

## 1989 No. 426

## PLANT HEALTH

**Plant Health (Amendment) Order (Northern Ireland) 1989**

*Made* . . . . . 2nd November 1989

*Coming into operation* . . . . . 15th December 1989

The Department of Agriculture in exercise of the powers conferred on it by sections 2(a), 3(1)(b) and 4(1)(c) of the Plant Health Act (Northern Ireland) 1967(d) 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) 1989 and shall come into operation on 15th December 1989.

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

2. The Plant Health Order (Northern Ireland) 1988(e) shall be amended as provided in Articles 3 to 25.

*Interpretation*

3. In Article 3(1) after the definition of "authorised officer" there shall be inserted the following definition:

" "Beet Rhizomania Disease" means the disease caused by Beet Necrotic Yellow Vein virus;"

*Exception to prohibition on landing of seed potatoes*

4. In Article 4 after paragraph (2) there shall be inserted the following paragraph—

"(3) Paragraph (1)(d) shall not apply to seed potatoes grown in the Republic of Ireland and consigned through Northern Ireland to a destination outside Northern Ireland if, without being unloaded in Northern Ireland, such seed potatoes are moved direct from their place of landing to their place of exit from Northern Ireland."

(a) 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)

(b) As amended by S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Sch. 2

(c) As amended by S.I. 1984/702 (N.I. 2) Art. 15(2)

(d) 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)

(e) S.R. 1988 No. 175

*Beet Rhizomania Disease*

5. After Article 34 there shall be inserted—

“*Beet Rhizomania Disease*

**34A.** A notice declaring any premises infected with Beet Rhizomania Disease may direct that the occupier shall display in prominent places on the infected premises such number of copies of it or of any other notice or sign indicating that the premises are infected, as the Department or an inspector shall supply for that purpose.

**34B.** A person other than the owner or occupier of premises declared infected with Beet Rhizomania Disease or the servants or agents of such owner or occupier shall not enter those premises without reasonable excuse except with the written authority of an inspector, and the owner or occupier of those premises shall take all reasonable steps to prevent any unauthorised person from entering.”.

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

6. In Schedule 1 Part IA—

(a) there shall be deleted paragraph 21 (*Scolytus multistriatus* (Marsham)) and paragraph 22 (*Scolytus scolytus* (Fabricius)); and

(b) after paragraph 25 there shall be inserted the following paragraphs—

“26. *Acleris variana* (Fern) — Blackheaded Budworm (Tortrix Moth).

27. *Anomala orientalis* (Waterhouse) — Oriental Beetle.

28. *Enarmonia prunivora* (Walsh) — Lesser Appleworm.

29. *Nacobus aberrans* (Thorne) Thorne & Allen — False Root Knot Nematode.

30. *Opogona sacchari* (Bojer) — Sugarcane Borer.

31. *Premnotrypes* spp. (non-European) — Andean Potato Weevils.

32. *Xiphinema americanum* Cobb *sensu lato* (non-European populations) — a Dagger Nematode.

33. *Thrips palmi* Karny — Palm Thrips.”.

7. In Schedule 1 Part IB—

(a) there shall be deleted paragraph 1 (*Aplanobacter populi* Ridé); and

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

“4. *Xanthomonas populi* (Ridé) Ridé and Ridé, Bacterial Canker of Poplar.

5. *Xyella fastidiosa* (Wells *et al.*), Grapevine Pierce’s disease bacterium.”.

## 8. In Schedule 1 Part IC—

- (a) there shall be deleted paragraph 3 (*Ceratocystis ulmi* (Buism.) C. Moreau), paragraph 5 (*Cronartium comptoniae* Arthur), paragraph 6 (*Cronartium fusiforme* Hedgc. and Hunt ex Cumm.), paragraph 8 (*Endocronartium harknessi* (J. P. Moore) Y. Hiratsuka) and paragraph 12 (*Hypoxyylon pruinaum* (Klotzsche) Cke.);
- (b) in paragraph 17 for “*Poria weirii* Murr.” there shall be substituted “*Phellinus weirii* Murrill (syn. *Poria weirii* Murr.)”; and
- (c) after paragraph 19 there shall be inserted the following paragraphs—
- “20. *Cronartium* spp. (non-European), a cause of Conifer Rust.
21. *Endocronartium* spp. (non-European), a cause of Conifer Rust.
22. *Gymnosporangium* spp. (non-European), Fruit Tree/Juniper Rusts.
23. *Mycosphaerella larici-leptolepis* K. Ito *et al.*, the cause of Needle Cast of Larch.
24. *Peridermium* spp. (non-European), Branch and Stem Rusts of Pines.
25. *Sclerotinia fructicola* (Wint.) Rehm (syn. *Monilinia fructicola* (Wint.) Honey), Fruit Brown Rot.
26. *Phoma andina* Turkensteen, Black Potato Blight and Leaf Spot.
27. *Phyllosticta solitaria* Ell. and Ev., Apple Blotch and Canker.
28. *Septoria lycopersici* var. *malaguttii* Ciccarone and Boerema, Annular Potato Leaf Spot.”

