STATUTORY RULES OF NORTHERN IRELAND

1996 No. 204

PLANT HEALTH

Plant Health (Amendment) Order (Northern Ireland) 1996

Made - - - -	*20th May 1996*
Coming into operation	*24th June 1996*

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 (Amendment) Order (Northern Ireland) 1996 and shall come into operation on 24th June 1996.

Amendment of the Plant Health Order (Northern Ireland) 1993

2. The Plant Health Order (Northern Ireland) 1993(**7**) shall be amended in accordance with Articles 3 to 10.

3. In Article 3(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(**8**) 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;".

4. In Part II, after Article 30 (Licences for the purposes of Part II) there shall be added the following new Article—

(**1**) As amended by S.R. & O. (N.I.) 1972 No. 351Art. 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. 256; the relevant amending instruments are S.R. 1995 No. 250 and S.R. 1995 No. 494
(**8**) O.J. No. L.184, 3.8.95, p. 34

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

30A.—(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, plant, plant product 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, plant, plant product 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) in respect of a pest which is not listed in this Order, 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, plant, plant product or other object that was the subject of the activities and any other plant, plant product or other object which has come into contact with or which may have been contaminated by any such pest, plant, plant product 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 plant, plant product 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 pests listed in this Order and from other pests considered by the inspector issuing the authority to pose a risk.

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

(6) In paragraph (4) "appropriate quarantine measures" means—

(a) in relation to plants for which quarantine measures are specified in Part A of Annex III to Directive 95/44/EC, those measures; and

(b) in relation to other plants and to plant products and other objects, such quarantine measures as may be specified by an inspector.".

5. In Schedule 2, Part B (Pests which may not be introduced into certain protected zones and whose spread within those zones is prohibited if they are present on certain plants or plant products) for Section D there shall be substituted the following Section—

"Section D