STATUTORY RULES OF NORTHERN IRELAND

1997 No. 11

PLANT HEALTH

Plant Health (Wood and Bark) Order (Northern Ireland) 1997

Made - - - -	*16th January 1997*
Coming into operation	*1st March 1997*

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

Citation and commencement

1. This Order may be cited as the Plant Health (Wood and Bark) Order (Northern Ireland) 1997 and shall come into operation on 1st March 1997.

Amendment of the Plant Health (Wood and Bark) Order (Northern Ireland) 1993

2. The Plant Health (Wood and Bark) Order (Northern Ireland) 1993(**7**) shall be amended in accordance with Articles 3 to 9.

3. In Article 2(1) (Interpretation) after the definition of "Directive 77/93/EEC" there shall be inserted the following definition—

> ""Directive 95/44/EC" means Commission Directive 95/44/EC of 26th July 1995 establishing the conditions under which certain harmful organisms, plants, plant products and other objects listed in Annexes I to V to Council Directive 77/93/EEC may be introduced into or moved within the Community or certain protected zones thereof, for trial or scientific purposes and for work on varietal selections(**8**);".

4. After Article 26 (Licences) there shall be inserted the following new Article—

(**1**) 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)
(**2**) As amended by S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Sch. 2
(**3**) Inserted by S.I. 1975/1038 (N.I. 8) Art. 11(2)
(**4**) Inserted by S.I. 1984/702 (N.I. 2) Art. 15(2)
(**5**) As amended by S.I. 1984/702 (N.I. 2) Art. 15(2)
(**6**) 1967 c. 28 (N.I.)
(**7**) S.R. 1993 No. 460; the relevant amending instrument is S.R. 1996 No. 18
(**8**) O.J. No. L.184, 3.8.95, p. 34

"**Licences for trial or scientific purposes and for work on varietal selections**

26A.—(1) On receipt of an application containing the information set out in article 1(2) of Directive 95/44/EC and on being satisfied that the general conditions set out in Annex 1 to Directive 95/44/EC are fulfilled, the Department shall by licence authorise the landing, movement or keeping of any pest, wood, isolated bark, or other object for activities for trial or scientific purposes or for work on varietal selections where such landing, movement or keeping would otherwise be prohibited by this Order and it shall not be an offence to land, move or keep anything under the authority of such a licence.

(2) A licence granted under paragraph (1) shall be subject to—

(a) the conditions laid down in article 2(2) of Directive 95/44/EC to the extent that they are relevant to any pest, wood, isolated bark or other object that is the subject of the activities to which the licence relates;

(b) such conditions specifying quarantine measures under paragraph 2(a) of Annex I to Directive 95/44/EC as the Department may determine;

(c) such conditions specifying further quarantine measures under paragraph 2(b) of Annex I to Directive 95/44/EC as the Department may determine; and

(d) such additional conditions as the Department may specify.

(3) At the conclusion of any activities to which a licence granted under paragraph (1) relates the licensee shall—

(a) subject to paragraph (4), destroy or sterilise any pest, wood, isolated bark or other object that was the subject of the activities and any other wood, isolated bark or other object which has come into contact with or which may have been contaminated by any such pest, wood, isolated bark or other object; and

(b) sterilise, or clean in such other manner as may be specified by an inspector, the premises and facilities at which the activities were undertaken.

(4) An inspector may authorise the licensee to refrain from destroying any wood, isolated bark or other object under paragraph (3)(*a*) if he is satisfied that it has been subjected to appropriate quarantine measures and that it has been found by testing in such manner as may be specified by an inspector to be free from any pests listed in this Order and from any other pest considered by that inspector to pose a risk.

(5) For the purposes of paragraph (2), references in article 2(2) of, and Annex I to, Directive 95/44/EC to the responsible official body shall be taken to refer to the Department.

(6) In paragraph (4) "appropriate quarantine measures" means such quarantine measures as may be specified by an inspector."

5. In Article 30 (Offences) in paragraph (1)(*b*) for the words "Article 26—" there shall be substituted "Article 26 or 26A—".

6. In Schedule 2 Part B in column 4 opposite Items 1, 2(*a*), 2(*b*), 2(*c*) and 2(*e*) there shall be deleted the word "Spain".

7. In Part B of Schedule 4 in column 4—

(a) opposite Items 1, 2, 4, 5, 7.1, 7.2, 7.3 and 7.4 there shall be deleted the word "Spain";

(b) opposite Items 3 and 7.6 there shall be deleted the words "Greece" and "Spain"; and

(c) opposite Item 8 after the word "Finland" there shall be inserted the words "France (Britanny)".

8. In Part B of Schedule 5 in column 4—

(a) opposite Items 1, 2, 4, 5, 10, 11, 12 and 18 there shall be deleted the word "Spain";