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STATUTORY RULES OF NORTHERN IRELAND

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**1998 No. 315**

**PLANT HEALTH**

**The Plant Health (Amendment  
No. 3) Order (Northern Ireland) 1998**

Made - - - - 9th September 1998

Coming into operation 7th October 1998

The Department of Agriculture, in exercise of the powers conferred on it by sections 2(1), and 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 No. 3) Order (Northern Ireland) 1998 and shall come into operation on 7th October 1998.

**Amendment of the Plant Health Order (Northern Ireland) 1993**

2.—(1) The Plant Health Order (Northern Ireland) 1993(7) shall be amended in accordance with paragraphs (2) to (12).

(2) In Schedule 1, Part A, Section A—

(a) after Item 10 there shall be inserted—

“(10.1) *Diabrotica barberi* (Smith & Lawrence)

(10.2) *Diabrotica undecimpunctata howardi* (Barber)

(10.3) *Diabrotica undecimpunctata undecimpunctata* (Mannerheim)

(10.4) *Diabrotica virgifera* (Le Conte)”;

(b) after Item 14 there shall be inserted—

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- (1) 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)
- (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](#); amended by [S.R. 1995 No. 250](#), [S.R. 1995 No. 494](#), [S.R. 1996 No. 204](#), [S.R. 1996 No. 249](#), [S.R. 1997 No. 110](#), [S.R. 1997 No. 397](#), [S.R. 1998 No. 16](#) and [S.R. 1998 No. 146](#)

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“(14.1) *Hirschmanniella* spp., other than *Hirschmanniella gracilis* (de Man) Luc & Goodey”;

(c) after Item 19 there shall be inserted—

“(19.1) *Meloidogyne chitwoodi* Golden et al. (all populations)

(19.2) *Meloidogyne fallax* Karssen”;

(d) after Item 27 there shall be inserted—

“(a) *Rhizoecus hibisci* (Kawai & Takagi)”.

(3) In Schedule 2, Part A, Section A, for the entry in column (3) opposite Item 18 there shall be substituted—

“Plants of:

*Crataegus* L.

*Malus* Mill.

*Photinia* Ldl.

*Prunus* L.

*Rosa* L.

intended for planting, other than seeds, and fruit of *Malus* Mill. and *Prunus* L., originating in non-European countries.”.

(4) In Schedule 2, Part A, Section D—

(a) in column (3) opposite Item 29, there shall be inserted at the end the words “other than seeds”; and

(b) after Item 29 there shall be inserted—

“29A.	Tomato yellow leaf curl virus	Plants of: <i>Lycopersicon lycopersicum</i> (L.) Karsten ex Farw., intended for planting, other than seeds.”.
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(5) In Schedule 3, Part A—

(a) for Item 4 there shall be substituted—

“4.	Plants of: <i>Chaenomeles</i> Lindl. <i>Cydonia</i> Mill. <i>Photinia</i> Ldl. <i>Prunus</i> L. <i>Pyrus</i> L. <i>Rosa</i> L. intended for planting, other than dormant plants free from leaves, flowers and fruit.	Non-European countries.
4A.	Plants of:	USA, China, Japan, the Republic of Korea and

*Photinia* Ldl. Korea Democratic Peoples  
intended for Republic.”; and  
planting, other  
than dormant  
plants free from  
leaves, flowers  
and fruit.

(b) for the entry in column (2) opposite Item 7 there shall be substituted—

“Tubers of species of *Solanum* L. and their hybrids, other than those specified in column (2) of Items 5 and 6.”.

(6) In Schedule 4, Part A, Section I—

(a) for the entry in column (2) opposite Item 12 there shall be substituted—

“From 15th February to 30th September, fruits of *Prunus* L. originating in non-European countries.”;

(b) for Items 13, 14 and 15 there shall be substituted—

“13.	Fruits of: <i>Citrus</i> L. <i>Fortunella</i> Swingle. <i>Poncirus</i> Raf. and their hybrid's, originating in third countries.	The fruits shall be free from peduncles and leaves and the packaging shall bear an appropriate origin mark.
14.	Fruits of: <i>Citrus</i> L. <i>Fortunella</i> Swingle. <i>Poncirus</i> Raf. and their hybrid's, originating in third countries.	Without prejudice to the provisions applicable to the fruits in Schedule 4A1 Items 13, 15, 15A and 16, official statement that: (a) the fruits originate in a country recognised as being free from <i>Xanthomonas campestris</i> (all strains pathogenic to Citrus); or (b) the fruits originate in an area recognised as being free from <i>Xanthomonas campestris</i> (all strains pathogenic to Citrus), and mentioned on the certificates referred to in Articles 7 or 8 of

