1995 No. 250

PLANT HEALTH

Plant Health (Amendment) Order (Northern Ireland) 1995

Made	*13th June 1995*
Coming into operation . .	*14th June 1995*

The Department of Agriculture, in exercise of the powers conferred on it by sections 2(**a**), 3(1)(**b**), 3A(**c**), 3B(1)(**d**) and 4(1)(**e**) of the Plant Health Act (Northern Ireland) 1967(**f**) 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) 1995 and shall come into operation on 14th June 1995.

Amendment of the Plant Health Order (Northern Ireland) 1993

2. The Plant Health Order (Northern Ireland) 1993(**g**) shall be amended in accordance with Articles 3 to 18.

3. In Article 3(1) (Interpretation)—

(*a*) after the definition of "inspector" there shall be inserted the following definition—

" "Ireland" and "United Kingdom" shall have the same respective meanings as in Directive 77/93/EEC;";

(*b*) after the definition of "responsible person" there shall be inserted the following definition—

" "the ring rot Directive" means Council Directive 93/85/EEC of 4th October 1993 on the control of potato ring rot(**h**);".

4. In Article 4(1) (Prohibition on landing from a third country of pests, plants etc) for the words "A person shall not land" there shall be substituted the words "There shall not be landed".

(a) 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)
(b) As amended by S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Sch. 2
(c) Inserted by S.I. 1975/1038 (N.I. 8) Art. 11(2)
(d) Inserted by S.I. 1984/702 (N.I. 2) Art. 15(2)
(e) As amended by S.I. 1984/702 (N.I. 2) Art. 15(2)
(f) 1967 c. 28 (N.I.)
(g) S.R. 1993 No. 256 as amended by S.R. 1994 No. 28 and S.R. 1995 No. 164
(h) O.J. No. L.259, 18.10.93, p. 1

5. In Article 4(2)(*d*)(ii)(E) after the words ''other plants'' there shall be inserted ''not being potatoes''.

6. In Article 6 (Prohibition on introduction into protected zones of pests, plants etc)—

(*a*) in paragraph (1) for the words ''A person shall not introduce'' there shall be substituted ''There shall not be introduced''; and

(*b*) in paragraph (2) for the words ''a person shall not introduce'' there shall be substituted ''there shall not be introduced''.

7. In Article 19(1) (Restriction on the planting of potatoes) the word ''Austria,'' shall be deleted.

8. After Article 22(3) (Actions which may be required by an inspector) there shall be inserted a new paragraph 22(3A)—

''22(3A) An inspector may, by notice in writing served on the consignee of any plants, plant products or other objects which have been or are to be landed, specify premises and require the removal of those objects to those premises in such manner as may be specified in the notice.''.

9. For Articles 38 to 42 (Potato ring rot) there shall be substituted—

''*Special measures for the control of potato ring rot*

38. It shall be the duty of the Department to give effect to the requirements of paragraphs (1) and (2) of article 2, paragraph (1) of article 4 and articles 5 and 6 of the ring rot Directive.

39. A person who suspects the occurrence or actual presence of potato ring rot in growing potatoes or harvested, stored or marketed tubers shall immediately notify the Department or an inspector who shall determine whether or not any further investigation is necessary.

40. Subject to Article 41(2), a person shall not—

(*a*) hold or handle any plant or tuber affected with potato ring rot or any other object or material affected with it otherwise than in compliance with the provisions of Articles 39 to 42;

(*b*) plant any tuber or plant designated to be contaminated with potato ring rot under article 5(1)(*a*) of the ring rot Directive and a notice under paragraph (1)(*c*) or (2)(i) of Article 22 may require any such tuber or plant to be disposed of otherwise than by destruction only by means of measures described in point 1 of Annex IV to the ring rot Directive and only if there is no identifiable risk of potato ring rot spreading;

(*c*) plant any plant or tuber determined as probably contaminated with potato ring rot under article 5(1)(*b*) of the ring rot Directive and a notice under paragraph (1)(*c*) or (2)(i) of Article 22 may require any such tuber or plant to be put to an appropriate use or disposed

of only in accordance with point 2 of Annex IV to the ring rot Directive and only if there is no identifiable risk of potato ring rot spreading.

41.—(1) Subject to paragraph (2), a notice under paragraph (1)(*c*) or (2)(i) of Article 22 may require any machinery, vehicle, vessel, store or units thereof and any other objects including packaging material designated as contaminated under article 5(1)(*a*) of the ring rot Directive or determined as probably contaminated under paragraph (1)(*b*) of that article to be—

(*a*) disposed of otherwise than by destruction; or

(*b*) cleansed and disinfected using appropriate methods as specified in point 3 of Annex IV to the ring rot Directive, whereupon they shall not be treated as contaminated.

(2) The Department or an inspector may by notice in writing given to the person having possession of any plants or tubers exempt those plants or tubers from the requirements of article 6 of the ring rot Directive (as applied by Article 38) and of Article 40 and paragraphs (1) and (3) for experimental or scientific purposes or for work on varietal selection if it or he as the case may be is satisfied that any such exemption would not prejudice the control of potato ring rot or create a risk of its spread.

(3) Subject to paragraph (2) and without prejudice to the provisions of Article 40(*b*) and (*c*) and paragraph (1), a notice under Article 22 may require a series of measures as specified in point 4 of Annex IV to the ring rot Directive to be implemented.

