STATUTORY RULES OF NORTHERN IRELAND

2019 No. 230

PLANT HEALTH

The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2019

Made - - - -	*13th December 2019*
Coming into operation	*14th December 2019*

[F1]The Department of Agriculture, Environment and Rural Affairs is a Northern Ireland department designated [F2] for the purposes of section 2(2) of the European Communities Act 1972 [F3] in relation to the common agricultural policy of the European Union.

The Department of Agriculture, Environment and Rural Affairs [F4] makes these Regulations in exercise of the powers conferred by sections 2, 3(1), 3A and 3B(1) of the Plant Health Act (Northern Ireland) 1967 [F5] and section 2(2) of, and Paragraph 1A of Schedule 2 to, the European Communities Act 1972 [F6].

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears expedient to the Department of Agriculture, Environment and Rural Affairs for the references to Commission Implementing Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and of the Council, as regards protective measures against pests of plants and repealing Commission Regulation (EC) No 690/2008 and amending Commission Implementing Regulation (EU) 2018/2019 (referred to in these Regulations as "the Phytosanitary Conditions Regulation") and to the European Union instruments mentioned in regulation 3(1) to be construed as references to those instruments as amended from time to time.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2020 (S.R. 2020/293), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

F2 S.I. 2000/2812.

F3 1972 c. 68, **section 2(2)** was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 5) and by section 3 of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7). The Act is prospectively repealed by the European Union (Withdrawal) Act 2018 (c. 16) section 1 from exit day (see section 20 of that Act).

F4 The Ministry of Agriculture became known as the Department of Agriculture by virtue of section 7(5) of the Northern Ireland Constitution Act (c. 36), was renamed the Department of Agriculture and Rural Development by Article 3(4) of the Departments (Northern Ireland) Order 1999 (S.I. 1999/283 (N.I.

1) and was renamed the Department of Agriculture, Environment and Rural Affairs by section 1 of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.)).

F5 1967 c. 28 (N.I.): sections 2(1) and 3(1) were amended by S.R. & O (N.I.) 1972 No. 351, **article 3** and Schedule 2. Section 2(2) was amended by 1979 c. 2 section 177(1) and Schedule 4, Part 11. Sections 2 and 3 were also amended by S.I. 1984/702 (N.I. 2), **Articles 15(2)**, 24 and Schedule.

F6 Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51) and amended by section 3, and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).

PART 1

Introduction

Citation and commencement

F1 1. . . . . . .

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2020 (S.R. 2020/293), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Interpretation

F1 2. . . . . . .

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2020 (S.R. 2020/293), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Interpretation: EU Decisions

F1 3. . . . . . .

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2020 (S.R. 2020/293), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Article 82 of the EU Plant Health Regulation: meaning of “close proximity”

F1 4. . . . . . .

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2020 (S.R. 2020/293), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

PART 2

Competent authorities

Designation of competent authority

F1**5.** . . . . . .

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2020 (S.R. 2020/293), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

PART 3

Official Controls on controlled consignments from third countries and other official controls on goods from third countries

Derogations to the requirement to give prior notification in accordance with Article 1(1) of Commission Implementing Regulation (EU) 2019/1013

F1**6.** . . . . . .

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2020 (S.R. 2020/293), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Suspicion of non-compliance

F1**7.** . . . . . .

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2020 (S.R. 2020/293), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Consignments not correctly presented for official controls

F1**8.** . . . . . .

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2020 (S.R. 2020/293), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Official measures in relation to non-compliant consignments or consignments which pose a risk to plant health

F1**9.** . . . . . .

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2020 (S.R. 2020/293), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Notices under Regulation 7, 8 or 9

F1 10. . . . . . .

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2020 (S.R. 2020/293), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Border control posts: authorisation of inspection centres and commercial storage facilities

F1 11. . . . . . .

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2020 (S.R. 2020/293), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Transitional provision: approved places of inspection

F1 12. . . . . . .

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2020 (S.R. 2020/293), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

PART 4

Official activities to prevent the establishment or spread of plant pests

Introduction

F1 13. . . . . . .

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2020 (S.R. 2020/293), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Notices in relation to controlled plant pests or prohibited material

F1 14. . . . . . .

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2020 (S.R. 2020/293), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Action which may be taken by a plant health inspector

F1 15. . . . . . .

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2020 (S.R. 2020/293), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Establishment of demarcated areas and measures to be taken in those areas

F1 16. . . . . . .

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2020 (S.R. 2020/293), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

PART 5

Temporary national measures

F1 17. . . . . . .

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2020 (S.R. 2020/293), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

PART 6

Registration, authorisations and certificates

Application for registration

F1 18. . . . . . .

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2020 (S.R. 2020/293), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Other applications

F1 19. . . . . . .

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2020 (S.R. 2020/293), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))