
STATUTORY INSTRUMENTS

1995 No. 1358

PLANT HEALTH

The Plant Health (Great Britain) (Amendment) Order 1995

<i>Made</i>	- - - -	<i>23rd May 1995</i>
<i>Laid before Parliament</i>		<i>26th May 1995</i>
<i>Coming into force</i>	- -	<i>27th May 1995</i>

The Minister of Agriculture, Fisheries and Food in relation to England, the Secretary of State for Scotland in relation to Scotland and the Secretary of State for Wales in relation to Wales, in exercise of the powers conferred on them by sections 2, 3 and 4(1) of the Plant Health Act 1967(1), as read with section 20 of the Agriculture (Miscellaneous Provisions) Act 1972(2), and now vested in them(3) and of all other powers in that behalf, hereby make the following Order:

Title, extent and commencement

1. This Order may be cited as the Plant Health (Great Britain) (Amendment) Order 1995, shall apply to Great Britain and shall come into force on 27th May 1995.

Amendment of the Plant Health (Great Britain) Order 1993

2. The Plant Health (Great Britain) Order 1993(4) shall be amended in accordance with articles 3 to 18 below.

3. In article 2(1) (interpretation)—

(a) in the definition of “plant” after the words “including seed” insert the words “but excluding forest trees”;

(b) in the definition of “plant passport” for the words “Schedule 7” there shall be substituted the words “Schedule 9”.

4. In article 3(1) for the words “No person shall import” there shall be substituted the words “There shall not be imported”.

5. In article 3(2)(c)(v) after the words “other plants” there shall be added the words “not being potatoes”.

(1) 1967 c. 8; sections 2(1) and 3(1) and (2) were amended by the European Communities Act 1972 (c. 68), section 4(1) and Schedule 4, paragraph 8; section 3(4) was substituted by section 42 of the Criminal Justice Act 1982 (c. 48).
(2) 1972 c. 62.
(3) In the case of the Secretary of State for Wales by virtue of S.I. 1978/272.
(4) S.I. 1993/1320; amended by S.I. 1993/3213.

6. In article 5 for the words “No (no) person shall introduce” wherever they appear there shall be substituted the words “There (there) shall not be introduced”.

7. In article 12(5) for the words “at the same time as, and together with, the consignment” there shall be substituted the words “at the same time as, and together with, the entry relating to the consignment”.

8. In article 18—

(a) in paragraph (1) the words “Austria or” shall be deleted;

(b) in paragraph (8) after the words “official register” there shall be added the words “and shall be open to inspection by the European Commission”.

9. To article 22 there shall be added the following new paragraph (4)—

“(4) An inspector may, by notice in writing served on the consignee of any plants, plant products or other objects which have been or are to be imported into Great Britain, specify premises and require the removal of those objects to those premises in such manner as may be specified in the notice.”

10. In Schedule 1—

(a) In Part A, Section 2(b) add the following new item—

“2. *Pseudomonas solanacearum* (Smith) Smith;”

(b) in Part B, Section (a)—

(i) in the second column opposite item number 1 in the first column insert the following protected zones—

“S” and “FI”;

(ii) after item number 1 insert the following new item—

“1a. *Globodera pallida* (Stone) Behrens FI;”

(iii) in the second column opposite item number 2 in the first column insert the following protected zones—

“S (Malmöhus, Kristianstads, Blekinge, Kalmar and Gotlands län)”;

(c) in Part B, Section (d), in the second column opposite items number 1 and 2 in the first column insert the following protected zones—

“S” and “FI”.

