STATUTORY RULES OF NORTHERN IRELAND

2007 No. 483

PLANT HEALTH

The Plant Health (Amendment No.2) Order (Northern Ireland) 2007

Made - - - -	*27th November 2007*
Coming into operation	*27th December 2007*

The Department of Agriculture and Rural Development(**1**) ("the Department"), in exercise of the powers conferred by sections 2(**2**), 3(**3**) and 4(1)(**4**) of the Plant Health Act (Northern Ireland) 1967(**5**) makes the following Order:

Citation and commencement

1. This order may be cited as the Plant Health (Amendment No.2) Order (Northern Ireland) 2007 and comes into operation on 27th December 2007.

Amendment of the Plant Health Order (Northern Ireland) 2006

2.—(1) The Plant Health Order (Northern Ireland) 2006(**6**) is amended as follows.

(2) In Article 2(1) (general interpretation), for the definitions of "Directive 93/85/EC" and "Directive 98/57/EC" substitute—

""Directive 93/85/EEC" means Council Directive 93/85/EEC(**7**) on the control of potato ring rot;

"Directive 98/57/EC" means Council Directive 98/57/EC(**8**) on the control of *Ralstonia solanacearum* (Smith) Yabuuchi et al.;"

(3) In Article 38(2)(c) (miscellaneous provisions for certain solanaceous species), for "Directive 93/85EC", substitute "Directive 93/85/EEC".

(**1**) Formerly the Department of Agriculture for Northern Ireland; see S.I 1999/283 (N.I.1), Art. 3(4).
(**2**) As amended by S.R. & O. (N.I.) 1972 No 351 Art. 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**) As amended by S.I. 1984/702 (N.I.2) Art. 15(2).
(**5**) As amended by S.R. & O. (N.I.) 1972 No 351 Art. 3 and Sch. 2 and S.I. 1984/702 (N.I.2) Art. 15(2).
(**6**) S.R. 2006/82, and as amended by S.R 2006/165, S.R. 2006/435 and S.R. 2007/333.
(**7**) O.J. No. L 169, 10.7.2000, p.1, as last amended by O.J. No. L 182, 4.7.2006, p.1.
(**8**) O.J. No. L 235, 21.8.1998, p.1, as last amended by O.J. No. L 206, 27.7.2006, p.36.

(4) For paragraph (3) of Article 41 (notification of the presence or suspected presence of certain plant pests), substitute—

"(3) Where any plant pest referred to in sub-paragraphs 2(b), (c) or (d) is specified in Schedule 18, it shall be notifiable under paragraph (1) where—

(a) it is a subspecies or strain normally present in Northern Ireland and is found on the premises of a registered plant trader; or

(b) it is a subspecies or strain not normally present in Northern Ireland and is found on any premises.".

(5) In Part A (relevant material, from third countries, which may only be landed in Northern Ireland if special requirements are satisfied) of Schedule 4, in the third column of item 78, for "a country" substitute "an area or areas".

(6) In Schedule 16 (special measures for the control of potato ring rot)—

(a) in paragraph 2, for "Directive 93/85/EC", substitute "Directive 93/85/EEC";

(b) for paragraph 3, substitute —

"**3.** Material can be required to be disposed of—

(a) by destruction; or

(b) by any other measure that complies with paragraph 1 of Annex IV to Directive 93/85/EEC.";

(c) in paragraph 4—

(i) for "Directive 93/85/EC", substitute "Directive 93/85/EEC";

(ii) in sub-paragraph (b), for "paragraph 5", substitute "paragraph 2 of Annex IV to Directive 93/85/EEC";

(d) omit paragraph 5;

(e) in paragraphs 6, 7 and 9, for "Directive 93/85/EC", substitute "Directive 93/85/EEC";

(f) for sub-paragraphs 10(b) and (c), substitute—

"(b) in the first potato cropping season following the period referred to in sub-paragraph (a), that potatoes may be planted, for ware production only, provided that the field has been free from volunteer potato plants and other naturally found host plants of Potato Ring Rot for at least the two consecutive growing years prior to planting; and

(c) in the potato cropping season which follows that referred to in sub-paragraph (b) and following an appropriate rotation cycle (which shall be at least two years where potatoes are planted for seed production), that potatoes may be planted for seed or ware production.";

(g) for sub-paragraph 11(b), substitute—

"(b) in the first potato cropping season following the period referred to in sub-paragraph (a), that potatoes may be planted, for seed or ware production, provided that the field has been free from volunteer potato plants and other naturally found host plants of Potato Ring Rot for at least the two consecutive growing years prior to planting.";

(h) in paragraph 12—

(i) for "Directive 93/85/EC", substitute "Directive 93/85/EEC";

(ii) for sub-paragraphs (b) and (c), substitute—

"(b) in the second growing year following the period referred to in (a) that—

(i) certified seed potatoes; or

(ii) seed potatoes officially tested for the absence of Potato Ring Rot and grown under official control at a place of production which is not designated by an inspector as contaminated for the purposes of Article 5(1)(a) of Directive 93/85/EEC, may be planted, for seed or ware production;

(c) for at least the third growing year following the period referred to in paragraph (a), that certified seed potatoes or seed potatoes grown under official control from certified seed potatoes may be planted, for seed or ware production; and

(d) from the date of receipt of the notice for the growing years referred to in sub-paragraphs (a), (b) and (c), measures shall be taken to eliminate volunteer potato plants and naturally found host plants of Potato Ring Rot.";

(i) in paragraphs 13 and 16, for "Directive 93/85/EC", substitute "Directive 93/85/EEC".

(7) In Part A (special measures for the control of *Ralstonia solanacearum*) of Schedule 17—

(a) in sub-paragraph 2(b), for "used or disposed of in accordance with paragraph 3", substitute "subjected to a provision in paragraph 1 of Annex VI to that Directive",

(b) omit paragraph 3;

(c) in sub-paragraph 4(b), for "paragraph 5", substitute "paragraph 2 of Annex VI to that Directive";

(d) omit paragraph 5;

(e) in paragraph 10—

(i) in sub-paragraph (a)(ii)(aa), for "and plants", substitute ", plants and true seeds";

(ii) for sub-paragraphs (b) and (c), substitute—

"(b) in the first potato cropping season following the period referred to in sub-paragraph (a), that plants may be planted, for ware production only, provided that the field or unit of production has been free from volunteer potato and tomato plants and other host plants including solanaceous weeds for at least the two consecutive growing years prior to planting; and

(c) in the potato or tomato cropping season which follows that referred to in sub-paragraph (b), that there shall be an appropriate rotation cycle which shall be at least two years where seed potatoes are planted.";

(f) in paragraph 11—

(i) in sub-paragraph (a)(i), after "other ", insert "naturally found";

(ii) in sub-paragraph (b), for the words after "paragraph (a)" to the end of that sub-paragraph, substitute "that potatoes may be planted, for seed or ware production";

(g) in paragraph 12(a), for "or potato plants", substitute ", potato plants or true seeds";

(h) in paragraph 14, after sub-paragraph (a), omit "and" and insert—

"(aa) where the authorisation is granted for tomato production, production shall be from seed which meets the requirements of Directive 2000/29/EC(**9**) or, if vegetatively propagated,

(**9**) O.J. No. L 169, 10.7.2000, p.1, as last amended by O.J. No. L 88, 25.3.2006, p.9.