
STATUTORY RULES OF NORTHERN IRELAND

2019 No. 230

PLANT HEALTH

The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2019

Made - - - - 13th December 2019

Coming into operation 14th December 2019

^{F1}The Department of Agriculture, Environment and Rural Affairs is a Northern Ireland department designated ^{M1} for the purposes of section 2(2) of the European Communities Act 1972 ^{M2} in relation to the common agricultural policy of the European Union.

The Department of Agriculture, Environment and Rural Affairs ^{M3} makes these Regulations in exercise of the powers conferred by sections 2, 3(1), 3A and 3B(1) of the Plant Health Act (Northern Ireland) 1967 ^{M4} and section 2(2) of, and Paragraph 1A of Schedule 2 to, the European Communities Act 1972 ^{M5}.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears expedient to the Department of Agriculture, Environment and Rural Affairs for the references to Commission Implementing Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and of the Council, as regards protective measures against pests of plants and repealing Commission Regulation (EC) No 690/2008 and amending Commission Implementing Regulation (EU) 2018/2019 (referred to in these Regulations as “the Phytosanitary Conditions Regulation”) and to the European Union instruments mentioned in regulation 3(1) to be construed as references to those instruments as amended from time to time.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Marginal Citations

M1 [S.I. 2000/2812](#).

M2 1972 c. 68, **section 2(2)** was amended by section 27(1)(a) of the [Legislative and Regulatory Reform Act 2006 \(c. 5\)](#) and by section 3 of, and Part 1 of the Schedule to, the [European Union \(Amendment\) Act 2008 \(c. 7\)](#). The Act is prospectively repealed by the [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#) section 1 from exit day (see [section 20](#) of that Act).

M3 The Ministry of Agriculture became known as the Department of Agriculture by virtue of section 7(5) of the Northern Ireland Constitution Act (c. 36), was renamed the Department of Agriculture and Rural

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Development by Article 3(4) of the Departments (Northern Ireland) Order 1999 (S.I. 1999/283 (N.I. 1)) and was renamed the Department of Agriculture, Environment and Rural Affairs by section 1 of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.)).

M4 1967 c. 28 (N.I.): sections 2(1) and 3(1) were amended by S.R. & O (N.I.) 1972 No. 351, **article 3** and Schedule 2. Section 2(2) was amended by 1979 c. 2 section 177(1) and Schedule 4, Part 11. Sections 2 and 3 were also amended by S.I. 1984/702 (N.I. 2), **Articles 15(2), 24** and Schedule.

M5 Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51) and amended by section 3, and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).

PART 1

Introduction

Citation and commencement

F11.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Interpretation

F12.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Interpretation: EU Decisions

F13.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Article 82 of the EU Plant Health Regulation: meaning of “close proximity”

F14.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

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PART 2

Competent authorities

Designation of competent authority

^{F1}5.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

PART 3

Official Controls on controlled consignments from third countries and other official controls on goods from third countries

Derogations to the requirement to give prior notification in accordance with Article 1(1) of Commission Implementing Regulation (EU) 2019/1013

^{F1}6.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Suspicion of non-compliance

^{F1}7.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Consignments not correctly presented for official controls

^{F1}8.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Official measures in relation to non-compliant consignments or consignments which pose a risk to plant health

^{F1}9.

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Notices under Regulation 7, 8 or 9

F110.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Border control posts: authorisation of inspection centres and commercial storage facilities

F111.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Transitional provision: approved places of inspection

F112.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

PART 4

Official activities to prevent the establishment or spread of plant pests

Introduction

F113.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Notices in relation to controlled plant pests or prohibited material

F114.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

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Action which may be taken by a plant health inspector

F115.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Establishment of demarcated areas and measures to be taken in those areas

F116.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

PART 5

Temporary national measures

F117.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

PART 6

Registration, authorisations and certificates

Application for registration

F118.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Other applications

F119.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

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Authorisations for other purposes