11. In Schedule 2—

(a) in Part A, Section 1(a)—

(i) in the second column opposite items number 25 and 27 in the first column delete the words “fruit and” in both places;

(ii) delete item 28;

(b) in Part A, Section 1(c) in the second column for the words opposite item number 9 in the first column substitute the following—

“Plants of *Fortunella* Swingle, *Poncirus* Raf., and their hybrids, other than fruit and seeds and plants of *Citrus* L. and their hybrids, other than seeds and fruits, except fruits of *Citrus reticulata* Blanco and of *Citrus sinensis* (L.) Osbeck, originating in South America;”

(c) in Part A, Section 2(a)—

(i) in the second column for the words opposite item number 3 in the first column substitute the following—

“Flower bulbs and corms of *Crocus* L., miniature cultivars and their hybrids of the genus *Gladiolus* Tourn. ex. L., such as *Gladiolus callianthus* Marais, *Gladiolus colvillei* Sweet, *Gladiolus nanus* hort., *Gladiolus ramosus* hort., *Gladiolus tubergenii* hort., *Hyacinthus* L., *Iris* L., *Tigridia* Juss., *Tulipa* L., intended for planting, and potato tubers (*Solanum tuberosum* L.), intended for planting;”

- (ii) in the second column for the words “*Allium cepa* L., *Allium porrum* L. and *Allium schoenoprasum* L.” opposite item 4 in the first column substitute the words “*Allium ascalonicum* L., *Allium cepa* L. and *Allium schoenoprasum* L. intended for planting and plants of *Allium porrum* L. intended for planting”;
- (d) in Part A, Section 2(b) delete item number 6;
- (e) in Part B(a) delete items number 3, 6 and 7 and the footnote at the end;
- (f) in Part B(b), in the third column opposite item number 2 in the first column insert the following protected zones—
 - “A” and “FI”;
- (g) in Part B at the end add a new sub-part (d) as follows—

“(D) VIRUSES AND VIRUS-LIKE ORGANISMS

Species	Subject of contamination	Protected Zone(s)
Citrus tristeza virus (European isolates)	Fruits of <i>Citrus clementina</i> Hort. ex. Tanaka, with leaves and peduncles	EL, F (Corsica), I, P”

- 12.** In Schedule 3, Part A—
 - (a) delete items number 4 to 8 (inclusive);
 - (b) in the second column opposite item number 10 in the first column delete the words “Austria and”;
 - (c) in the second column opposite item number 12 in the first column delete the word “Austria” and after the word “Switzerland,” insert the word “Syria,”;
 - (d) in the second column for the words opposite item number 13 in the first column substitute the words “Third countries other than European and Mediterranean countries”.

- 13.** In Schedule 3, Part B in the second column opposite item number 1 in the first column insert the following protected zones—
 - “A” and “FI”.

- 14.** In Schedule 4—
 - (a) in Part A, Section 1—
 - (i) delete items number 1 to 7 (inclusive) and 8.2;
 - (ii) in the second column opposite item number 25.4 in the first column after the words “official statement” insert “(a)” and at the end add the following—
 - “and(b) that the tubers originate in areas in which *Pseudomonas solanacearum* (Smith) Smith is known not to occur or, where the tubers originate in areas where *Pseudomonas solanacearum* (Smith) Smith is known to occur, that the tubers originate from a place of production found free from *Pseudomonas solanacearum* (Smith) Smith, or considered to be free thereof, as a consequence of the implementation of an appropriate procedure aiming at eradicating *Pseudomonas solanacearum* (Smith) Smith being a procedure determined

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pursuant to the procedure laid down in Article 16a of Council Directive [77/93/EEC](#)(5), as amended(6);”

(iii) after item number 25.6 add the following new items number 25.7 and 25.8—

“25.7	Plants of <i>Capsicum annuum</i> L., <i>Lycopersicon lycopersicum</i> (L.) Karsten ex Farw., <i>Musa</i> L., <i>Nicotiana</i> L. and <i>Solanum melongena</i> L., intended for planting, other than seeds, originating in countries where <i>Pseudomonas solanacearum</i> (Smith) Smith is known to occur	Without prejudice to the provisions applicable to the plants listed in Schedule 3A(11) and (13) and Schedule 4A1 (25.5) and (25.6), where appropriate, official statement— (a) that the plants originate in areas which have been found free from <i>Pseudomonas solanacearum</i> (Smith) Smith; or (b) that no symptoms of <i>Pseudomonas solanacearum</i> (Smith) Smith have been observed on the plants at the place of production since the beginning of the last complete cycle of vegetation
25.8	Tubers of <i>Solanum tuberosum</i> L., other than those intended for planting	Without prejudice to the provisions applicable to tubers listed in Schedule 3A (12) and Schedule 4A1 (25.1), (25.2) and (25.3), official statement that the tubers originate in areas in which <i>Pseudomonas solanacearum</i> (Smith) Smith is not known to occur;”

