STATUTORY RULES OF NORTHERN IRELAND

# 2008 No. 205

# PLANT HEALTH

## The Plant Health (Amendment) Order (Northern Ireland) 2008

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| *Made - - - -* | *7th May 2008* |
| *Coming into operation* | *30th June 2008* |

The Department of Agriculture and Rural Development(**1**) makes the following Order in exercise of the powers conferred by sections 2 and 3(1) of the Plant Health Act (Northern Ireland) 1967(**2**) and 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 to certain Decisions contained in the Order to be construed as references to those Community instruments as amended from time to time.

### Citation and commencement

**1.** This Order may be cited as the Plant Health (Amendment) Order (Northern Ireland) 2008 and shall come into operation on 30th June 2008.

### Amendment of the Plant Health Order (Northern Ireland) 2006

**2.** The Plant Health Order (Northern Ireland) 2006(**4**) is amended in accordance with Articles 3 to 7.

### Prevention of the introduction into and spread within the European Community of *Rhynchophorus ferrugineus* (Olivier)

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

(**1**) Formerly the Department of Agriculture for Northern Ireland; see S.I. 1999/283 (N.I.1), Art. 3(4).
(**2**) 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, paragraph 1.
(**3**) 1972 c. 68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51) and enables subordinate legislation to provide for references in that legislation to European Community instruments to be construed as references to those instruments as amended from time to time.
(**4**) S.R. 2006 No. 82; relevant amendments have been made by S.R. 2006 No. 435 and S.R. 2007 No. 483.

""Decision 2007/365/EC" means Commission Decision 2007/365/EC on emergency measures to prevent the introduction into and the spread within the Community of *Rhynchophorus ferrugineus* (Olivier)(**5**), as amended from time to time;".

(2) In Part A of Schedule 1, after item 34 of "Insects, mites and nematodes" add—

"**35.** *Rhynchophorus ferrugineus* (Olivier)".

(3) In Part A of Schedule 4, after item 58 insert—

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| "58a. | Plants, other than fruit or seeds, having a diameter of the stem at the base of over 5cm of the species listed in Article 1(b) of Decision 2007/365/EC originating in any third country | Without prejudice to the requirements in item 58, the plants, including those collected from natural habitats, shall be accompanied by an official statement that the plants meet the requirements of paragraph (a), (b) or (c) of point 1 of Annex I to Decision 2007/365/EC". |

(4) In Part B of Schedule 4, after item 6 insert—

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| "6a. | Plants, other than fruit or seeds, having a diameter of the stem at the base of over 5cm of the species listed in Article 1(b) of Decision 2007/365/EC | The plants shall be accompanied by an official statement that they have been grown in accordance with the specifications in paragraph (a), (b), (c) or (d) of point 2 of Annex I to Decision 2007/365/EC". |

(5) In Part A of Schedule 5, Part A of Schedule 6 and Part A of Schedule 7, after item 1 insert—

"1a. Plants, other than fruit or seeds, having a diameter of the stem at the base of over 5cm of the species listed in Article 1(b) of Decision 2007/365/EC.".

**Prevention of the introduction into and spread within the European Community of *Gibberella circinata* Nirenberg & O'Donnell**

**4.**—(1) In article 2(1), at the appropriate place insert—

""Decision 2007/433/EC" means Commission Decision 2007/433/EC on provisional emergency measures to prevent the introduction into and the spread within the Community of *Gibberella circinata* Nirenberg & O'Donnell(**6**), as amended from time to time;".

(2) In Part A of Schedule 1, after item 17 of "Fungi" add—

"**18.** *Gibberella circinata* Nirenberg & O'Donnell".

(3) In Part A of Schedule 4, after item 3 insert—

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| "3a | Plants intended for planting, including seeds and cones for propagation purposes, of the genera and species referred to in Article 1(2) of Decision 2007/433/ | Without prejudice to the requirements in items 1, 2 and 3, the plants shall be accompanied by an official statement that—<br>(a) they originate in a place of production which is registered and supervised by the national plant protection organisation in the country of origin; and |

(**5**) O.J. No. L 139, 31.5.2007, p. 24
(**6**) O.J. No. L 161, 22.6.2007, p. 66

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| | EC, originating in any third country | (b) they meet the requirements of paragraph (a), (b) or (c) of point I of Annex I to Decision 2007/433/EC". |

(4) In Part B of Schedule 4, after item 1 insert—

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| "1a | Plants intended for planting, including seeds and cones for propagation purposes, of the genera and species referred to in Article 1(2) of Decision 2007/433/EC | Without prejudice to the requirements in item 7 of Part A of Schedule 6, the plants shall be accompanied by an official statement that they have been grown in accordance with the specifications in paragraph (a), (b) or (c) of point II of Annex I to Decision 2007/433/EC". |

(5) In Part A of Schedule 5, after item 1a insert—

"1b. Seeds and cones, intended for propagating, of the genera and species referred to in Article 1(2) of Decision 2007/433/EC.".

(6) In Part A of Schedule 6 and Part A of Schedule 7, after item 1a insert—

"1b. Plants intended for planting, including seeds and cones intended for propagating, of the genera and species referred to in Article 1(2) of Decision 2007/433/EC.".

**Prevention of the introduction into and spread within the European Community of Potato spindle tuber viroid**

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

""Decision 2007/410/EC" means Commission Decision 2007/410/EC on measures to prevent the introduction into and spread within the Community of Potato spindle tuber viroid(**7**), as amended from time to time;".

(2) In Part A of Schedule 4, after item 38 insert—

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| "38a | Plants, intended for planting, including seeds, of the genera and species referred to in Article 1 of Decision 2007/410/EC, originating in any third country | The plants shall be accompanied by an official statement that—<br>(a) they originate in and have been grown throughout their life in a place of production which is registered and supervised by the national plant protection organisation in the country of origin; and<br>(b) they meet the requirements of paragraph (a), (b), (c) or (d) of point 1 of the Annex to Decision 2007/410/EC". |

(3) In Part B of Schedule 4, after item 20 insert—

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| "20a | Plants, intended for planting, including seeds, of the genera and species | The plants shall be accompanied by an official statement that they have been grown throughout their life or since their introduction into the European Community in a |

(**7**) O.J No. L 155, 15.6.2007 p. 71