^{F1}20.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Authorisations granted by the Department

^{F1}21.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

PART 7

Measures relating to certain solanaceous species

^{F1}22.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

PART 8

Notification requirements for the organisation of official controls

Notification requirements in relation to seed potatoes

^{F1}23.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Notification requirements in relation to citrus fruits

^{F1}24.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

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Notification requirements in relation to other plants and plant products

F125.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

PART 9

General powers of inspectors, enforcement, recovery of expenses and appeal

Interpretation

F126.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Powers of entry

F127.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Right of entry conferred by a warrant issued by a lay magistrate

F128.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Information notices

F129.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Failure to comply with a notice

F130.

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Marking of wood packaging material: power of seizure

F131.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Recovery of expenses

F132.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Disclosure of information held by the Commissioners for Her Majesty's Revenue and Customs

F133.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Disclosure of information

F134.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Appeal

F135.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

PART 10

General and supplemental provisions relating to notices

Miscellaneous provisions as to notices

^{F1}36.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Service of notices

^{F1}37.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

PART 11

Offences

General

^{F1}38.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Failure to comply with requirements of notices etc.

^{F1}39.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Defence: reasonable excuse

^{F1}40.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

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Provision of false or misleading information

^{F1}41.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Improper use of plant passports or certificates

^{F1}42.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Obstruction

^{F1}43.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Offence relating to the disclosure of information held by Revenue and Customs

^{F1}44.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Defence: lawful disclosure

^{F1}45.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Offences by bodies corporate

^{F1}46.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

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Offences by partnerships and unincorporated associations

^{F1}47.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Penalties

^{F1}48.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

PART 12

Miscellaneous

Minor and consequential amendments

49. Schedule 5 contains minor and consequential amendments to secondary legislation.

Commencement Information

I1 Reg. 49 in operation at 14.12.2019, see [reg. 1](#)

Revocation

50. The instruments listed in Schedule 6 are revoked to the extent specified in the corresponding entry in column 3 of that Schedule.

Commencement Information

I2 Reg. 50 in operation at 14.12.2019, see [reg. 1](#)

Transitional provisions: licences under article 36(1) of the 2006 Order or article 43(1) of the 2018 Order

^{F1}51.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

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Transitional provisions: other licences under the 2006 Order or the 2018 Order

^{F1}52.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Transitional provisions: notices

^{F1}53.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on 13th December 2019.

L.S.
Department of Agriculture, Environment and
Rural Affairs

John Joe O'Boyle
A senior officer of the

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SCHEDULE 1

Regulation 17

Temporary national measures

PART 1

Plants, plant products or other objects from third countries

Interpretation

^{F1}1.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Temporary measures applying to the introduction of plants, plant products or other objects from third countries

^{F1}2.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

PART 2

Plants, plant products or other objects from another part of the Union territory

Temporary measures applying to the introduction of plants, plant products or other objects from another part of the Union territory

^{F1}3.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

^{F1}4.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Inspection and control of potato plant health *Dickeya* spp.

^{F1}5.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2019*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

SCHEDULE 2

Regulation 22

PART 1

General interpretation

^{F1}1.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

PART 2

General provisions relating to the planting of certain solanaceous species

General restrictions on the planting of potatoes

^{F1}2.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Restrictions on the planting of potatoes in the protected region

^{F1}3.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

PART 3

Measures for the control of Potato wart disease

Interpretation

^{F1}4.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2019*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Official measures relating to contaminated plots of land

^{F1}5.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Prohibition on the planting of potatoes on contaminated plots

^{F1}6.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Revocation of the demarcation of a contaminated plot

^{F1}7.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

PART 4

Measures for the control of European populations of Potato cyst nematode

Interpretation

^{F1}8.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Official investigations and surveys

^{F1}9.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2019*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Official records of investigations and surveys

^{F1}10.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Notices in relation to infested fields and contaminated susceptible material

^{F1}11.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Prohibition on the planting of potatoes in infested fields

^{F1}12.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Controls on contaminated seed potatoes etc.

