STATUTORY RULES OF NORTHERN IRELAND

2003 No. 175

PLANT HEALTH

The Plant Health (Wood and Bark) (Phytophthora ramorum) Order (Northern Ireland) 2003

Made - - - -	*14th March 2003*
Coming into operation	*12th April 2003*

The Department of Agriculture and Rural Development(**1**) in exercise of the powers conferred on it by sections 2(**2**), 3(1)(**3**), 3A(**4**), 3B(1)(**5**) and 4(1)(**6**) of the Plant Health Act (Northern Ireland) 1967(**7**) and of every other power enabling it in that behalf, hereby makes the following Order:

Title and commencement

1. This Order may be cited as the Plant Health (Wood and Bark) (*Phytophthora ramorum*) Order (Northern Ireland) 2003 and shall come into operation on 12th April 2003.

Interpretation

2.—(1) In this Order –

"inspector" means any person authorised to be an inspector for the purposes of the principal Order;

"land" means brought into Northern Ireland by any means whatsoever;

"origin" means in respect of susceptible material, the place where the material is grown or produced;

"*Phytophthora ramorum*" refers to the pest *Phytophthora ramorum* Werres, De Cock & Man in 't Veld sp. nov;

(**1**) Formerly the Department of Agriculture: 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, Part 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. 1975/1038 (N.I.8) Art. 11(2)
(**5**) Inserted by S.I. 1984/702 (N.I.2) Art. 15(2)
(**6**) As amended by S.I. 1984/702 (N.I. 2) Art. 15(2)
(**7**) 1967 c. 28 (N.I.)

"the principal Order" means the Plant Health (Wood and Bark) Order (Northern Ireland) 1993(**8**);

"susceptible bark" means isolated bark of *Acer macrophyllum* Pursh., *Aesculus californica* Nutt., *Lithocarpus densiflorus* (H & A) and *Quercus suber*;

"susceptible material" means susceptible bark and susceptible wood;

"susceptible wood" means the wood described in the first column of the Schedule.

(2) In this Order the following words have the meaning given them in the principal Order –

isolated bark

phytosanitary certificate

reforwarding phytosanitary certificate

third country

wood.

Prohibition against the introduction and spread of *Phytophthora ramorum* into and within Northern Ireland

3. Subject to Article 8, a person shall not –

(a) introduce *Phytophthora ramorum* into Northern Ireland; or

(b) spread *Phytophthora ramorum* within Northern Ireland.

Landing susceptible material originating in the United States of America

4.—(1) Subject to Article 5, a person shall not land in Northern Ireland susceptible wood originating in the United States of America ("USA") unless it is accompanied by a phytosanitary certificate issued in accordance with the relevant requirements of the Schedule, or a certified copy in the case of material for which a reforwarding certificate has also been issued.

(2) Subject to Article 5, a person shall not land in Northern Ireland any susceptible wood originating in the USA unless he has notified an inspector in writing of his intention to land that relevant material and of the proposed point of entry and means of its introduction at least three days before the intended date of landing.

(3) A person shall not land in Northern Ireland susceptible bark originating in the USA.

Exemptions from the requirements of Article 4

5. The requirements of article 4(1) and (2) shall not apply to susceptible wood originating in the USA which is despatched to the European Community from the USA before 12th April 2003.

Phytosanitary certificates

6. The provisions of Articles 12(1) to (7) and 13 of the principal Order shall apply to any phytosanitary certificate required under this Order in respect of any susceptible material as if that material were the wood or isolated bark referred to in Article 12 of the principal Order.

(**8**) S.R. 1993 No. 460; amended by S.R. 1996 No. 18 and S.R. 1997 No. 11, S.R. 1999 No. 24, S.R. 1999 No 389 and S.R. 2001 No. 401