STATUTORY RULES OF NORTHERN IRELAND

2006 No. 435

PLANT HEALTH

The Plant Health (Amendment No. 2) Order (Northern Ireland) 2006

Made - - - -	*2nd November 2006*
Coming into operation	*1st December 2006*

The Department of Agriculture and Rural Development(**1**), 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**) hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Plant Health (Amendment No. 2) Order (Northern Ireland) 2006 and shall come into operation on 1st December 2006.

Amendment of the Plant Health Order (Northern Ireland) 2006

2.—(1) The Plant Health Order (Northern Ireland) 2006(**6**) is amended in accordance with paragraphs 2 to 15.

(2) In Article 2(1)—

(a) after the definition of "Customs Act", insert—

> ""Decision 2006/473/EC" means Commission Decision 2006/473/EC(**7**) recognising certain third countries and certain areas of third countries as being free from *Xanthomonas campestris* (all strains pathogenic to Citrus), *Cercospora angolensis* Carv. and Mendes and *Guignardia citricarpa* Kiely (all strains pathogenic to Citrus);";

(**1**) Formerly the Department of Agriculture for Northern Ireland; *see*S.I. 1999/238 (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.R. & O. (N.I.) 1972 No 351 Art. 3 and Sch. 2 and S.I. 1984/702 (N.I. 2) Art. 15(2)
(**5**) 1967 c.28 (N.I.)
(**6**) S.R. 2006 No. 82 as amended by S.R. 2006 No. 165
(**7**) O.J. No. L 187, 8.7.2006, p.35, as corrected in O.J. No. L 196, 18.7.2006, p.26.

(b) in the definition of "Directive 2000/29/EC" after "2005/16/EC, " insert "2005/77/EC(**8**), 2006/35/EC(**9**), ";

(c) for the definition of "Europe", substitute—

""Europe" includes Belarus, the Canary Islands, Georgia, Kazakhstan (except the area east of the Ural river), Russia (except the regions of Tyumen, Chelyabinsk, Irkutsk, Kemerovo, Kurgan, Novossibirsk, Omsk, Sverdlovsk, Tomsk, Chita, Kamchatka, Magadan, Amur and Skhalin, the territories of Krasnoyarsk, Altay, Khabarovsk and Primarie, and the Republics of Sakha, Tuva and Buryatia), Ukraine and Turkey (except the area east of the Bosphorus Strait known as Anatolia);"; and

(d) in the definition of "protected zone", before "means" insert ", unless expressly provided otherwise, ".

(3) At the beginning of Article 2(3) add "Unless expressly provided otherwise,".

(4) In Article 12(2)—

(a) after sub-paragraph (a), insert—

"(aa) if in the course of its consignment to a protected zone listed in the second column of Annex I Part B of Directive 2000/29/EC, that the relevant material is free from any plant pest of a description specified in the first column opposite the reference to that protected zone;"; and

(b) after sub-paragraph (c), insert—

"(cc) if listed in the first column of Annex III Part B of the Directive 2000/29/EC, that the relevant material is not in the course of its consignment to a protected zone listed in the second column opposite the reference to the relevant material;".

(5) In Article 22, for paragraph (2), substitute—

"(2) The Department may exempt from the prohibitions on movement in Article 21(1) or (2) the movement of relevant material which originates in Northern Ireland where it is satisfied that—

(a) the movement is made locally by small producers or processors whose entire production and sale of such material is intended for final usage by persons on the local market who are not professionally involved in plant production; and

(b) there is no risk of the spread of plant pests.".

(6) At the end of Article 24, add—

2.—"(5) Any person who—

(a) is the final user of relevant material; and

(b) uses the relevant material in the course of a trade or business,

shall retain the plant passport which accompanies the relevant material in accordance with Article 21 for one year.".

(7) After item 15 of "Insects, mites and nematodes" in Schedule 1, Part A, insert—

"15a. *Dryocosmus kuriphilus* Yasumatsu".

(8) In item 15 of "Viruses and virus-like organisms" in Schedule 2, Part B, for the words after "evidence" to the end of that item, substitute "that they are intended for sale to professional tobacco producers, *Solanum melongena* L., or *Solanum tuberosum* L., intended for planting".

(**8**) O.J. No. L 296, 12.11.2005, p.17.
(**9**) O.J. No. L 88, 25.3.2006, p.9; and see the associated Commission Directive 2006/36/EC, O.J. No. L 88, 25.3.2006, p.13.