^{F1}13.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Controls on potatoes for industrial processing or grading

^{F1}14.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Controls on contaminated bulbs etc.

^{F1}15.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

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Further investigations for the presence of Potato cyst nematodes

^{F1}16.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

PART 5

Measures for the control of Potato ring rot

Interpretation

^{F1}17.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Official surveys and testing

^{F1}18.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Measures to be taken following the confirmation of the presence of Potato ring rot

^{F1}19.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Restrictions in relation to susceptible material or objects contaminated or possibly contaminated with Potato ring rot

^{F1}20.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Measures in relation to a contaminated place of production

^{F1}21.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2019. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Additional measures applicable to a unit of protected crop production

^{F1}22.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Measures to be taken in demarcated zones for the control of Potato ring rot

^{F1}23.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

PART 6

Measures for the control of Potato brown rot

^{F1}24.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Official surveys and testing

^{F1}25.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Measures to be taken following the confirmation of the presence of Potato brown rot

^{F1}26.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2019. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Restrictions in relation to susceptible material or objects contaminated or possibly contaminated with Potato brown rot

^{F1}27.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Measures which may be required in relation to a contaminated place of production

^{F1}28.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Additional measures in relation to units of protected crop production

^{F1}29.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Measures to be taken in demarcated zones for the control of Potato brown rot

^{F1}30.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

SCHEDULE 3

Regulation 38(1)(d) to (f)

Offences: relevant provisions in the EU Regulations

PART 1

The EU Plant Health Regulation

^{F1}

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2019. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

PART 2

The Official Controls Regulation

F1

PART 3

Other EU legislation

F1

SCHEDULE 4

Regulation 38(1)(g)

EU emergency decisions relating to plant health

PART 1

Offences relating to the EU Decisions

F1

SCHEDULE 5

Regulation 49

Amendments to secondary legislation

PART 1

The Marketing of Vegetable Plant Material Regulations (Northern Ireland) 1995

1.—(1) The Marketing of Vegetable Plant Material Regulations (Northern Ireland) 1995 ^{M6} are amended as follows.

^{F1}(2)

(3) In regulation 8(2), for “Council Directive [2000/29/EC](#)” substitute “ the EU Plant Health Regulation ”.

F1	Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2020 (S.R. 2020/293) , regs. 1, 55(1)(d) (with reg. 55(2)-(4))
Commencement Information	
I3	Sch. 5 para. 1 in operation at 14.12.2019, see reg. 1
Marginal Citations	
M6	S.R. 1995 No. 415.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2019*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

PART 2

The Marketing of Ornamental Plant Propagating Material Regulations (Northern Ireland) 1999

2.—(1) The Marketing of Ornamental Plant Propagating Material Regulations (Northern Ireland) 1999 are amended as follows.

(2) In regulation 2(1)—

(a) omit the definition of “Directive [2000/29/EC](#)”;

(b) at the appropriate place insert—

““the EU Plant Health Regulation” means Regulation (EU) 2016/2031 of the European Parliament of the Council on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives [69/464/EEC](#), [74/647/EEC](#), [93/85/EEC](#), [98/57/EC](#), [2000/29/EC](#), [2006/91/EC](#) and [2007/33/EC](#).

“the Plant Health Official Controls Regulations” means the Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2019;”.

(3) In regulation 6A(4), in the definition of “responsible official body”, for the words from “a body” to the end, substitute “an appropriate authority described in regulation 2(1) of the Plant Health Official Controls Regulations”.

(4) For regulation 7(5) substitute—

“(5) Registration of a supplier on the register of professional operators under regulation 5 of the Plant Health Official Controls Regulations is deemed to constitute registration for the purposes of paragraph (1) above.”.

