1982 No. 79

PLANT HEALTH

Plant Pests Order (Northern Ireland) 1982

Made	*12th March 1982*
Coming into operation . . .	*16th April 1982*

The Department(**a**) of Agriculture, in exercise of the powers conferred on it by sections 3(1),(2)(**b**), (3) and (4)(**c**) and 3A(**d**) of the Plant Health Act (Northern Ireland) 1967(**e**) 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 Pests Order (Northern Ireland) 1982 and shall come into operation on 16th April 1982.

Revocation

2. The Orders listed in the Schedule are hereby revoked.

Interpretation

3. In this Order—

"genetically manipulated material" means material derived from any activity which has involved genetic manipulation and which in the opinion of the Department is likely to result in the production of a pest;

"genetic manipulation" means the formation of new combinations of heritable material by the insertion of nucleic acid molecules produced by whatever means outside the cell, into any virus, bacterial plasmid, or other vector system so as to allow their incorporation into a host organism in which they do not naturally occur but in which they are capable of continued propagation;

"inspector" means an officer of the Department authorised in writing by the Department for the purpose of this Order;

"non-indigenous pest" means a pest which, in the opinion of the Department, is not known to be established in Northern Ireland at the date of commencement of this Order and includes any culture of *Synchytrium endobioticum* (Schilb) Perc., the cause of Potato Wart Disease;

"plant" includes any tree, wood or bush and any seed or other part of a plant or cultivated fungus and includes soil or other growing medium, packing material or container associated therewith;

"pest" means any living organism or pathogen which is injurious to any plant, other than a vertebrate animal, and includes any culture of such organism or pathogen;

"premises" includes any building (other than a private dwelling house), land, vehicle, vessel, aircraft, hovercraft or freight container;

(a) Formerly Ministry: *see* Northern Ireland Constitution Act 1973 (c. 36) s. 40 and Sch. 5 para. 8(1)
(b) As amended by S.R. & O. (N.I.) 1972 No. 351 Art. 3 Sch. 2
(c) As amended by 1967 c. 29 (N.I.) s. 1(2) Sch. Part II
(d) Inserted by S.I. 1975/1038 (N.I. 8) Art. 11(2)
(e) 1967 c. 28 (N.I.)

"wood" means all wood of trees, whether living or not, including the bark thereof.

Notification of the presence or suspected presence of non-indigenous pests

4. The occupier or other person in charge of any premises who knows or has reason to suspect that Potato Ring Rot (*Corynebacterium michiganense* pv *sepedonicum* (Spieck. and Kotth.) Dye and Kemp) or San José Scale (*Comstockaspis perniciosa* (Comstock) syn *Quadraspidiotus perniciosus* (Comstock)) or any other non-indigenous pest is present thereon shall forthwith give to the Department notice in writing of the presence or suspected presence thereof.

Prohibitions relating to non-indigenous pests and genetic manipulation

5.—(1) Except under and in accordance with the terms of a licence granted by the Department, no person shall—

(*a*) knowingly keep, or release, deliver or otherwise dispose of, or cause to be kept, or released, delivered or otherwise disposed of—

(i) any non-indigenous pest or any plant carrying or infected with any such pest; or

(ii) any pest which has been subjected to genetic manipulation or any genetically manipulated material;

(*b*) engage in any activity involving the genetic manipulation of a pest or engage in any activity which involves genetic manipulation which in the opinion of the Department is likely to result in the production of a pest.

(2) Nothing in the sub-paragraph 1(*a*) shall be deemed to prohibit the killing or destruction or delivery to the Department of any plant, pest or genetically manipulated material which is referred to in that sub-paragraph.

Examination, sampling and marking

6. An inspector, on production if so required of his authority, may enter at all reasonable times for the purpose of examination or enquiry or for any other purpose of this Order upon any premises—

(*a*) in which he has reasonable grounds for suspecting that there is present—

(i) a plant carrying or infected with, or likely to be carrying or infected with, any non-indigenous pest;

(ii) a non-indigenous pest;

(iii) a pest which has been subjected to genetic manipulation or any genetically manipulated material,

and may examine the said premises and examine and take samples of any plant, pest, soil or genetically manipulated material and may also mark the said premises and mark any plant (whether or not carrying or infected with any pest), pest or genetically manipulated material which may be there and any containers associated therewith;

(*b*) to ascertain the distribution of a particular non-indigenous pest.

Remedial and precautionary measures

7.—(1) If an inspector has reasonable grounds for suspecting that there is present on any premises—

(*a*) a plant carrying or infected with, or likely to be carrying or infected with, a non-indigenous pest;

(*b*) a non-indigenous pest;

(*c*) a pest which has been subjected to genetic manipulation or any genetically manipulated material,