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- Directive [77/93/EEC](#), or
- (c) either—
- (i) in accordance with an official control and examination regime, no symptoms of *Xanthomonas campestris* (all strains pathogenic to Citrus) have been observed in the field of production and in its immediate vicinity since the beginning of the last cycle of vegetation, and none of the fruits harvested in the field of production has shown symptoms of *Xanthomonas campestris* (all strains pathogenic to Citrus), and the fruits have been subjected to treatment of such as sodium orthophenylphenate, mentioned on the certificates

- referred to in Articles 7 or 8 of Directive [77/93/EEC](#), and the fruits have been packed at premises or dispatching centres registered for this purpose; or
- (ii) any certification system, recognised as equivalent to the above provisions, has been complied with.
15. Fruits of:  
*Citrus* L.  
*Fortunella*  
Swingle.  
*Poncirus* Raf.  
and their hybrid's,  
originating in third  
countries.
- Without prejudice to the provisions applicable to the fruits in Schedule 4A1 Items 13, 14, 15A and 16, official statement that:
- (a) the fruits originate in a country recognised as being free from *Cercospora angolensis* Carv. & Mendes; or
- (b) the fruits originate in an area recognised as being free from *Cercospora angolensis* Carv. & Mendes, and mentioned on the certificates referred to in Articles 7 or 8 of Directive [77/93/EEC](#); or

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- 15A. Fruits of:  
*Citrus* L.  
*Fortunella*  
Swingle.  
*Poncirus* Raf.  
and their hybrid's,  
other than fruits of  
*Citrus aurantium* L.  
originating in third  
countries.  
Without prejudice  
to the provisions  
applicable to the fruits  
in Schedule 4A1 Items  
13, 14, 15 and 16,  
official statement that:
- (c) no symptoms of *Cercospora angolensis* Carv. & Mendes have been observed in the field of production and in its immediate vicinity since the beginning of the last cycle of vegetation, and none of the fruits harvested in the field of production has shown, in appropriate official examination, symptoms of this organism.
- (a) the fruits originate in a country recognised as being free from *Guignardia citricarpa* Kiely (all strains pathogenic to Citrus); or
  - (b) the fruits originate in an area recognised as being free from *Guignardia citricarpa* Kiely (all strains pathogenic to Citrus), and mentioned on the certificates referred to in Articles 7 or 8 of Directive [77/93/EEC](#); or
  - (c) no symptoms of *Guignardia citricarpa* Kiely (all strains pathogenic to Citrus) have been observed in the field of

production and in its immediate vicinity since the beginning of the last cycle of vegetation, and none of the fruits harvested in the field of production has shown, in appropriate official examination, symptoms of this organism; or

- (d) the fruits originate in a field of production subjected to appropriate treatments against *Guignardia citricarpa* Kiely (all strains pathogenic to Citrus), and none of the fruits harvested in the field of production has shown, in appropriate official examination, symptoms of this organism.”

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(c) in column (3) opposite Item 33 at the end there shall be added—

“and

- (c) originate in areas in which *Meloidogyne chitwoodi* Golden et al. (all populations) and *Meloidogyne fallax* Karssen are known not to occur or, where the tubers originate in areas where *Meloidogyne chitwoodi* Golden et al. (all populations) and *Meloidogyne fallax* Karssen are known to occur:
- that the tubers originate from a place of production which has been found free from *Meloidogyne chitwoodi* Golden et al. (all populations) and *Meloidogyne fallax* Karssen based on an annual survey of host crops by visual inspection of host plants at appropriate times and by visual inspection both externally and by cutting of tubers after harvest from potato crops grown at the place of production; or
  - that the tubers after harvest have been randomly sampled and have either been:
    - checked for the presence of symptoms after an appropriate method to induce symptoms; or

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- laboratory tested, as well as inspected visually both externally and by cutting the tubers, at appropriate times and in all cases at the time of closing of the packages or containers before marketing according to the provisions on closing in Council Directive [66/403/EEC](#)(8), and no symptoms of *Meloidogyne chitwoodi* Golden et al. (all populations) and *Meloidogyne fallax* Karszen have been found.”;

