1)</sup> Delete if not applicable