(iv) for item number 36 substitute the following items number 36.1 and 36.2—

“36.1	Plants of <i>Ficus</i> L., intended for planting, other than seeds	Official statement that— (a) the place of production has been found free from <i>Thrips palmi</i> Karny on official inspections carried out at least monthly during the three months prior to export; or (b) the consignment has undergone
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(5) OJ No. L36, 31.1.77, p.20 as corrected by the Corrigenda published in OJ No. L130, 29.5.79.

(6) The relevant amending directive is Council Directive [89/439/EEC](#) (OJ No. L212, 22.7.89, p.106).

36.2	Plants, other than <i>Ficus L.</i> , intended for planting, and other than seeds	<p style="margin-left: 40px;">appropriate treatment to ensure freedom from Thysanoptera; or</p> <p>(c) the plants have been grown in greenhouses in which official measures have been taken to monitor the presence of <i>Thrips palmi</i> Karny during an appropriate period, and that during such monitoring no <i>Thrips palmi</i> Karny has been detected</p> <p>Official statement that—</p> <p>(a) the plants originate in a country known to be free from <i>Thrips palmi</i> Karny; or</p> <p>(b) the place of production has been found free from <i>Thrips palmi</i> Karny on official inspections carried out at least monthly during the three months prior to export; or</p> <p>(c) the consignment has undergone appropriate treatment to ensure freedom from Thysanoptera;”</p>
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- (v) in the second column opposite item number 51 in the first column for the words “a country” substitute the word “areas”;
 - (b) in Part A, Section 2—
 - (i) delete items number 1, 2 and 3;
 - (ii) in the second column opposite item number 19.1 in the first column at the end add the following—
 - “and

(d)	(i)	that, the tubers originate in areas in which <i>Pseudomonas solanacearum</i> (Smith) Smith is known not to occur; or
	(ii)	where the tubers originate in areas where <i>Pseudomonas solanacearum</i> (Smith) Smith is known to occur, that the tubers originate from a place of production found

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free from *Pseudomonas solanacearum* (Smith) Smith, or considered to be free therefrom, as a consequence of the implementation of an appropriate procedure aiming at eradicating *Pseudomonas solanacearum* (Smith) Smith;”

- (iii) in the second column opposite item number 19.3 in the first column, in (cc) at the end of the second indent, that is to say, after the words “*Clavibacter michiganensis* ssp. *sepedonicus* (Spieckermann et Kotthoff) Davis et al.” insert the following—
 “*Pseudomonas solanacearum* (Smith) Smith;”
- (iv) after item number 19.6 insert the following new item number 19.7—

“19.7	Plants of <i>Capsicum annuum</i> L., <i>Lycopersicon lycopersicum</i> (L.) Karsten ex Farw., <i>Musa</i> L., <i>Nicotiana</i> L. and <i>Solanum melongena</i> L., intended for planting, other than seeds	Without prejudice to the requirements applicable to the plants listed in Schedule 4 A2 (19.6) where appropriate, official statement that:(a) the plants originate in areas which have been found free from <i>Pseudomonas solanacearum</i> (Smith) Smith, or(b) no symptoms of <i>Pseudomonas solanacearum</i> (Smith) Smith have been observed on the plants at the place of production since the beginning of the last complete cycle of vegetation;”
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- (v) in the first column for the words opposite item number 31.2 substitute the following—
 “Fruits of *Citrus* L., other than of *Citrus clementina* Hort. ex. Tanaka, *Fortunella Swingle*, *Poncirus* Raf. and their hybrids”
- (c) in Part B—
 - (i) delete items number 1 to 12 (inclusive) and 14a to 14h (inclusive) and their related footnotes;
 - (ii) in the third column opposite items number 20.1, 20.2, 22, 23, 24, 25.1, 25.2, 26 and 30 in the first column insert the following protected zones—
 “S” and “FI”;
 - (iii) after item number 20.2 insert the following new item—