(5) In regulation 8(3)—

(a) for the words from “a plant pest” to “Order (Northern Ireland) 1993” substitute “a controlled plant pest as defined in regulation 2(1) of the Plant Health Official Controls Regulations”;

(b) for the words from “article 20” to “certain plant pests” substitute “the EU Plant Health Regulation”.

(6) In regulation 9(2), for “Directive [2000/29/EC](#)” substitute “the EU Plant Health Regulation”.

^{F1}(7)

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

Commencement Information

I4 Sch. 5 para. 2 in operation at 14.12.2019, see [reg. 1](#)

PART 3

The Forest Reproductive Material Regulations (Northern Ireland) 2002

^{F13}

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2019. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

PART 4

The Seed Potatoes Regulations (Northern Ireland) 2016

^{F1}4.

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

PART 5

The Marketing of Fruit Plant and Propagating Material Regulations (Northern Ireland) 2017

5.—(1) The Marketing of Fruit Plant and Propagating Material Regulations (Northern Ireland) 2017 ^{M7} are amended as follows.

^{F1}(2)

(3) In regulation 3(1), omit the definition of “Directive [2000/29/EC](#)”.

(4) Omit regulation 10(6).

(5) In regulation 11(7), for the words from “plant trader” to “2006” substitute “ professional operator under regulation 4 of the Plant Health Official Controls Regulations ”.

^{F1}(6)

F1 Regulations revoked (except regs. 49, 50, Sch. 5 paras. 1(1)(3), 2(1)-(6), 5(1)(3)-(5), Sch. 6) (23.12.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/293\)](#), regs. 1, **55(1)(d)** (with reg. 55(2)-(4))

.....
Commencement Information

I5 Sch. 5 para. 5 in operation at 14.12.2019, see [reg. 1](#)

.....
Marginal Citations

M7 S.R. [2017 No. 119](#).

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2019. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 6

Regulation 50

Revocation of Instruments

Commencement Information

I6 Sch. 6 in operation at 14.12.2019, see [reg. 1](#)

<i>Instrument revoked</i>	<i>Reference</i>	<i>Extent of revocation</i>
The Plant Health (Wood and Bark) Order (Northern Ireland) 2005 (<i>Phytophthora ramorum</i>)	S.R. 2005 No. 252	The whole instrument
The Plant Health (Wood and Bark) Order (Northern Ireland) 2006	S.R. 2006 No. 66	The whole instrument
The Plant Health (Wood and Bark) Order (Northern Ireland) 2009 (Amendment)	S.R. 2009 No. 340	The whole instrument
The Plant Health (Wood and Bark) Order (Northern Ireland) 2010 (Amendment)	S.R. 2010 No. 48	The whole instrument
The Plant Health (Wood and Bark) Order (Northern Ireland) 2012 (Amendment)	S.R. 2012 No. 400	The whole instrument
The Plant Health (Wood and Bark) Order (Northern Ireland) 2015 (Amendment)	S.R. 2015 No. 129	The whole instrument
The Seed Potatoes Regulations (Northern Ireland) 2016	S.R. 2016 No. 190	Regulation 25(3)
The Plant Health Order (Northern Ireland) 2018	S.R. 2018 No. 184	The whole instrument
The Plant Health (Amendment) Order (Northern Ireland) 2019	S.R. 2019 No. 49	The whole instrument
The Plant Health (Wood and Bark) Order (Northern Ireland) 2019 (Amendment)	S.R. 2019 No. 99	The whole instrument
The Plant Health (Amendment No. 2) Order (Northern Ireland) 2019	S.R. 2019 No. 151	The whole instrument
The Plant Health (Amendment No. 3) Order (Northern Ireland) 2019	S.R. 2019 No. 160	The whole instrument
The Plant Health (Wood and Bark) Order (Northern Ireland) 2019 (Amendment No. 2)	S.R. 2019 No. 162	The whole instrument

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give effect to—

- (a) Regulation (EU) 2016/2031 of the European Parliament of the Council on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council (“the EU Plant Health Regulation”); and
- (b) Regulation (EU) 2017/625 of the European Parliament and of Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, in so far as it applies to the rules referred to in Article 1(2)(g) (“the official Controls Regulation”).

