1981 No. 38

PLANT HEALTH

Import and Export (Plants and Plant Products) (Plant Health) Order (Northern Ireland) 1981

Made . . . . . *10th February 1981*

Coming into operation . . . *1st April 1981*

ARRANGEMENT OF ARTICLES

Article
1. Citation and commencement
2. Revocation
3. Interpretation
4. Exceptions
5. Prohibition on landing
6. Conditions for landing
7. Certificates to accompany consignments imported from Member States.
8. Certificates to accompany consignments imported from third countries
9. Certificates to accompany consignments exported from Northern Ireland
10. General provisions concerning certificates
11. Examination, sampling and marking
12. Consignments landed in contravention of Order
13. Pests or genetically manipulated material landed in contravention of Order.
14. Persons authorised by an inspector.
15. Officers of Customs and Excise
16. Licences
17. Information which may be required
18. Offences

ARRANGEMENT OF SCHEDULES

Schedule
1. Pests which may not be landed
2. Conditions subject to which landing is permitted—

PART I

ROOTED PLANTS AND UNROOTED VEGETATIVE PROPAGATING MATERIAL OTHER THAN BULBS, CORMS, TUBERS OF POTATO AND SEEDS

A. General conditions: items 1-11.

B. Additional conditions in particular cases: items 12-47.

PART II

BULBS AND CORMS FOR PLANTING

A. General conditions: items 48-50.
B. Additional conditions in the case of corms of Gladiolus and bulbs of the genera *Tulipa* and *Narcissus*: items 51-52.
C. Additional conditions in the case of bulbs of the genus *Allium*, corms of Freesia and Crocus and bulbs of Iris: items 53-55.

PART III

SEEDS

A. General conditions: item 56.
B. Additional conditions in the case of seeds of lettuce, lucerne, pea and tomato and of the genus *Rubus*: items 57-62.
C. Additional conditions in the case of seeds of the families Cruciferae and Gramineae and of the genus *Trifolium*: item 63.
D. Additional conditions in the case of seeds of Onion, Leek and Chive: item 64.

PART IV

RAW FRUIT

A. General conditions: item 65.
B. Additional conditions in the case of raw fruit of the genera *Citrus, Cydonia, Malus, Prunus* and *Pyrus*: items 66-70.
C. Additional conditions in the case of raw fruit of the genera *Fragaria, Ribes, Rubus, Vaccinium* and *Vitis*: items 71-75.

PART V

RAW VEGETABLES

A. General conditions: item 76.
B. Additional conditions in particular cases: items 77-78.

PART VI

CUT FLOWERS AND PARTS OF PLANTS USED FOR DECORATION

A. General conditions: item 79.
B. Additional conditions in the case of cut flowers and parts of plants used for decoration of the genera *Castanea, Dendranthema, Dianthus, Gladiolus, Prunus, Quercus, Rosa, Salix, Syringa* and *Vitis*: items 80-82.
C. Additional conditions in the case of cut flowers of the genus *Protea*: item 83.

Schedule

3. Plants and plant products to be accompanied by a phytosanitary certificate or a re-forwarding phytosanitary certificate when exported.
4. Form of phytosanitary certificate.
5. Form of re-forwarding phytosanitary certificate.

The Department(a) of Agriculture, in exercise of the powers conferred on it by sections 2(1)(b), (2) and (3)(c), 3(1)(b), (2)(b), (3) and (4)(d) and 3A(e) of the Plant Health Act (Northern Ireland) 1967(f) and ofevery other power enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Import and Export (Plants and Plant Products) (Plant Health) Order (Northern Ireland) 1981 and shall come into operation on 1st April 1981.

Revocation

2. The Importation of Plants, Plant Produce and Trees Order (Northern Ireland) 1972(g) in so far as it applies to plants and plant products is hereby revoked.

Interpretation

3.—(1) In this Order—

"authorised officer" in relation to—

(*a*) the completion and signing of phytosanitary certificates and re-forwarding phytosanitary certificates;

(*b*) the completion and signing of translations of phytosanitary certificates and re-forwarding phytosanitary certificates;

(*c*) the certifying of copies,

means a representative of the plant protection service of the country in which such certificates, translations or copies are issued;

"Central America" means the geographical area comprising Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama and the islands commonly known as the West Indies;

"consignment" includes the whole or any part of a consignment of plants or plant products or both plants and plant products and soil, together with packing materials, packages or containers enclosing or accompanying such plants or plant products;

"country" includes a part or a region of the United Kingdom, a Member State or a third country;

"Customs Act" means the Customs and Excise Management Act 1979(h);

"Euro-Mediterranean area" means the geographical area comprising Europe and Algeria, Cyprus, Egypt, Israel, Jordan, Lebanon, Libya, Malta, Morocco, Syria, Tunisia and Turkey;

"Europe" includes the Canary Islands but does not include the Azores, Cyprus or Malta or the following regions of the Union of Soviet Socialist Republics, that is the Kazakh, Kirghiz, Tadzhik, Turkmen and Uzbek Soviet Socialist Republics and the following regions of the Russian Soviet Federal Socialist Republic, that is the Buryat, Yakut and Tuva Autonomous Soviet Socialist Republics, the Altai, Khabarovsk, Krasnoyarsk and Maritime Krais and the

(a) Formerly Ministry: *see* 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 and Sch. 2
(c) Inserted by S.I. 1975/1038 (N.I. 8) Art. 11(1)
(d) As amended by 1967 c. 29 (N.I.) s. 1(2) and Sch. Part II
(e) Inserted by S.I. 1975/1038 (N.I. 8) Art. 11(2)
(f) 1967 c. 28 (N.I.)
(g) S.R. & O. (N.I.) 1972 No. 67
(h) 1979 c. 2.