(d) for Item 58 there shall be substituted—

“58.	Naturally or artificially dwarfed plants intended for planting other than seeds, originating in non-European countries.	Without prejudice to the provisions applicable to the plants listed in Schedule 3A Items 1, 2, 3, 4, 8, 10, 11, 12, 13 Schedule 3B Item 1 and Schedule 4A1 Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 17, 19, 20, 21, 25, 26, 27, 28, 29, 34, 35, 36, 37, 38, 39, 43, 44, 46, 47, 50, 51, 52, 53, 54, 55, 57, where appropriate, official statement that: <ul style="list-style-type: none"> <li>(a) the plants, including those collected directly from natural habitats, shall have been grown, held and trained for at least two consecutive years prior to dispatch in officially registered nurseries, which are subject to an officially supervised control regime;</li> <li>(b) the plants on the nurseries referred to in (a) shall: <ul style="list-style-type: none"> <li>(i) at least during the period referred to in (a):</li> </ul> </li> </ul>
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- be potted, in pots which are placed on shelves at least 50 cm above ground;
- have been subjected to appropriate treatments to ensure freedom from non-European rusts; the active ingredient, concentration and date of application of these treatments shall be mentioned on the phytosanitary certificate under the rubric “disinfestation and/or disinfection treatment”;
- have been officially inspected at least

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six  
times a  
year at  
appropriate  
intervals  
for the  
presence  
of  
plant  
pests  
of  
concern,  
which  
are  
those  
in the  
Schedules.  
These  
inspections,  
which  
shall  
also be  
carried  
out on  
plants  
in the  
immediate  
vicinity  
of the  
nurseries  
referred  
to in  
(a),  
shall  
be  
carried  
out at  
least  
by  
visual  
examination  
of  
each  
row  
in the  
field  
or  
nursery  
and by  
visual  
examination  
of all  
parts

of the  
plant  
above  
the  
growing  
medium,  
using a  
random  
sample  
of at  
least  
300  
plants  
from a  
given  
genus  
where  
the  
number  
of  
plants  
of that  
genus  
is not  
more  
than  
3,000  
plants,  
or  
10%  
of the  
plants  
if there  
are  
more  
than  
3,000  
plants  
from  
that  
genus;  
— have  
been  
found  
free, in  
these  
inspections,  
from  
the  
relevant  
plant  
pests  
of

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concern  
as  
specified  
in the  
previous  
indent.  
Infested  
plants  
shall  
be  
removed.  
The  
remaining  
plants,  
where  
appropriate,  
shall  
be  
effectively  
treated,  
and in  
addition  
shall  
be  
held  
for an  
appropriate  
period  
and  
inspected  
to  
ensure  
freedom  
from  
such  
plant  
pests  
of  
concern;  
— have  
been  
planted  
in  
either  
an  
unused  
artificial  
growing  
medium  
or in a  
natural  
growing  
medium

which  
has  
been  
treated  
by  
fumigation  
or by  
appropriate  
heat  
treatment  
and  
has  
been  
examined  
afterwards  
and  
found  
free  
of any  
plant  
pests;  
— have  
been  
kept  
under  
conditions  
which  
ensure  
that  
the  
growing  
medium  
has  
been  
maintained  
free  
from  
plant  
pests  
and  
within  
two  
weeks  
prior  
to  
dispatch,  
have  
been:  
— shaken  
and  
washed  
with  
clean

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water  
to  
remove  
the  
original  
growing  
medium  
and  
kept  
bare  
rooted,  
or  
— shaken  
and  
washed  
with  
clean  
water  
to  
remove  
the  
original  
growing  
medium  
and  
replanted  
in  
growing  
medium  
which  
meets  
the  
conditions  
laid  
down  
in  
(i)  
fifth  
indent;  
or  
— subjected  
to  
appropriate  
treatments  
to  
ensure  
that  
the  
growing  
medium  
is  
free  
from

plant  
pests;  
the  
active  
ingredient,  
concentration  
and  
date  
of  
application  
of  
these  
treatments  
shall  
be  
mentioned  
on  
the  
phytosanitary  
certificate  
under  
the  
rubric  
“disinfestation  
and/  
or  
disinfection  
treatment”;  
and

