STATUTORY RULES OF NORTHERN IRELAND

2019 No. 73

PLANT HEALTH

The Plant Health (Import Inspection Fees) Regulations (Northern Ireland) 2019

Made - - - -	*28th March 2019*
Coming into operation	*29th March 2019*

The Department of Agriculture, Environment and Rural Affairs(**1**) makes the following Regulations, with the consent of the Department of Finance(**2**), in exercise of the powers conferred by section 56(1), (2) and (5) of the Finance Act 1973(**3**) and section 2(2) of the European Communities Act 1972(**4**).

The Department of Agriculture, Environment and Rural Affairs is designated for the purposes of section 2(2) in relation to the Common Agricultural Policy of the European Union(**5**).

Citation and commencement

1. These Regulations may be cited as the Plant Health (Import Inspection Fees) Regulations (Northern Ireland) 2019 and shall come into operation on 29th March 2019.

Interpretation

2.—(1) In these Regulations—

"appropriate checks", in relation to a consignment of notifiable material, means—

(a) an examination of the phytosanitary certificate or phytosanitary certificate for re-export accompanying the consignment to determine whether it is the correct phytosanitary certificate ("documentary check");

(**1**) 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. 1999/583 (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.).

(**2**) The Ministry of Finance became known as the Department of Finance by virtue of sections 7(5) and 43(3) of the Northern Ireland Constitution Act (c. 36), was renamed the Department of Department of Finance and Personnel by Article 3 of the Departments (Northern Ireland) Order 1982 (S.I. 1982/338) and was renamed the Department of Finance by section 1 of the Departments Act (Northern Ireland) 2016 (c. 5)(N.I.).

(**3**) 1973 c. 51

(**4**) 1972 c. 68

(**5**) S.I. 2000/2812

(b) an examination of the consignment to determine whether it corresponds to its description in the trade documents that accompany it ("identity check");

(c) an examination of the consignment and its packaging, and where necessary, the vehicle transporting the consignment, to determine whether it meets the prescribed requirements ("plant health check");

"consignment" means a quantity of goods covered by a single document required for customs formalities or for other formalities;

"daytime working hours" means any time between the hours of 8.30 a.m. to 5.00 p.m. on any day except a Saturday, Sunday, or public holiday;

"the Department" means the Department of Agriculture, Environment and Rural Affairs;

"isolated bark" means bark which has been removed or become detached from a living, felled or fallen tree or from any part of such tree;

"the Plant Health Order" means the Plant Health Order (Northern Ireland) 2018(**6**);

"specified wood" means wood of a type listed in Schedule 5, Part A, paragraph 2 or Part B, paragraph 1 to the Wood and Bark Order and wood listed in the first column of the Schedule to the Plant Health (Wood and Bark) (*Phytophthora ramorum*) Order (Northern Ireland) 2005(**7**);

"third country" means a country or territory other than one within the United Kingdom;

"trade documents" in relation to a consignment of notifiable relevant material, means the invoice, delivery note, consignment note or similar document which accompanies the consignment;

"the Wood and Bark Order" means The Plant Health (Wood and Bark) Order (Northern Ireland 2006(**8**);

"wood packaging material" means wood packaging material in the form of—

(d) packing cases;

(e) boxes;

(f) crates;

(g) drums and similar packings;

(h) pallets, box pallets and other load boards;

(i) pallet collars;

(j) dunnage, whether or not actually in use in the transport of objects of all kinds, except raw wood of 6mm thickness or less;

(k) processed wood produced by glue, heat pressure or a combination thereof; or

(l) dunnage supporting consignments of wood, which is constructed from wood of the same type and quality as the wood in the consignment and which meets the same European Union phytosanitary requirements as the wood in the consignment;

which is compliant with the debarked wood and approved treatment requirements of the FAO International Standard for Phytosanitary Measures, ISPMNo. 15 Guidelines for Regulating Wood Packaging Material in International Trade; and

"working day" means a period of twenty-four hours which is not a Saturday, Sunday or public holiday.

(**6**) S.R. 2018 No. 184
(**7**) S.R. 2005 No. 252
(**8**) S.R. 2006 No. 66

(2) Words and expressions which are not defined in these Regulations and which appear in the Wood and Bark Order have the same meaning in these Regulations as they have in that Order.

(3) The Interpretation Act (Northern Ireland) 1954(**9**) shall apply to these Regulations as it applies to an Act of the Assembly.

Consignments to which these Regulations apply

3. These Regulations apply to a consignment (or a consignment which an inspector reasonably suspects to be such a consignment) of—

(a) plants, plant products and other objects of a description specified in the first column of Schedule 1, brought into Northern Ireland from a third country; and

(b) any of the following relevant material to which the provisions of Part 2 of the Wood and Bark Order applies—

(i) isolated bark of a type listed in Schedule 5, Part A, paragraph 1 or Part B, paragraph 2 to the Wood and Bark Order; or

(ii) specified wood of a type listed in Schedule 5, Part A, paragraph 2 or Part B, paragraph 1 to the Wood and Bark Order; and

(c) specified wood listed in the first column of the Schedule to the Plant Health (Wood and Bark) (*Phytophthoraramorum*) Order (Northern Ireland) 2005.