“20.3	Tubers of <i>Solanum tuberosum</i> L.	Without prejudice to the requirements listed in Schedule 4A(2) 19.1 and 19.2, official statement that provisions are complied	FI;”
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with in respect of
Globodera pallida
(Stone) Behrens
and *Globodera*
rostochiensis
(Wollenweber)
Behrens which are in
accordance with those
laid down in Directive
[69/465/EEC](#)(7)

(iv) in the third column opposite item number 21 in the first column insert the following protected zones—

“A” and “FI”;

(v) for item number 27 substitute the following—

“27.1	Sugar and fodder beet seed of the species <i>Beta vulgaris</i> L.	Without prejudice to the provisions of Council Directive 66/400/EEC (8) on the marketing of beet seed, as amended, where applicable, official statement that:(a) the seed of the categories “Basic seed” and “Certified seed” satisfies the conditions laid down in Annex I(B)(3) to Council Directive 66/400/EEC , as amended(9) , or(b) in the case of “seed not finally certified”, the seed— — satisfies the conditions laid down in Article 15(2) of Council Directive 66/400/ EEC , as amended(10), and — is intended for processing that will satisfy the conditions laid down in Annex I(B) to Council Directive 66/400/	DK, FI, IRL, P (Azores), S, UK
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(7) OJ No. L332, 24.12.69, p.3 (OJ/SE 1969 (II) p.563).

(8) OJ No. L125, 11.7.66, p.2290 (OJ/SE 1965-66 p.143).

(9) Relevant amending directives are Council Directive [69/62/EEC](#) (OJ No. L48, 26.2.69, p.4; OJ/SE 1969 (I) p.52), Council Directive [76/331/EEC](#) (OJ No. L83, 30.3.76, p.34) and Commission Directive [88/95/EEC](#) (OJ NO. L56, 2.3.88, p.43).

(10) The relevant amending directive is Council Directive [88/380/EEC](#) (OJ No. L187, 16.7.88, p.14).

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27.2	Vegetable seed of the species <i>Beta vulgaris</i> L.	<p>EEC, as amended, and delivered to a processing enterprise with officially approved controlled waste disposal, to prevent the spread of Beet necrotic yellow vein virus (BNYVV), or(c) the seed has been produced from a crop grown in an area where BNYVV is known not to occur</p> <p>Without prejudice to the provisions of Council Directive 70/458/EEC(11) on the marketing of vegetable seed, as amended, where applicable, official statement that:(a) the processed seed contains no more than 0.5 % by weight of inert matter; in the case of pelleted seed this standard shall be met prior to pelleting, or(b) in the case of non-processed seed, the seed — shall be officially packed in such a manner as to ensure that there is no risk of spread of BNYVV,and — is intended for processing that will satisfy the conditions laid down in paragraph (a) above, and delivered to a processing enterprise with officially approved controlled waste disposal, to prevent the spread of Beet</p>	DK, F, IRL, I, P (Azores), S, UK;”
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(11) OJ No. L125, 11.7.66, p.2290 (OJ/SE 1965-66 p.143).

necrotic yellow vein virus (BNYVV), or(c) the seed has been produced from a crop grown in an area where BNYVV is known not to occur

(vi) at the end insert a new item number 31 as follows—

“31.	Fruits of <i>Citrus clementina</i> Hort. ex Tanaka, originating in E, F (except Corsica)	Without prejudice to the provisions applicable to the fruits, where appropriate, listed in Schedule 3B (2 and 3) or Schedule 4A2 (31.1):(a) the fruits shall be free from leaves and peduncles, or(b) in the case of fruits with leaves or peduncles, official statement that the fruits are packed in closed containers which have been officially sealed and shall remain sealed during their transport through a protected zone, recognised for these fruits, and shall bear a distinguishing mark to be reported on the passport	EL, F, (Corsica), I, P.”
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15. In Schedule 5—

(a) in Part AI—

- (i) delete item number 1.7 (with its associated CN Code descriptions) and item 1.8;
- (ii) for item number 2.4 substitute the following—

“2.4. Seeds and bulbs of *Allium ascalonicum* L., *Allium cepa* L. and *Allium schoenoprasum* L. intended for planting and plants of *Allium porrum* L. intended for planting.”