9. In Schedule 1 Part ID, in paragraph 1 for “genera *Cydonia* Mill.” in both places where it occurs there shall be substituted “genera *Crataegus* L., *Cydonia* Mill.”.

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

## 10. In Schedule 1 Part IIA—

(a) after Item 1 there shall be inserted the following Item—

“1A. <i>Aphelenchoides besseyi</i>	Plants of strawberry
Christie—Rice White	( <i>Fragaria</i> L.) other than fruit
Tip Nematode	and seeds”;

(b) in column (3) of Item 7 (*Ditylenchus destructor* Thorne) for “Flower bulbs and potato tubers (*Solanum tuberosum* L.)” there shall be substituted “Tubers of potato (*Solanum tuberosum* L.) and flower bulbs of the genera *Crocus* L., *Gladiolus* L., *Hyacinthus* L., *Iris* L., *Tigridia* Juss. and *Tulipa* L.”; and

- (c) there shall be deleted Item 3 (*Caloptilia azaleella* (Brants)) and Item 16 (*Merodon equestris* (Fabricius)).

**11.** In Schedule 1 Part IIB—

- (a) for Item 5 (*Pseudomonas gladioli* pv. *gladioli* Severini) there shall be substituted the following Item—

“5. *Pseudomonas syringae* Plants of *Prunus* L. other than fruit  
pv. *persicae* (Prunier and seeds”;  
*et al.*)— Peach Canker

- (b) after Item 8 there shall be inserted the following Item—

“8A. *Xanthomonas ampelina* Plants of vines (*Vitis* L.) other  
Panagopoulos— than fruit and seeds.”  
Canker of Grapevine

**12.** In Schedule 1 Part IIC—

- (a) there shall be deleted Item 8 (*Ovulinia azaleae* Weiss), Item 15 (*Sclerotinia bulborum* (Wakk.) Rehm), Item 17 (*Septoria gladioli* Passer) and Item 18 (*Stromatinia gladioli* (Drayt.) Whet.);

- (b) after Item 7 there shall be inserted the following Item—

“7A. *Hypoxyton pruinautum* Plants of *Populus* L. other than  
(Klotszche) Cke. — seeds”;  
Canker of Poplar

- (c) after Item 12 there shall be inserted the following Item—

“12A. *Puccinia pitteriana* Plants of *Solanum* spp.”;  
Hess— Potato  
Common Rust

- (d) in column (3) of Item 20 (*Urocystis cepulae* Frost) after “*Allium* spp.” there shall be inserted “, other than seeds.”; and

- (e) after Item 21 there shall be inserted the following Item—

“22. *Verticillium dahliae* Plants of Hops  
Kleb— Hop Wilt (*Humulus lupulus* L.)”.

- 13.** In Schedule 1 Part IID in column (2) of Item 8 for “Little Cherry pathogen” there shall be substituted “Little Cherry Disease pathogen”.

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

- 14.** In Schedule 1 Part IIIA there shall be deleted paragraph 2 (*Caloptilia azaleella* (Brants)) and paragraph 5 (*Merodon equestris* (Fabricius)).

**15.** In Schedule 1 Part IIIB—

- (a) there shall be deleted paragraph 2 (*Ovulinia azaleae* Weiss) and paragraph 6 (*Stromatinia gladioli* (Drayt.) Whet.); and

- (b) after paragraph 4 there shall be inserted the following paragraph—

“4A. *Puccinia horiana* P. Henn. — Chrysanthemum White Rust”.

*Plants which may not be landed if they originate in certain countries*

16. In Schedule 2 Part I, in column (2) of Item 3 (Plants of trees and shrubs for planting) for "other than (1) seeds and (2) plants of the following families" there shall be substituted "other than (1) seeds, (2) plants of the genera *Ficus* L. and *Codiaeum* Juss and (3) plants of the following families".

17. In Schedule 2 Part III—

- (a) in column (3) of Item 21 (New potatoes and ware potatoes) after "Austria;" there shall be inserted "Canary Islands;"; and
- (b) after Item 22 there shall be inserted the following Item—  
 "22A. Plants of *Juniperus* L. Countries outside Europe."  
 other than fruits  
 and seeds

*Conditions subject to which plants may be landed*

18. In Schedule 3 Part IIA—

- (a) after Item 4 there shall be inserted the following Item—  
 "4A. Plants for planting. Where the plants originate in a country in which *Thrips palmi* Karny is known to occur an official statement shall have been made that:
  - (a) the place of production has been found free from *Thrips palmi* Karny; and
  - (b) the consignment has undergone appropriate treatment to ensure freedom from *Thysanoptera*."; and
- (b) in column (2) of Item 8 (Plants of deciduous trees and shrubs) after "in tissue culture" there shall be inserted "and plants specified in column (2) of Item 23A".