Amur, Chita, Irkutsk, Kamchatka, Kemerovo, Kurgan, Magadan, Novosibirsk, Omsk, Sakhalin, Tomsk and Tyumen Oblasts;

"European Community" includes the Isle of Man and the Channel Islands;

"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;

"immediate vicinity" means any land contiguous to or surrounding a place of production which, if such land were affected by the pests listed in Schedule 1, might, in the opinion of the plant protection service, present a risk of contamination to the plants at the place of production;

"importer" in relation to any plant, plant product, pest, genetically manipulated material or soil includes any person who, as owner, consignor, consignee, agent, broker or otherwise, is in possession of or is in any way entitled to the custody or control of the plant, plant product, pest, genetically manipulated material or soil;

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

"landed" means brought into Northern Ireland by any means whatsoever;

"Member State" means a Member State, other than the United Kingdom, of the European Community and does not include the Isle of Man or any of the Channel Islands;

"non-indigenous" means not known, in the opinion of the Department, to be established in Northern Ireland;

"North America" means the geographical area comprising Canada, Mexico and the United States of America (other than the State of Hawaii);

"official" in relation to any testing or any other procedure required by this Order to be carried out in respect of any plant, plant product or soil, means carried out by or under the supervision of the plant protection service of the country in which the plant or plant product was grown or the soil originates;

"official statement" means a statement by an authorised officer made on a phytosanitary certificate or a re-forwarding phytosanitary certificate;

"package or container" means—

(*a*) a bag or sack either of which has been previously unused; or

(*b*) a box or crate either of which has been previously unused or either of which has been cleaned and disinfected since its previous use;

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

"phytosanitary certificate" means a certificate in the form set out in Schedule 4 or an equivalent text in a language other than English;

"place of production" means a group of fields or plots of land normally worked as a unit together with any uncultivated land contiguous thereto;

"plant" means a living plant or living part of a plant, any tissue culture of such a plant or living part of such a plant, raw fruit or seed and includes any soil or other growing medium, packing material or container associated therewith;

"plant product" means a product of plant origin, which product is unprocessed or has undergone simple preparation in so far as it is not a plant, and includes any

soil or other growing medium, packing material and container associated therewith;

"potato" means any plant or any part of a plant, including tubers and true seed, of *Solanum tuberosum* L. or other tuber forming species of *Solanum* L.;

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

"raw fruit" does not include dried, dehydrated or deep-frozen fruit and "raw" in relation to fruit of any particular description shall be construed accordingly;

"raw vegetables" does not include potatoes and does not include any other kind of vegetable which has been dried, dehydrated, brined, pickled or deep-frozen;

"re-forwarding phytosanitary certificate" means a certificate in the form set out in Schedule 5 or an equivalent text in a language other than English;

"South America" means the geographical area comprising Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, French Guiana, Guyana, Paraguay, Peru, Surinam, Uruguay and Venezuela;

"third country" means a country other than a Member State, the United Kingdom, the Isle of Man or any of the Channel Islands;

"vehicle" means a structure in or on which persons or goods are transported by land;

"vessel" means a craft or structure in or on which persons or goods are transported by water.

(2) Nothing in this Order shall permit the landing of—

(*a*) a consignment of potatoes, the landing of which is prohibited or restricted under the Import and Export (Potatoes) (Plant Health) Order (Northern Ireland) 1981(**a**); or

(*b*) wood, isolated bark or other objects the landing of which is prohibited or restricted under the Import and Export (Wood and Bark) (Plant Health) Order (Northern Ireland) 1981(**b**).

Exceptions

4.—(1) The provisions of this Order, other than Articles 9, 10, 17 and 18, shall not apply in relation to any plant or plant product either of which is grown in Northern Ireland except that in relation to any such plant or plant product either of which is exported from and subsequently re-imported into Northern Ireland all the provisions of this Order shall apply.

(2) The requirements of Articles 6, 7, 8 and 10 in relation to phytosanitary certificates and re-forwarding phytosanitary certificates shall not apply to plants or plant products (other than plants of the genera *Malus* Mill., *Prunus* L., and *Pyrus* L., which are intended for planting or propagation or cut flowers of Gladiolus which are grown in Malta and plants of Chrysanthemum) landed in the baggage of a passenger and which:

(*a*) have been grown in any part of the Euro-Mediterranean area; and

(*b*) in the case of bulbs, corms and tubers for planting, raw fruit and raw vegetables, do not together exceed 2 kilograms in weight or in the case of other plants or plant products do not in total exceed 5 in number.

(3) The provisions of Articles 6, 7 and 10 in relation to phytosanitary certificates and re-forwarding phytosanitary certificates shall not apply to—

(**a**) S.R. 1981 No. 36
(**b**) S.R. 1981 No. 37