- (ii) be packed in closed containers which have been officially sealed and bear the registration number of the registered nursery; this number shall also be indicated under the rubric “additional declaration” on the phytosanitary certificate, enabling the

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consignments  
to be  
identified.”;

(e) after Item 60 there shall be inserted—

“60A.	Plants of <i>Lycopersicon lycopersicum</i> (L.) Karsten ex Farw. intended for planting other than seeds, originating in countries where Tomato yellow leaf curl virus is known to occur:	Without prejudice to the requirements applicable to plants listed in Schedule 3A Item 8 and Schedule 4AI Items 34, 35 and 35A where appropriate.
	(a) where <i>Bemisia tabaci</i> Genn. is not known to occur;	— Official statement that no symptoms of Tomato yellow leaf curl virus have been observed on the plants.
	(b) where <i>Bemisia tabaci</i> Genn. is known to occur.	— Official statement that: (a) no symptoms of Tomato yellow leaf curl virus have been observed on the plants; and (i) the plants originate in areas known to be free from <i>Bemisia tabaci</i> Genn.; or (ii) the place of production has been found free from <i>Bemisia tabaci</i> Genn. on official inspections carried out at least monthly during the three months prior to export; or

- (b) no symptoms of Tomato yellow leaf curl virus have been observed at the place of production and the place of production has been subjected to an appropriate treatment and monitoring regime to ensure freedom from *Bemisia tabaci* Genn.”; and

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(f) in column (3) opposite Item 61, after “60” there shall be inserted the words “and 60A”.

(7) In Schedule 4, Part A, Section II—

(a) in column (3) opposite Item 15, at the end there shall be inserted—

“and

(d) either:

(i) the tubers originate in areas in which *Meloidogyne chitwoodi* Golden et al. (all populations) and *Meloidogyne fallax* Karssen are known not to occur; or

(ii) they originate in areas where *Meloidogyne chitwoodi* Golden et al. (all populations) and *Meloidogyne fallax* Karssen are known to occur, and either:

— the tubers originate from a place of production which has been found free from *Meloidogyne chitwoodi* Golden et al. (all populations) and *Meloidogyne fallax* Karssen based on an annual survey of host crops by visual inspection of host plants at appropriate times and by visual inspection both externally and by cutting of tubers after harvest from potato crops grown at the place of production; or

— the tubers after harvest have been randomly sampled, and have either:

been checked for the presence of symptoms after an appropriate method to induce symptoms; or

been laboratory tested, as well as inspected visually both externally and by cutting the tubers, at appropriate times and in all cases at the time of closing of the packages or containers before marketing according to the provisions on closing in Council Directive [66/403/EEC](#), and no symptoms of *Meloidogyne chitwoodi* Golden et al. (all populations) and *Meloidogyne fallax* Karssen have been found.”;

(b) after Item 29 there shall be inserted—

<p>“29A.</p>	<p>Plants of <i>Lycopersicon lycopersicum</i> (L.) Karssen ex Farw., intended for planting, other than seeds.</p>	<p>Without prejudice to the requirements applicable to the plants, where appropriate, listed in Schedule 4AII Items 20 and 26 official statement that:</p> <ul style="list-style-type: none"> <li>(a) the plants originate in areas known to be free from Tomato yellow leaf curl virus; or</li> <li>(b) no symptoms of Tomato yellow leaf curl virus have been observed on the plants; and <ul style="list-style-type: none"> <li>(i) the plants originate in areas known to be free from <i>Bemisia tabaci</i> Genn.; or</li> <li>(ii) the place of production has been found free from <i>Bemisia tabaci</i> Genn. on official inspections carried out at least monthly during the three months prior to export; or</li> </ul> </li> <li>(c) no symptoms of Tomato yellow leaf curl virus have been observed at the place of production and the place of production has</li> </ul>
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been subjected to an appropriate treatment and monitoring regime to ensure freedom from *Bemisia tabaci* Genn.”; and

