STATUTORY RULES OF NORTHERN IRELAND

2009 No. 179

PLANT HEALTH

The Plant Health (Amendment) Order (Northern Ireland) 2009

Made - - - -	*30th April 2009*
Coming into operation	*1st June 2009*

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

Citation and commencement

1. This Order may be cited as The Plant Health (Amendment) Order (Northern Ireland) 2009 and shall come into operation on 1st June 2009.

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), for the definition of "Directive 2000/29/EC" substitute—

""Directive 2000/29/EC" means Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community;"(**6**).

(3) In Part A of Schedule 1, in the section "Insects, mites and nematodes"—

(a) after item 11 insert "11a *Dendrolimus sibiricus* Tschetverikov";

(b) for item 15 substitute "15 *Diabrotica virgifera zeae* Krysan & Smith"; and

(c) after item 26 insert "26a *Rhynchophorus palmarum* (L.)".

(4) In Part B of Schedule 1, in the section "Insects, mites and nematodes", after item 1 insert "1a *Diabrotica virgifera virgifera* Le Conte".

(**1**) Formerly the Department of Agriculture for Northern Ireland; see S.I. 1999/283 (N.I.1), Article 3(4)
(**2**) As amended by S.R. & O. (N.I.) 1972 No.351Art. 3 and Sch. 2; 1979 c. 2, s. 177 (1) and Sch. 4 Pt. II; and S.I. 1984/702 (N.I. 2) Art. 15(2)
(**3**) Section 3(1) was amended by S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Sch. 2; Section 3B was inserted by S.I. 1984/702 (N.I. 2) Art 15(2)
(**4**) 1967 c.28 (N.I.)
(**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 and S.R. 2008 No.493.
(**6**) OJ No L 169, 10.7.2000, p 1, as last amended by Commission Directive 2009/7/EC, OJ No L 40, 11.2.2009, p 12.

(5) In Part A of Schedule 2, in the section "Insects, mites and nematodes"—

(a) after item 1 insert—

"1a	Plants intended for planting, other than plants in tissue culture and seeds, of *Fraxinus* L., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch., *Ulmus parvifolia* Jacq. and *Pterocarya rhoifolia* Siebold & Zucc., originating in Canada, China, Japan, Mongolia, Republic of Korea, Russia, Taiwan and USA	*Agrilus planipennis* Fairmaire";

(b) omit item 23; and

(c) after item 26 insert—

"26a	Tubers of *Solanum tuberosum* L.	*Scrobipalpopsis solanivora* Povolny"

(6) In Part A of Schedule 2—

(a) in the section "Bacteria" in the second column in item 4 omit "fruit or";

(b) in the section "Fungi" after item 15 insert—

"15a	Plants of *Ulmus* L. and *Zelkova* L., intended for planting, other than seeds	*Stegophora ulmea* (Schweinitz: Fries) Sydow & Sydow"

(c) in the section "Viruses and virus-like organisms" after item 15 insert—

"15a	Plants of *Dendranthema* (DC.) Des Moul. and *Lycopersicon lycopersicum* (L.) Karsten ex Farw., intended for planting, other than seeds	Chrysanthemum stem necrosis virus"

(7) In Part B of Schedule 2, in the section "Insects, mites and nematodes"—

(a) after item 7 insert—

"7a	Plants of *Citrus* L., *Fortunella Swingle*, *Poncirus* Raf., and their hybrids, other than fruit and seeds	*Parasaissetia nigra* (Nietner)"; and

(b) after item 11(**7**) insert—

"11a	Plants of Palmae, intended for planting, having a diameter of the stem at the base of over 5 cm and belonging to the following genera: *Brahea* Mart., *Butia* Becc., *Chamaerops* L., *Jubaea* Kunth, *Livistona* R. Br., *Phoenix* L., *Sabal* Adans., *Syagrus* Mart., *Trachycarpus* H. Wendl., *Trithrinax* Mart., *Washingtonia* Raf.	*Paysandisia archon* (Burmeister)"

(8) In Part A of Schedule 4—

(**7**) Item 11 was inserted by S.R. 2008 No.442

(a) after item 8 insert—

"8a	Plants of *Fraxinus* L., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch., *Ulmus parvifolia* Jacq. and *Pterocarya rhoifolia* Siebold & Zucc., intended for planting, other than seeds and plants in tissue culture originating in Canada, China, Japan, Mongolia, Republic of Korea, Russia, Taiwan and USA	The plants shall be accompanied by an official statement that they: (a) have been grown throughout their life in an area free from *Agrilus planipennis* Fairmaire, established by the national plant protection organisation in accordance with ISPMNo. 4; or (b) have, for a period of at least two years prior to export, been grown in a place of production where no signs of *Agrilus planipennis* Fairmaire have been observed during two official inspections per year carried out at appropriate times, including immediately prior to export";

(b) in item 12, for "requirements in items 61, 62 and 65" in the right-hand column substitute "provisions applicable to the plants in item 8";

(c) after item 36 insert—

"36a	Tubers of *Solanum tuberosum* L., other than those intended for planting	Without prejudice to the provisions applicable to tubers listed in items 33 to 35, the plants shall be accompanied by an official statement that the tubers originate in areas in which *Pseudomonas solanacearum* (Smith) Smith is not known to occur.
36b	Tubers of *Solanum tuberosum* L.	Without prejudice to the provisions applicable to tubers listed in items 33 to 36a, the plants shall be accompanied by an official statement that: (a) the tubers originate in a country where *Scrobipalpopsis solanivora* Povolny is not known to occur; or (b) the tubers originate in an area free from *Scrobipalpopsis solanivora* Povolny, established by the national plant protection organisation in accordance ISPM No. 4";

(d) omit item 40;

(e) after item 42 insert—

"42a	Plants of *Dendranthema* (DC.) Des Moul. and *Lycopersicon lycopersicum* (L.) Karsten ex Farw., intended for planting, other than seeds	Without prejudice to the requirements applicable to the plants listed in items 37, 38, 38a, 39, 42 to 44, the plants shall be accompanied by an official statement that: (a) the plants have been grown throughout their life in a country free from Chrysanthemum stem necrosis virus; or