19. In Schedule 3 Part IIB in column (2) of Item 12 (Plants of Gramineae consigned from New Zealand) after "*Dendrocalamus* Nees" there shall be inserted "*Hakonechloa* Mak. ex Honda".

20. In Schedule 3 Part IIC—

- (a) in column (3) of Item 23—
  - (i) in sub-paragraph (a) there shall be deleted "(iii) Lesser Apple Worm (*E. prunivora* (Walsh));"; and
  - (ii) in sub-paragraph (b) after "is not known to occur" there shall be inserted "and that no symptoms of *Sclerotinia fructicola* have been observed at the place of production since the beginning of the last complete cycle of vegetation";
- (b) after Item 23 there shall be inserted the following Item—

“23A. Plants of:—

*Chaenomeles* Lindl.  
*Crataegus* L.  
*Cydonia* Mill.  
*Malus* Mill.  
*Photinia*  
*Prunus* L.  
*Pyrus* L.  
*Rosa* L.

Where the consignment originates in a country outside Europe the plants shall be dormant and free from leaves, flowers and fruit.”;

(c) in paragraph (1)(a) of column (3) of Item 24 after “Tortrix” there shall be inserted “Moth”;

(d) in Item 25—

(i) in column (2) before “*Cydonia* Mill.” there shall be inserted “*Crataegus* L.”; and

(ii) in sub-paragraph (a) of column (3) for “occur in *Cydonia*” there shall be substituted “occur in *Crataegus*, *Cydonia*”;

(e) after Item 25 there shall be inserted the following Items:—

“25A. Plants of the genera  
*Crataegus* L.  
*Malus* Mill.

An official statement shall have been made that the plants were grown either:

(a) in a country in which Apple Blotch and Canker (*Phyllosticta solitaria* (Ell. and Ev.)) is not known to occur in *Crataegus* or *Malus*; or

(b) at a place of production at which no symptoms of Apple Blotch and Canker (*Phyllosticta solitaria* (Ell. and Ev.)) have been observed during at least one official inspection carried out since the beginning of the last complete cycle of vegetation.

25B. Plants of the genera  
*Cydonia* Mill.  
*Malus* Mill.  
*Prunus* L.  
*Pyrus* L.

Where the consignment originates in a third country it shall be free from:

(a) Western Cherry Fruit Fly (*Rhagoletis indifferens* (Curran));

(b) Apple Curculio (*Tachypterellus quadrigibbus* (Say)).”;

- (f) in column (3) of Item 27 (Plants of *Dendranthema* (DC.) Des Moulins)—
- (i) in paragraph (5) (e) for “American Leafminer (*Liriomyza trifolii* (Burgess))” there shall be substituted “American Leafminer (*Amauromyza maculosa* (Malloch), *Liriomyza huidobrensis* (Blanchard), *L. sativae* (Blanchard) or *L. trifolii* (Burgess))”; and
  - (ii) there shall be deleted paragraphs (6) and (7);
- (g) in column (3) of Item 28 (Plants of the genus *Fragaria* L.)—
- (i) in paragraph (3) for sub-paragraph (a) there shall be substituted—
 

“(a) it shall be free from:

    - (i) Strawberry Weevils (*Anthonomus signatus* (Say) and *Anthonomus bisignifer* (Schenkling)); and
    - (ii) dead leaves and plant debris;”;
  - (ii) after paragraph (5) there shall be inserted the following paragraph—
 

“(6) An official statement shall have been made that either:

    - (a) the plants were grown in a country in which *Aphelenchoides besseyi* Christie is not known to occur; or
    - (b) where the consignment originates in a country in which *Aphelenchoides besseyi* Christie is known to occur:—
      - (i) no symptoms of *Aphelenchoides besseyi* have been observed on plants at the place of production since the beginning of the last complete cycle of vegetation; or
      - (ii) in the case of plants in tissue culture, the plants have been derived from plants which complied with sub-paragraph (b)(i) or have been officially tested by appropriate nematological methods and have been found free from *Aphelenchoides besseyi*.”;
- (h) in column (3) of Item 31 (Plants of hop (*Humulus lupulus* L.))—
- (i) in paragraph (1) after “(*Verticillium albo-atrum* (Reinke and Berth.))” there shall be inserted “and of Hop Wilt (*Verticillium dahliae* Kleb.)”;
  - (ii) in paragraph (2) there shall be deleted “that requirement shall also be complied with in respect of Hop Wilt (*Verticillium dahliae* Kleb.) and”;
- (i) there shall be deleted Item 61 (Plants of *Ulmus* L. and *Zelkova* Spach. for planting).