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- (c) in column (3) opposite Item 32 there shall be omitted the word “and” and inserted the word “or” after the words—
- “the seeds originate in areas known to be free from *Clavibacter michiganensis* ssp. *insidiosus* Davis et al.”.
- (8) In Schedule 4, Part B, for the entry in column (2) opposite Item 18 there shall be substituted—
- “Plants of *Begonia* L., intended for planting, other than seeds, tubers and corms, and plants of *Euphorbia pulcherrima* Willd., intended for planting, other than seeds, other than (in each case) those for which there is evidence by their packaging or their flower (or bract) development or by other means that they are intended for sale to final consumers not involved in professional plant production.”.
- (9) In Schedule 5, Part A, Section I—
- (a) in paragraph 1(a), for the words “*Prunus* L.” there shall be substituted—
- “*Prunus* L., other than *Prunus laurocerasus* L. and *Prunus lusitanica* L.”; and
- (b) in paragraph 2(a), after the words “*Populus* L.” there shall be inserted the words “*Prunus laurocerasus* L., *Prunus lusitanica* L.”.
- (10) In Schedule 5, Part A, Section II, for paragraph 2(a), there shall be substituted—
- “(a) plants of *Begonia* L., intended for planting, other than seeds, tubers and corms, and plants of *Euphorbia pulcherrima* Willd., intended for planting, other than seeds.”
- (11) In Schedule 5, Part B, Section I—
- (a) in paragraph 1—
- (i) the words “or aquarium plants” shall be omitted; and
- (ii) after the words “*Zea mais* L.” there shall be inserted the words “*Allium ascalonicum* L.”; and
- (b) for paragraph 2 there shall be substituted—
- “2. Parts of plants, other than fruits and seeds of:
- (a) *Castanea* Mill., *Dendranthema* (DC) Des. Moul., *Dianthus* L., *Pelargonium* l’Herit ex Ait, *Phoenix* spp., *Populus* L., *Quercus* L.;
- (b) conifers (Coniferales);
- (c) *Acer saccharum* Marsh., originating in Northern American countries; and
- (d) *Prunus* L., originating in non-European countries.”.
- (12) In Schedule 14 at the end there shall be added—

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“Commission Directive 98/1

O.J. No. L.15, 21.1.98, p. 26.

Commission Directive 98/2

O.J. No. L.15, 21.1.98, p. 34.”.

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Sealed with the Official Seal of the Department of Agriculture on

L.S.

9th September 1998.

*R. S. Johnston*  
Assistant Secretary

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## EXPLANATORY NOTE

*(This note is not part of the Order.)*

This Order which comes into operation on 7th October 1998 further amends the Plant Health Order (Northern Ireland) 1993. The Order implements as respects Northern Ireland Commission Directives [98/1/EC](#) (O.J. No. L.15, 21.1.98, p. 26) and [98/2/EC](#) (O.J. No. L.15, 21.1.98, p. 34) which amend certain Annexes to Council Directive [77/93/EEC](#) on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community.

Commission Directive [98/1/EC](#) is implemented by Article 2(2) to (5), (6)(a) and (c) to (f) and (7) to (11). Commission Directive [98/2/EC](#) is implemented by Article 2(6)(b).

The Order makes substantial changes to requirements for import of citrus fruit (Article 2(6)(b)) and bonsai plants (Article 2(6)(d)). It adds to the list of quarantine pests Tomato yellow leaf curl virus (Article 2(4)(b)) and two species of *Meloidogyne* nematodes (Article 2(2)(c)), and introduces safeguards against their spread on tomato plants (Article 2(6)(e) and Article 2(7)(b)) and seed potatoes (Article 2(6)(c) and Article 2(7)(a)) respectively. The Order amends the range of hosts on which *Enarmonia prunivora* (plum moth) is recognised as a quarantine pest (Article 2(3)), and adds to the quarantine lists *Rhizoecus hibisci* (a root mealybug) (Article 2(2)(b)), and some species of *Diabrotica* (corn rootworms) (Article 2(2)(a)) and *Hirschmaniella* nematodes (Article 2(2)(b)).

The Order extends to aquarium plants the general requirement that imported plants for planting should be accompanied by a phytosanitary certificate (Article 2(11)(a)(i)). It also extends to all tubers of *Solanum* species the import prohibitions which currently apply only to *Solanum tuberosum* (Article 2(5)(b)). It removes the prohibition on imports of *Photinia* with leaves from certain third countries (Article 2(5)(a)) and removes the plant passporting requirement for plants of *Prunus laurocerasus* and *Prunus lusitanica* intended for retail sale (Article 2(9)). The Order also makes a number of other minor amendments.

The Order also makes a minor consequential amendment to the Plant Health Order (Northern Ireland) 1993 (Article 2(12)).