# 1991 No. 128

# PLANT HEALTH

## Plant Health (Amendment) Order (Northern Ireland) 1991

*Made* . . . . . *28th March 1991*

*Coming into operation* . . *9th May 1991*

The Department of Agriculture in exercise of the powers conferred on it by sections 2(**a**) and 3(1)(**b**) of the Plant Health Act (Northern Ireland) 1967(**c**) and of every other power 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) 1991 and shall come into operation on 9th May 1991.

*Amendment of Plant Health Order (Northern Ireland) 1988*

**2.** The Plant Health Order (Northern Ireland) 1988(**d**) shall be amended as provided in Articles 3 to 14.

*Interpretation*

**3.** In Article 3—

(*a*) in paragraph (1) in the definition of "Member State" there shall be deleted the words "or the French overseas departments"; and

(*b*) after paragraph (2) there shall be inserted the following paragraph—

"(2A) Any reference in this Order to a particular plant shall include a hybrid containing genetic material from the family, genus or species to which that plant belongs.".

*Phytosanitary certificates and re-forwarding phytosanitary certificates*

**4.** In Article 6—

(*a*) in paragraph (1) for "Subject to paragraphs (2) and (3)" there shall be substituted "Subject to paragraphs (2) to (4)"; and

(*b*) after paragraph (3) there shall be inserted the following paragraph—

---

(**a**) As amended by S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Sch. 2; 1979 c. 2, s177(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**) 1967 c. 28 (N.I.) as amended by S.I. 1975/1038 (N.I. 8) Art. 11(2) and S.I. 1984/702 (N.I. 2) Art. 15(2)

(**d**) S.R. 1988 No. 175 relevant amending rule is S.R. 1989 No. 426

"(4) In the case of plants, soil or growing medium of a description specified in column 2 of Schedule 3 (other than any plants, soil or growing medium to which paragraph (2) or (3) applies) the phytosanitary certificate shall have been issued in the country in which the conditions specified opposite thereto in column 3 of Schedule 3 were fulfilled whether or not that country was the country of origin.".

*Exports of plants and growing medium to Member States*

**5.** In Article 13(4) after "issued in the country of origin" there shall be inserted "or issued in accordance with Article 6(4),".

*Restrictions on points of landing for potatoes*

**6.** In Article 11(5)(*b*) there shall be deleted the words from "and in the case of a consignment of ware potatoes" to "the point of landing".

**7.** Article 14 and Schedule 9 shall be deleted.

*Pests which may not be landed or kept etc.*

**8.** In Schedule 1 Part 1A—

(*a*) there shall be deleted paragraph 15 (*Phthorimaea operculella* (Zeller)); and

(*b*) after paragraph 33 there shall be inserted the following paragraph—

"34. Non-European *Monochamus* spp. — Sawyer Beetle — vectors of *Bursaphelenchus xylophilus*.".

*Plants which may not be landed or kept etc.*

**9.** In Schedule 1 Part IIA after Item 15 there shall be inserted the following Item—

| | |
|---|---|
| "16. *Phthorimaea operculella* (Zeller) — Potato Tuber Moth | Tubers of potato (*Solanum tuberosum* L.)". |

**10.** In Schedule 1 Part IIC—

(*a*) after Item 4 there shall be inserted the following Item—

| | |
|---|---|
| "4A. *Colletotrichum acutatum* Simmonds — Strawberry Black Spot | Plants of Strawberry (Fragaria L.) other than fruit and seeds"; and |

(*b*) in column (2) of Item 21 for "of Hop and Lucerne (including Progressive Wilt Disease of Hops)" there shall be substituted "Disease".

*Pests which may be kept etc. and which need not be notified*

**11.** In Schedule 1 Part IIIA after paragraph 3 there shall be inserted the following paragraph—

"3A. *Frankliniella occidentalis* (Pergande) — Western Flower Thrips".

**12.** In Schedule 1 Part IIIB for paragraph 7 there shall be substituted the following paragraphs—

"7. *Verticillium albo-atrum* Reinke and Berth — Verticillium Wilt Disease

8. *Verticillium dahliae* Kleb — Hop Wilt".

*Conditions subject to which plants may be landed*

**13.** In Schedule 3 Part IIC—

(*a*) for Item 17 there shall be substituted the following Items—

| | |
|---|---|
| "17. Plants of:—<br>*Apium graveolens* L.<br>*Brassica* L.<br>*Capsicum annuum* L.<br>*Chrysanthemum* L.<br>*Cucumis* L.<br>*Dendranthema* (DC.) Des Moulins<br>*Dianthus* L.<br>*Gerbera* L.<br>*Gypsophila* L.<br>*Lactuca sativa* L.<br>*Leucanthemum* Miller<br>*Lycopersicon lycopersicum* (L.) Karsten ex Farwell<br>*Solanum melongena* L.<br>*Tanacetum* L.<br><br>other than plants in tissue culture. | (1) Where the plants comprising the consignment were grown in a Member State an official statement shall have been made either:—<br>(*a*) that the plants or in the case of cuttings the stock plants were grown at a place of production at which no evidence of *Amauromyza maculosa* (Malloch), *Liriomyza huidobrensis* (Blanchard), *Liriomyza sativae* (Blanchard) or *Liriomyza trifolii* (Burgess) has been observed during official inspections carried out at least monthly during the three months prior to harvesting; or<br>(*b*) that immediately prior to export the plants have been inspected and found free from evidence of the pests specified in sub-paragraph (*a*) and have been subjected to an appropriate treatment aimed at eradicating those pests.<br>(2) Where the plants comprising the consignment were grown in a third country an official statement shall have been made that the plants or in the case of cuttings the stock plants were grown at a place of production at which no evidence of the pests specified in paragraph (1)(*a*) has been |