Fees

4.—(1) An importer of a consignment to which these Regulations apply shall pay to the Department in respect of the appropriate checks the fees specified in this regulation.

(2) In respect of a plant health check carried out on any consignment of plants, plant products or other objects, other than a consignment of a plant or plant product to which paragraph (3) applies, the fee payable shall be—

(a) the fee specified in the third column of Schedule 1 in respect of a check carried out during daytime working hours; or

(b) the fee specified in the fourth column of Schedule 1 in respect of a check carried out outside those hours.

(3) In respect of a plant health check carried out at reduced frequency on a consignment of any plant or plant product listed in the first column of Schedule 2 and originating from a country listed in the third column of that Schedule, the fee payable shall be—

(a) the fee specified in the fourth column of Schedule 1 in respect of a check carried out during daytime working hours; or

(b) the fee specified in the fifth column of Schedule 1 in respect of a check carried out outside those hours.

(4) In respect of a plant health check carried out on any consignment of specified wood or isolated bark the fee payable shall be the fee specified in Schedule 3.

(5) In respect of a plant health check carried out at reduced frequency on a consignment of specified wood or isolated bark listed in the first column of Schedule 4 and originating from a country listed in the third column of that Schedule, the fee payable shall be the fee specified in the fourth column of Schedule 4.

(6) In respect of a documentary check or an identity check carried out on any consignment the fee payable shall be the fee specified for that check in the third column of Schedule 5.

(**9**) 1954 c. 33 (N.I.)

(7) Nothing in these Regulations shall require the payment of a fee in respect of wood packaging material actually in use in the transport of objects of all kinds.

Mixed consignments

5. Where a consignment to which these Regulations apply does not consist exclusively of plants, plant products or other objects coming within one description in the first column of Schedule 1, those parts consisting of plants, plant products or other objects coming within other descriptions in the first column of that Schedule shall be treated as separate consignments and subject to separate fees under regulation 4.

Notification of consignments

6. An importer of a consignment to which these Regulations apply must submit to the Department such information relating to the consignment, in writing and in such form as the Department may reasonably require, and such information must be submitted at least 3 working days before the consignment is brought into Northern Ireland.

Unpaid fees

7.—(1) Where any sum due by way of, or on account of, any fee or any part of a fee payable by a registered plant trader or a registered forestry trader under these Regulations remains unpaid, the Department may—

(a) recover the sum as a civil debt;

(b) after giving one month's written warning, suspend the trader's registration until the sum has been paid.

(2) In this regulation, "registered", "plant trader" and "registration" have the same meaning as in article 2(1) of the Plant Health Order and "forestry trader" has the same meaning as in article 2(1) of the Wood and Bark Order.

Revocations

8. The following regulations are revoked—

(a) the Plant Health (Import Inspection Fees) Regulations (Northern Ireland) 2005(**10**);

(b) the Plant Health (Import Inspection Fees) (Wood and Bark) Regulations (Northern Ireland) 2005(**11**);

(c) the Plant Health (Import Inspection Fees) (Amendment) Regulations (Northern Ireland) 2007(**12**);

(d) the Plant Health (Import Inspection Fees) (Amendment No. 2) Regulations (Northern Ireland) 2007(**13**);

(e) the Plant Health (Import Inspection Fees) (Amendment) Regulations (Northern Ireland) 2008(**14**);

(f) the Plant Health (Import Inspection Fees) (Amendment) Regulations (Northern Ireland) 2009(**15**);

(**10**) S.R. 2005 No. 373
(**11**) S.R. 2005 No. 380
(**12**) S.R. 2007 No. 21
(**13**) S.R. 2007 No. 252
(**14**) S.R. 2008 No. 60
(**15**) S.R. 2009 No. 134

(g) the Plant Health (Import Inspection Fees) (Amendment No. 2) Regulations (Northern Ireland) 2009(**16**);

(h) the Plant Health (Import Inspection Fees) (Amendment) Regulations (Northern Ireland) 2010(**17**); and

(i) the Plant Health (Import Inspection Fees) (Amendment) Regulations (Northern Ireland) 2011(**18**).

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on 28th March 2019.

L.S.

L.S.

John Joe O'Boyle
A senior officer of the
Department of Agriculture, Environment and
Rural Affairs

The Department of Finance consents to the foregoing Regulations.
Sealed with the Official Seal of the Department of Finance on 28th March 2019.

L.S.

L.S.

Emer Morelli
A senior officer of the
Department of Finance

(**16**) S.R. 2009 No. 423
(**17**) S.R. 2010 No. 384
(**18**) S.R. 2011 No. 384