STATUTORY RULES OF NORTHERN IRELAND

2013 No. 103

PLANT HEALTH

The Plant Health (Amendment No.2) Order (Northern Ireland) 2013

Made - - - -	*11th April 2013*
Coming into operation	*10th May 2013*

The Department of Agriculture and Rural Development(**1**) makes the following Order in exercise of the powers conferred by sections 2, 3(1), 3A, 3B(1) and 4(1) of the Plant Health Act (Northern Ireland) 1967(**2**).

Citation and commencement

1. This Order may be cited as The Plant Health (Amendment No.2) Order (Northern Ireland) 2013 and comes into operation on 10th May 2013.

Amendments of the Plant Health Order (Northern Ireland) 2006

2.—(1) The Plant Health Order (Northern Ireland) 2006 (**3**) is amended in accordance with paragraphs (2) to (13).

(2) In article 2(1) (general interpretation) for the definition of "ISPM No. 4" substitute—

""ISPM No. 4" means International Standard for Phytosanitary Measures No. 4 of November 1995 on the requirements for the establishment of pest-free areas, prepared by the Secretariat of the IPPC established by the Food and Agriculture Organisation of the United Nations;"(**4**).

(3) In article 8(2) (exceptions from certain prohibitions and requirements)—

(a) in sub-paragraph (a) (iii), after "potatoes" insert "or seeds of *Fraxinus* L.";

(**1**) The Department of Agriculture for Northern Ireland 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)).

(**2**) 1967 c.28 (N.I.). Sections 2 and 4(1) were amended by S.R. & O. (N.I.) 1972 No.351, art. 3 and Sch.2. Section 2(2) was amended by 1979 c.2, s.177(1) and Sch.4, Pt II. Sections 2, 3 and 4(1) were amended by S.I. 1984/702 (N.I.2), Arts. 15(2), 24 and Sch. Section 3B was inserted by S.I. 1984/702 (N.I.2) Art. 15(2). Section 3B(1A) was inserted by 2010 c.10 (N.I.), s.14(2).

(**3**) S.R. 2006 No.82, as amended by S.R. 2006 No.165, S.R. 2006 No.435, S.R. 2007 No.333, S.R. 2007 No.483, S.R. 2008 No.205, S.R. 2008 No.442, S.R. 2008 No.493, S.R. 2009 No.179, S.R. 2010 No.197, S.R. 2010 No.232, S.R. 2010 No.307, S.R. 2011 No.22, S.R. 2011 No.233, S.R. 2011 No.352, S.R. 2012 No.133, S.R. 2012 No.241, S.R. 2012 No.392 and S.R. 2013 No.7.

(**4**) Available from IPPC Secretariat, AGPP-FAO. Viale Delle Terme di Caracalla, 00153, Rome, Italy and at https://www.ippc.int/int.

(b) in sub-paragraph (b) (ii), after "sub-paragraph (i)" insert "or plants of *Fraxinus* L. intended for planting"; and

(c) in sub-paragraph (b)(vi) for "except in bonsai form" substitute "other than seedlings of *Fraxinus* L. and seedlings in bonsai form".

(4) In article 22(1) (exceptions from certain prohibitions and requirements), after "small quantities of any relevant material", insert "other than plants of *Fraxinus* L. intended for planting".

(5) For article 39 (licences to carry out prohibited activities) substitute—

"**Licences to carry out activities prohibited by this Order**

39.—(1) Notwithstanding any of the provisions of this Order, any plant pest or relevant material may be landed, kept, stored, sold, planted, moved or otherwise disposed of in Northern Ireland and any other thing prohibited by this Order may be done under the authority of a licence, whether general or specific, granted by the Department—

(a) in exercise of any derogation permitted by Directive 2000/29/EC; or

(b) for trial or scientific purposes, or for work on varietal selections, in relation to a domestic quarantine plant pest.

(2) A licence granted under paragraph (1)(b) shall be in writing and may be granted—

(a) subject to conditions;

(b) for an indefinite period or a specified period.

(3) In this article—

(a) "domestic quarantine plant pest" means a plant pest which is not listed in Annex I or Annex II to Directive 2000/29/EC and which is not normally present in Northern Ireland, but it is likely to be injurious to plants in Northern Ireland;

(b) "specified" means specified in the licence.".

(6) In the heading of article 40 (licences for trial or scientific purposes and for work on varietal selections), after "varietal selections", add "permitted by Directive 2008/61/EC"(**5**).

(7) In Part B (plant pests known to occur in the European Community which may not be landed or spread within Northern Ireland) of Schedule 1, for the items under the heading "Fungi" substitute—

"**1.** *Chalara fraxinea* T. Kowalski, including its teleomorph *Hymenoscyphus pseudoalbidus*

2. *Melampsora medusa* Thümen

3. *Synchytrium endobioticum* (Schilbersky) Percival".

(8) In Part B (relevant material which may not be landed in or moved within Northern Ireland if that material is carrying or infected with plant pests known to occur in the European Community) of Schedule 2, after item 1, under the heading "Fungi", insert—

"1a	Plants of *Fraxinus* L. intended for planting	*Chalara fraxinea* T. Kowalski, including its teleomorph *Hymenoscyphus pseudoalbidus*, a cause of ash dieback".

(9) In Part A (relevant material, from third countries, which may only be landed in Northern Ireland if special requirements are satisfied) of Schedule 4—

(**5**) OJ No L 158, 18.6.2008, p 41