The Regulations also implement in relation to Northern Ireland—

- (a) Council Directive [69/464/EEC](#) on control of Potato Wart Disease (O.J. No. L 323, 24.12.1969, p. 1);
- (b) Council Directive [93/85/EEC](#) on the control of potato ring rot (O.J. No. L 259, 18.10.1993, p. 1);
- (c) Council Directive [98/57/EC](#) on the control of *Ralstonia solanacearum* (Smith) Yabuuchi et al. (O.J. No. L 235, 21.8.1998, p. 1); and
- (d) Council Directive [2007/33/EC](#) on the control of potato cyst nematodes and repealing Directive [69/465/EEC](#) (O.J. No. L 156, 16.6.2007, p. 12).

Part 1 is introductory and includes definitions. Regulation 3(2) provides for references to the European Union instruments listed in regulation 3(1) to be read as references to those instruments as amended from time to time.

Regulation 5 designates the Department of Agriculture, Environment and Rural Affairs as the competent authority in Northern Ireland.

Part 3 makes further provision in relation to consignments of plants, plant products and other objects from third countries which are subject to official controls on their entry into the European Union.

Part 4 contains powers to enable plant health inspectors appointed by the Department to take measures to prevent the establishment or spread of harmful plant pests in Northern Ireland.

Part 5 imposes additional temporary measures to prevent the entry of certain harmful plant pests into Northern Ireland or their establishment in, or spread within, Northern Ireland.

Part 6 makes further provision in relation to the registration of professional operators and the granting of authorisations to professional operators by the Department.

Part 7 imposes additional requirements in relation to certain solanaceous species (potatoes and tomatoes) to implement the Directives mentioned above.

Part 8 imposes additional notification requirements in respect of certain plants and plant products which are to be brought into Northern Ireland from third countries, other member States or Switzerland.

Part 9 sets out general powers of plant health inspectors to enable them to perform official controls and other official activities, and enforce the EU Plant Health Regulation, the Official Controls Regulation and these Regulations. Regulation 32 provides for recovery of expenses incurred by the Department and regulation 35 provides for an appeal process.

Part 10 contains general and supplemental provisions in relation to notices given by plant health inspectors.

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2019. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)*

Part 11 contains offences for non-compliance with specified provisions of the EU Plant Health Regulation and the Official Controls Regulation, and offences in relation to these Regulations. Regulation 48 sets out the penalties for these offences.

Part 12 deals with minor and consequential amendments to secondary legislation, revocations and transitional provisions in relation to Northern Ireland. Regulation 55 requires the Department to review the operation and effect of the EU Plant Health Regulation, the Official Controls Regulation and these Regulations and publish a report at five-yearly intervals.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2019. Any changes that have already been made by the team appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- Regulations mods by [S.R. 2020/293 reg.002](#)
- Regulations revoked in pt. by [S.R. 2020/293 reg. 55\(1\)\(d\)](#)
- Regulations revoked in pt. by [S.R. 2020/293 reg. 55\(4\)](#)
- reg. 20 revoked in pt. by [S.R. 2020/293 reg. 55\(3\)](#)
- reg. 51(3) revoked in pt. by [S.R. 2020/293 reg. 55\(2\)\(a\)](#)
- reg. 52(1) revoked in pt. by [S.R. 2020/293 reg. 55\(2\)\(b\)](#)
- reg. 53(1)(a) revoked in pt. by [S.R. 2020/293 reg. 55\(2\)\(c\)](#)

Changes and effects yet to be applied to the whole Rule associated Parts and Chapters:

Whole provisions yet to be inserted into this Rule (including any effects on those provisions):

- reg .002 revoked in pt. by [S.R. 2020/293 reg. 55\(2\)](#)