(iii) in item number 3 for the words “*Gladiolus* Tourn. ex L.” substitute the following—

“miniature cultivars and their hybrids of the genus *Gladiolus* Tourn. ex L., such as *Gladiolus callianthus* Marais, *Gladiolus colvillei* Sweet, *Gladiolus nanus* Hort., *Gladiolus ramosus* Hort. and *Gladiolus tubergenii* Hort.”

(b) in Part A II delete item number 1.10 (with its associated CN Code descriptions) and item number 1.11;

- (c) in Part B I delete item number 5 and item number 6 (with its associated CN Code descriptions);
 (d) in Part B II delete item number 7 (with its associated CN Code descriptions).

16. In Schedule 8—

- (a) in Part (a)—
- (i) in the second column opposite item number 2 insert the following protected zones—
 “Sweden” and “Finland”;
 - (ii) delete items number 4, 7 to 11 (inclusive) and 13;
 - (iii) after item number 5 insert the following new item—
 “5a. *Globodera pallida* (Stone) Behrens Finland”;
 - (iv) in the second column opposite item number 12 insert the following protected zone—
 “Sweden (Malmöhus, Kristianstads, Blekinge, Kalmar, Gotlands iän)”;
- (b) in Part (b), in the second column opposite item number 2 insert the following protected zones—
 “Austria” and “Finland”;
- (c) in Part (d)—
- (i) in the second column opposite items number 1 and 2 insert the following protected zones;
 “Finland” and “Sweden”;
 - (ii) at the end add a new item number 4 as follows—

“4.	Citrus tristeza virus (European isolates) harmful to fruits of <i>Citrus clementina</i> Hort. ex Tanaka, with leaves and peduncules	Greece, France (Corsica), Italy, Portugal.”
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17. For Schedule 13(12) there shall be substituted the new Schedule 13 set out in the Schedule to this Order.

18. In Schedule 16 (INSTRUMENTS AMENDING AND SUPPLEMENTING COUNCIL DIRECTIVE 77/93/EEC)—

(a) before the entry relating to Council Directive 93/85/EEC there shall be inserted the following—

“Commission Directive 93/50/EEC OJ No. L205, 17.8.93, p.22. Commission Directive 93/51/EEC OJ No. L205, 17.8.93, p.24.”

(b) at the end there shall be inserted the following—

“Commission Directive 93/106/EC OJ No. L298, 3.12.93, p.34. Commission Directive 93/110/EC OJ No. L303, 10.12.93, p.19. Commission Directive 95/4/EC OJ No. L44, 28.2.95, p.56.”

23rd May 1995

Howe
 Parliamentary Secretary, Ministry of Agriculture,
 Fisheries and Food

23rd May 1995

Hector Monro
Parliamentary Under Secretary of State, Scottish
Office

Signed by authority of the Secretary of State for Wales

22nd May 1995

Gwilym Jones
Parliamentary Under Secretary of State, Welsh
Office

SCHEDULE

Article 17

NEW SCHEDULE 13 TO THE PLANT HEALTH (GREAT BRITAIN) ORDER 1993

“SCHEDULE 13

Article 18(7)

SPECIAL MEASURES FOR THE CONTROL OF POTATO RING ROT

1. The purpose of this Schedule is to give effect to Council Directive [93/85/EEC\(13\)](#) on the control of Potato Ring Rot (“the Directive”).

2. It shall be the duty of the appropriate Minister to give effect to the requirements of paragraphs (1) and (2) of article 2, paragraph (1) of article 4 and articles 5 and 6 of the Directive.

3. Any person suspecting the occurrence, or actual presence, of Potato Ring Rot in growing potatoes or harvested, stored or marketed tubers shall immediately notify the appropriate Minister or an inspector who shall determine whether any further investigation is necessary.

4. Subject to paragraph 8 below, no person shall hold or handle any plant or tuber affected with Potato Ring Rot or any other object or materials affected with it otherwise than in compliance with the provisions of this Schedule.

