STATUTORY RULES OF NORTHERN IRELAND

2007 No. 447

PLANT HEALTH

The Plant Health (*Phytophthora ramorum*) (Amendment) Order (Northern Ireland) 2007

Made - - - -	*24th October 2007*
Coming into operation	*31st January 2008*

The Department of Agriculture and Rural Development(**1**) in exercise of the powers conferred on it by sections 2(**2**), 3(1)(**3**), 3B(**4**), and 4(1)(**5**) of the Plant Health Act (Northern Ireland) 1967(**6**), makes the following Order:

Citation and commencement

1. This Order may be cited as The Plant Health (*Phytophthora ramorum*) (Amendment) Order (Northern Ireland) 2007 and shall come into operation on 31st January 2008.

Amendments to the Plant Health (*Phytophthora ramorum*) Order (Northern Ireland) 2005

2.—(1) The Plant Health (*Phytophthora ramorum*) Order (Northern Ireland) 2005(**7**) is amended in accordance with paragraphs (2) to (5).

(2) In article 6 (movement of susceptible material originating in Northern Ireland and elsewhere in the European Community or Switzerland), in paragraph (2), for "from its place of production" substitute "within the European Community".

(3) In article 15 (offences)—

(a) for paragraph (1)(a) substitute—

"(a) subject to paragraph (1A), he contravenes or fails to comply with article 3, 4, 5(1), 6, 7(1) or (3), 8(1) or 11(1);"; and

(b) after paragraph (1), insert—

(**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**) As amended by S.R. & O. (N.I.) 1972 No 351 Art. 3 and Sch. 2
(**4**) Inserted 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**) 1967 c. 28 (N.I.)
(**7**) S.R. 2005 No. 23 as amended by S.R. 2005 No. 265

"(1A) Paragraph (1)(a) shall not apply where an article of any description is landed in Northern Ireland in contravention of a prohibition in this Order."

(4) For Schedule 1, substitute—

"SCHEDULE 1 Articles 4(1)(a) and 10(1)

Susceptible material	*Requirements to be met in respect of the issuing of any phytosanitary certificate accompanying susceptible material ("the certificate")*
Acer macrophyllum Pursh. *Acer pseudoplatanus* L. *Adiantum aleuticum* (Rupr.) Paris *Adiantum jordanii* C. Muell. *Aesculus californica* (Spach) Nutt. *Aesculus hippocastanum* L. *Arbutus menziesii* Pursch. *Arbutus unedo* L. *Arctostaphylos* spp. Adans *Calluna vulgaris* (L.) Hull *Camellia* spp. L. *Castanea sativa* Mill. *Fagus sylvatica* L. *Frangula californica* (Eschsch.) Gray *Frangula purshiana* (DC.) Cooper *Fraxinus excelsior* L. *Griselinia littoralis* (Raoul) *Hamamelis virginiana* L. *Heteromeles arbutifolia* (Lindley) M. Roemer *Kalmia latifolia* L. *Laurus nobilis* L. *Leucothoe* spp. D. Don	(a) Either— (i) the certificate shall contain an additional declaration that the material originates in an area recognised by the official plant health service of the country from which the material originates "the relevant plant health service") as being free from non-European isolates of *Phytophthora ramorum*, in which case the name of the area from where the material originates shall be specified under "place of origin"; or (ii) the certificate shall be issued only after official verification by the relevant plant health service that upon official inspections carried out during the last complete cycle of vegetation of the susceptible material the subject of the certificate, or upon laboratory testing of apparent symptoms of non-European isolates of *Phytophthora ramorum*, no signs of non-European isolates of *Phytophthora ramorum* have been found on susceptible material or any susceptible tree at the place of production; and (b) the certificate shall be issued only after representative samples of the plants have been taken before shipment, and have been tested and found free from non-European isolates of *Phytophthora ramorum* in these tests, in which case the certificate shall be endorsed by the relevant plant health service under the heading "additional declaration" with the statement "tested and found free from non-European isolates of *Phytophthora ramorum*".".