42.—(1) A person shall not plant seed potatoes unless they—

(*a*) meet the requirements of Directive 77/93/EEC on the protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community(**a**); and

(*b*) derive in a direct line from material obtained under an officially approved programme which has been found free from potato ring rot in official or officially supervised testing pursuant to article 8(1) of the ring rot Directive using the method set out in Annex I to that Directive.

(2) The testing referred to in paragraph (1)(*b*) shall be carried out—

(*a*) in a case where contamination affects seed potato production, on the plants in the initial clonal selection; and

(*b*) in any other case, either on the plants of the initial clonal selection or on representative samples of the basic seed potatoes or earlier propagations.''.

(a) O.J. No. L.26, 31.1.77, p. 20 as last amended by Commission Directive 95/4/EC (O.J. No. L.44, 28.2.95, p. 56)

10. In Schedule 1 (Pests prohibited)—

(*a*) in Part A, Section B, after Item 2 there shall be added the following new Item—

"3. *Pseudomonas solanacearum* (Smith) Smith";

(*b*) in Part B, Section A—

(i) in column (3) opposite Item 1 there shall be inserted in alphabetical order "Finland, Sweden";

(ii) after Item 1 there shall be inserted the following Item–

"1(*a*) *Globodera pallida* (Stone) Behrens Finland";

(iii) in column (3) opposite Item 2 after "Spain (Menorca and Ibiza)" there shall be inserted—

"Sweden (Malmöhus, Kristianstads, Blekinge, Kalmar and Gotlands Län)";

(*c*) In Part B, Section B in column (3)—

(i) opposite Item 1 there shall be inserted in alphabetical order— "Finland, Sweden";

(ii) opposite Item 2 after "Denmark" there shall be added— "Finland, Sweden".

11. In Schedule 2 (Pests prohibited on certain plants and plant products)—

(*a*) in Part A, Section A—

(i) for the words in column (3) opposite Item 15 there shall be substituted—

"Flower bulbs and corms of *Crocus* L., miniature cultivars and their hybrids of the genus *Gladiolus* Tourn. ex. L., such as *Gladiolus callianthus* Marais, *Gladiolus colvillei* Sweet, *Gladiolus nanus* hort., *Gladiolus ramosus* hort., *Gladiolus tubergenii* hort., *Hyacinthus* L., *Iris* L., *Tigridia* Juss., *Tulipa* L., intended for planting, and potato tubers (*Solanum tuberosum* L.), intended for planting.";

(ii) in column (3) opposite Item 16 in column 1 for the words "Seeds and bulbs of: *Allium cepa* L., *Allium porrum* L. and *Allium schoenoprasum* L." there shall be substituted "Seeds and bulbs of: *Allium ascalonicum* L., *Allium cepa* L. and *Allium schoenoprasum* L. intended for planting and plants of *Allium porrum* L. intended for planting.";

(iii) in column (3) opposite Items 32 and 34 the words "fruit and" shall be deleted in both places where they occur;

(*b*) in Part A, Section B, Item 9 shall be deleted;

(*c*) in Part A, Section C, in column (3) for the words opposite Item 13 there shall be substituted–

"Plants of *Fortunella* Swingle, *Poncirus* Raf., and their hybrids, other than fruit and seeds and plants of *Citrus* L. and their hybrids, other than seeds and fruit, except fruit of *Citrus reticulata* Blanco and of *Citrus sinensis* (L.) Osbeck, originating in South America.";

(*d*) in Part B, Section A

(i) in column (4) opposite Item 3 there shall be substituted — "Greece, Ireland, Portugal, Spain, United Kingdom (Scotland, Northern Ireland, England: the following counties: Bedfordshire, Berkshire, Buckinghamshire, Cambridgeshire, Cleveland, Cornwall, Cumbria, Devon, Dorset, Durham, East Sussex, Essex, Greater London, Hampshire, Hertfordshire, Humberside, Kent, Lincolnshire, Norfolk, Northamptonshire, Northumberland, Nottinghamshire, Oxfordshire, Somerset, South Yorkshire, Suffolk, Surrey, Tyne and Wear, West Sussex, West Yorkshire, the Isle of Wight, the Isle of Man, the Isles of Scilly, and the following parts of counties; Avon: that part of the county which lies to the south of the southern boundary of the M4 motorway; Cheshire: that part of the county which lies to the east of the eastern boundary of the Peak District National Park together with that part of the county which lies to the north of the northern boundary of the A52(T) road to Derby and that part of the county which lies to the north of the northern boundary of the A6(T) road; Gloucestershire: that part of the county which lies to the east of the eastern boundary of the Fosse Way Roman road; Greater Manchester: that part of the county which lies to the east of the eastern boundary of the Peak District National Park; Leicestershire: that part of the county which lies to the east of the eastern boundary of the Fosse Way Roman road together with that part of the county which lies to the east of the eastern boundary of the B411A road together with that part of the county which lies to the east of the eastern boundary of the M1 motorway; North Yorkshire: the whole county except that part of the county which comprises the district of Craven; Staffordshire: that part of the county which lies to the east of the eastern boundary of the A52(T) road; Warwickshire: that part of the county which lies to the east of the eastern boundary of the Fosse Way Roman road; Wiltshire: that part of the county which lies to the south of the southern boundary of the M4 motorway to the intersection of the M4 motorway and the Fosse Way Roman road, and that part of the county which lies to the east of the eastern boundary of the Fosse Way Roman road).";

(ii) in column (4) opposite Item 6(a) the word "Italy" shall be deleted;

(*e*) in Part B, Section B in column (4) opposite Item 2 there shall be inserted in alphabetical order — "Austria, Finland";

(*f*) in Part B, after Section C there shall be added the following new Section—