5. Subject to paragraph 8 below,—

(a) no person shall plant any tuber or plant designated to be contaminated with Potato Ring Rot under article 5(1)(a) of the Directive; and

(b) a notice under paragraph (1)(c) or (2)(i) of article 22 may require any such tuber or plant to be disposed of otherwise than by destruction only by means of measures described in point 1 of Annex IV to the Directive and only if there is no identifiable risk of Potato Ring Rot spreading.

6. Subject to paragraph 8 below,—

(a) no person shall plant any plant or tuber determined as probably contaminated with Potato Ring Rot under article 5(1)(b) of the Directive; and

(b) a notice under paragraph (1)(c) or (2)(i) of article 22 may require any such tuber or plant to be put to an appropriate use or disposed of only in accordance with point 2 of Annex IV to the Directive and only if there is no identifiable risk of Potato Ring Rot spreading.

7. Subject to a notice under paragraph 8 below, a notice under paragraph (1)(c) or (2)(i) of article 22 may not require any machinery, vehicle, vessel, store, or units thereof, or any other objects including packaging material designated as contaminated under paragraph (1)(a) of article 5 of the Directive or determined as probably contaminated under paragraph (1)(b) of that article to be disposed of otherwise than by—

(a) destruction, or

(b) cleansing and disinfecting using appropriate methods as specified in point 3 of Annex IV to the Directive.

and when so cleansed and disinfected they shall not be treated as contaminated.

8. The appropriate Minister, or an inspector, may by notice in writing given to the person having possession of the plants or tubers in question, authorise exemptions from the requirements of article 6 of the Directive as applied by paragraph 2 above and of paragraphs 4 to 7 above and 10 below for experimental or scientific purposes, or for work on varietal selection, if he is satisfied that any such exemption would not prejudice the control of Potato Ring Rot, or create a risk of its spread.

(13) OJ No. L259, 18.10.93, p.1.

- 9.—(1) No person shall plant seed potatoes unless they—
- (a) meet the requirements of Council Directive [77/93/EEC](#) on the protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community; and
 - (b) derive in a direct line from material obtained under an officially approved programme which has been found free from Potato Ring Rot in official or officially supervised testing pursuant to article 8(1) of the Directive using the method set out in Annex I to the Directive.
- (2) The testing referred to in paragraph (1)(b) above shall be carried out—
- (a) in a case where contamination affects seed potato production, on the plants in the initial clonal selection; and
 - (b) in any other case, either on the plants of the initial clonal selection or on representative samples of the basic seed potatoes or earlier propagations.
10. Subject to paragraph 8 above and without prejudice to the provisions of paragraphs 5 to 7 above, a notice under article 22 may require a series of measures as specified in point 4 of Annex IV to the Directive to be implemented.”

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Plant Health (Great Britain) Order 1993 so as to implement—

- (a) the requirements of Commission Directive [93/106/EC](#) (OJ No. L298, 3.12.93, p.34), which makes changes in Commission Directive [92/76/EEC](#) (OJ No. L305, 21.10.92, p.12), and Commission Directive [93/110/EC](#) (OJ No. L303, 10.12.93, p.19), which makes changes in Council Directive [77/93/EEC](#) (OJ No. L26, 31.1.77, p.20) relating to certain protected zones, and
- (b) Commission Directive [95/4/EC](#) (OJ No. L44, 28.2.95, p.56), which makes changes in Council Directive [77/93/EEC](#) relating to the disease *Pseudomonas solanacearum* and the pest *Thrips palmi*, and to make provisions consequential upon the Accession of Austria, Finland and Sweden to the plant health single market on 1 January 1995.

The definition of “plant” in article 2(1) is amended and certain deletions are made of items in the Schedules relating to forest trees to eliminate any overlap with the Plant Health (Forestry) (Great Britain) Order 1993 (S.I. [1993/1283](#)).

An inspector may now require items (whether or not suspected of contamination) to be removed after importation to premises specified by him. This is to facilitate inspection (Article 9).

Minor corrections and improvements are also made.