STATUTORY RULES OF NORTHERN IRELAND

2011 No. 22

PLANT HEALTH

The Plant Health (Amendment) Order (Northern Ireland) 2011

Made - - - - *2nd February 2011*

Coming into operation *4th March 2011*

The Department of Agriculture and Rural Development(**1**) makes the following Order, in exercise of the powers conferred by sections 2, 3 and 4(1) of the Plant Health Act (Northern Ireland) 1967(**2**) as read with paragraph 1A of Schedule 2 to the European Communities Act 1972(**3**).

This Order makes provision for a purpose mentioned in section 2(2) of the European Communities Act 1972, and it appears to the Department that it is expedient for the references in this Order to Commission Decision 2008/840/EC on emergency measures to prevent the introduction into and the spread within the Community of *Anoplophorachinensis* (Forster)(**4**) to be construed as references to that Decision as amended from time to time.

Citation and commencement

1. This Order may be cited as The Plant Health (Amendment) Order (Northern Ireland) 2011 and comes into operation on 4th March 2011.

Amendments to the Plant Health Order (Northern Ireland) 2006

2.—(1) The Plant Health Order (Northern Ireland) 2006(**5**) is amended as follows.

(2) In Article 2(1)(**6**), at the appropriate place, insert—

""Decision 2008/840/EC" means Commission Decision 2008/840/EC on emergency measures to prevent the introduction into and the spread within the Community of *Anoplophorachinensis* (Forster), as amended from time to time;"

(3) In Schedule 3(**7**) for the entry in column (3) corresponding to item 10, substitute—

(**1**) Formerly the Department of Agriculture for Northern Ireland; see S.I. 1999/283 (N.I.1), Article 3(4)

(**2**) 1967 c.68 (N.I.); sections 2, 3 and 4(1) were amended by S.R & O (N.I.) 1972 No.351, Art. 3 and Sch.2. Section 2 was amended by 1979 c.2, s.177(1) and Sch.4, Pt II. Sections 2 and 4(1) were amended by S.I. 1984/702 (N.I.2), Art. 15(2). 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**) 1972 c.68.

(**4**) O.J. No. L 300, 11.11.2008, p.36; as amended by Commission Decision 2010/380 O.J. No. L 174, 9.7.2010, p.46.

(**5**) 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. 2009 No. 179, S.R. 2010 No. 197, S.R. 2010 No. 232, S.R. 2010 No. 307.

(**6**) There are amendments to this Article that are not relevant to this Order.

(**7**) There are amendments to Schedule 3 that are not relevant to this Order.

"Belarus, Moldova, Russia, Turkey, Ukraine and any third country not in mainland Europe, other than Egypt, Israel, Libya, Morocco or Tunisia".

(4) In Schedule 3, after item 15, insert the text contained in the following table—

"15a	Plants for planting, other than seeds, of *Acer* spp. until the end of April 2012	China".

(5) In Schedule 4(**8**), Part A—

(a) for the entry in column (2) corresponding to item 53, substitute-

"Soil or growing medium that—

(a) is attached to, or accompanies, plants for the purpose of sustaining the vitality of those plants;

(b) consists—

(i) wholly or partly of soil or any solid organic substance such as parts of plants or humans (including peat or bark); or

(ii) partly of any solid inorganic substance; and

(c) originates from—

(i) Belarus, Georgia, Moldova, Russia, Turkey or the Ukraine; or

(ii) any country outside Europe, other than Algeria, Egypt, Israel, Libya, Morocco or Tunisia"; and

(b) For item 82(**9**), substitute the text contained in the following table—

"82	Specified plants within the meaning of Article 1(a) of Decision 2008/840/EC originating in China	Without prejudice to the requirements in Schedule 3, items 4, 12 and 14 and items 11, 12, 19, 20, 22, 23, 27, 28, 29, 30, 48, 50, 51, 52, 55, 60, 61, 64, 65 and 70 of Part A of this Schedule the plants shall be accompanied by an official statement containing the information in point 1 of Section 1(B) of Annex 1 to Decision 2008/840/EC and shall comply with the requirements set out in Article 2a(1)(c) of Decision 2008/840/EC.
83	Specified plants within the meaning of Article 1(a) of Decision 2008/840/EC originating in any third country where *Anoplophorachinensis* (Forster) is known to occur, other than China	Without prejudice to the requirements in Schedule 3, items 4, 12 and 14 and items 11, 12, 19, 20, 22, 23, 27, 28, 29, 30, 48, 50, 51, 52, 55, 60, 61, 64, 65 and 70 of Part A of this Schedule the plants shall be accompanied by an official statement containing the information in point (1) of Section 1(A) of Annex 1 to Decision 2008/840/EC.".

(**8**) There are amendments to Schedule 4 that are not relevant to this Order.
(**9**) As inserted by the Plant Health (Amendment No.3) Order (Northern Ireland) 2008, S.R. 2008 No.493