*Conditions subject to which certain seeds may be landed***21.** In Schedule 3 Part IV—

- (a) in column (3) of Item 66 (Seeds of lettuce) after “third country” there shall be inserted “it shall be free from Lettuce Mosaic virus and”; and
- (b) in column (3) of Item 67 (Seeds of lucerne) after paragraph (3) there shall be inserted the following paragraph—

“(4) Where the consignment originates in a third country, in addition to complying with the requirements specified in paragraphs (1) to (3), it shall be free from Verticillium Wilt of Lucerne (*Verticillium albo-atrum* (Reinke and Berth)).”.

*Conditions subject to which certain raw fruit may be landed***22.** In Schedule 3 Part VB—

- (a) in paragraph (1)(c) of column (3) of Item 74 for “Apple Fruit Worm (*Enarmonia prunivora* (Walsh))” there shall be substituted “Queensland Fruit Fly (*Dacus tryoni* (Froggatt))”; and
- (b) after Item 75 there shall be inserted the following Item—

“75A. Raw fruit from plants of the genus *Prunus* L. Between 1st March and 30th September (both dates inclusive), in the case of consignments originating in the Southern Hemisphere an official statement shall have been made that the fruit either:—

- (a) originates in an area recognised as being free from Fruit Brown Rot (*Sclerotinia fructicola* (Wint.) Rehm) in accordance with the procedure laid down in Article 16 of Directive 77/93/EEC; or
- (b) has been subjected to appropriate inspection and treatment procedures prior to harvest or export to ensure freedom from *Sclerotinia fructicola*.”.

*Conditions subject to which cut flowers may be landed*

**23.** In Schedule 3 Part VIIB there shall be deleted paragraphs (2) and (3) of column (3) of Item 87 (Cut flowers of *Dendranthema* (DC.) Des Moulins).

*Instruments amending Council Directive 77/93/EEC*

**24.** At the end of Schedule 5 there shall be inserted the following instruments—

“Fifth Commission Directive 88/271/EEC	O.J. No. L.116, 4.5.88, p. 13.
Sixth Commission Directive 88/272/EEC	O.J. No. L.116, 4.5.88, p. 19.
Seventh Commission Directive 88/430/EEC	O.J. No. L.208, 2.8.88, p. 36.
Council Directive 88/572/EEC	O.J. No. L.313, 19.11.88, p. 39.”.

*Pests in respect of which premises may be declared infected*

25. At the end of Schedule 8 there shall be inserted—

- “4. Beet Necrotic Yellow Vein virus, the cause of Beet Rhizomania Disease.”.

Sealed with the Official Seal of the Department of Agriculture on 2nd  
November 1989.

(L.S.)

*I. C. Henderson*

Assistant Secretary

## EXPLANATORY NOTE

(This note is not part of the Order.)

This Order amends the Plant Health Order (Northern Ireland) 1988 which imposes controls on the import and export of certain plant pests, plants, plant products, soil, growing medium, agricultural machinery and genetically manipulated material and contains controls to prevent the spread of specified pests within Northern Ireland. The principal changes which it effects are as follows:—

- (a) premises may be declared infected with Beet Rhizomania Disease (Articles 3 and 25) and provision is made for the display of notices on and restrictions on entry to such premises (Article 5);
- (b) seed potatoes grown in the Republic of Ireland are exempted from the prohibition on landing when the consignment is directly consigned through Northern Ireland to a destination outside Northern Ireland (Article 4);
- (c) certain provisions of Commission Directives 88/271/EEC, 88/272/EEC and 88/430/EEC and Council Directive 88/572/EEC (which amend Council Directive 77/93/EEC) are implemented by imposing controls or additional controls in relation to certain organisms harmful to plants whilst removing or modifying other controls (Articles 6 to 15(a), 17(b) to 20(e) and 20(g) to 22);
- (d) the prohibition on landing plants of the genera *Ficus* L. and *Codiaeum* Juss is removed (Article 16);
- (e) the requirement to notify the Department of Agriculture of the presence or suspected presence of Chrysanthemum White Rust has been removed (Article 15(b));
- (f) the Canary Islands are added to the list of third countries from which new potatoes and ware potatoes may be imported (Article 17(a)); and
- (g) the additional conditions concerning the importation from the Netherlands of chrysanthemum pot plants and cut flowers are deleted (Articles 20(f)(ii) and 23).