
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 249

PLANT HEALTH

Plant Health (Amendment No. 2) Order (Northern Ireland) 1996

Made - - - - - *25th June 1996*
Coming into operation *29th July 1996*

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. 2) Order (Northern Ireland) 1996 and shall come into operation on 29th July 1996.

Amendment of the Plant Health Order (Northern Ireland) 1993

2. The Plant Health Order (Northern Ireland) 1993(7) shall be amended in accordance with Articles 3 to 10.

3. In Article 5, for paragraph (4) there shall be substituted—

“(4) A person shall not without the authority of the Department or an inspector engage in any activity which involves genetic modification of a pest or engage in any activity which to his knowledge involves genetically modified pests.”

4. In Schedule 1, Part B(8), Section B for the entry in column (3) opposite Item 1 there shall be substituted—

“Denmark
Finland
France (Brittany)
Ireland

(1) As amended by S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Sch. 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; the relevant amending instruments are S.R. 1995 No. 250, S.R. 1995 No. 494 and S.R. 1996 No. 204
(8) See S.R. 1995 No. 494 Schedule 1

Portugal (Azores)

Sweden

United Kingdom”.

5. In Schedule 2, Part B(9),

- (a) for Section A there shall be substituted the Section set out in the Schedule;
- (b) in Section B in the entry in column (4) opposite Item 1 there shall be deleted “Italy”;
- (c) in Section C Item 4 shall be deleted.

6. In Schedule 3, Part B—

- (a) for the entry in column (3) opposite Item 1 there shall be substituted—

“Austria

Finland

France (Champagne-Ardenne, Alsace — except department of Bas-Rhin, Lorraine, Franche-Comté, Rhône-Alpes — except department of Rhône, Bourgogne, Auvergne — except department of Puy de Dome, Provence-Alpes-Côte d’Azur, Corse, Languedoc-Roussillon)

Ireland

Italy

Portugal

Spain

United Kingdom (Northern Ireland, the Isle of Man and the Channel Islands).”;

- (b) Items 2 and 3 shall be deleted.

7. In Schedule 4, Part B(10)—

- (a) for the entries in columns (2) and (4) opposite Item 1 there shall be respectively substituted —

“Plants of *Abies* Mill., *Larix* Mill., *Picea* Ireland United Kingdom(11).”;
A. Dietr., Pinus L. and Pseudotsuga

(9) See S.R. 1995 No. 494 Schedule 2

(10) See S.R. 1995 No. 494 Schedule 3 and S.R. 1996 No. 204 Article 7

(11) Scotland, Northern Ireland, England: the following counties: Bedfordshire, Berkshire, Buckinghamshire, Cambridgeshire, Cleveland, Cornwall, Cumbria, Devon, Dorset, Durham, East Sussex, Essex, Greater London, Hampshire, Hertfordshire, Humberside, Kent, Lincolnshire, Norfolk, Northamptonshire, Northumberland, Nottinghamshire, Oxfordshire, Somerset, South Yorkshire, Suffolk, Surrey, Tyne and Wear, West Sussex, West Yorkshire, the Isle of Wight, the Isle of Man, Jersey, the Isles of Scilly and the following parts of counties; AVON: that part of the county which lies to the south of the southern boundary of the M4 motorway; CHESHIRE: that part of the county which lies to the east of the eastern boundary of the Peak District National Park together with that part of the county which lies to the north of the northern boundary of the A52(T) road; GLOUCESTERSHIRE: that part of the county which lies to the east of the eastern boundary of the Fosse Way Roman road; GREATER MANCHESTER: that part of the county which lies to the east of the eastern boundary of the Peak District National Park; LEICESTERSHIRE: that part of the county which lies to the east of the eastern boundary of the Fosse Way Roman road together with that part of the county which lies to the east of the eastern boundary of the B411A road together with that part of the county which lies to the east of the eastern boundary of the M1 motorway; NORTH YORKSHIRE: the whole county except that part of the county which comprises the district of Craven; STAFFORDSHIRE: that part of the county which lies to the east of the eastern boundary of the A52(T) road; WARWICKSHIRE: that part of the county which lies to the east of the eastern boundary of the Fosse Way Roman road; WILTSHIRE: that part of the county which lies to the south of the southern boundary of the M4 motorway to the intersection of the M4 motorway and the Fosse Way Roman road, and that part of the county which lies to the east of the eastern boundary of the Fosse Way Roman road

Carr., over 3m. in height, other than fruit and seeds.

- (b) for the entries in columns (2) and (4) opposite Item 2 there shall be respectively substituted

“Plants of *Abies* Mill., *Larix* Mill., *Picea* Greece
A. Dietr., and *Pinus* L., over 3m. in
height, other than fruit and seeds. Ireland
United Kingdom.”;

- (c) for the entries in columns (2) and (4) opposite Item 3 there shall be respectively substituted

“Plants of *Abies* Mill., *Larix* Mill., *Picea* Ireland
A. Dietr., *Pinus* L. and *Pseudotsuga*
Carr., over 3m. in height, other than fruit United Kingdom.”;
and seeds.

- (d) for the entries in columns (2) and (4) opposite Item 4 there shall be respectively substituted

“Plants of *Abies* Mill., *Larix* Mill., *Picea* France (Corsica)
A. Dietr., *Pinus* L., over 3m. in height,
other than fruit and seeds. Greece
Ireland
United Kingdom.”;

- (e) for the entries in columns (2) and (4) opposite Item 5 there shall be respectively substituted

“Plants of *Abies* Mill., *Larix* Mill., *Picea* Greece
A. Dietr., *Pinus* L. and *Pseudotsuga*

- (11) Scotland, Northern Ireland, England: the following counties: Bedfordshire, Berkshire, Buckinghamshire, Cambridgeshire, Cleveland, Cornwall, Cumbria, Devon, Dorset, Durham, East Sussex, Essex, Greater London, Hampshire, Hertfordshire, Humberside, Kent, Lincolnshire, Norfolk, Northamptonshire, Northumberland, Nottinghamshire, Oxfordshire, Somerset, South Yorkshire, Suffolk, Surrey, Tyne and Wear, West Sussex, West Yorkshire, the Isle of Wight, the Isle of Man, Jersey, the Isles of Scilly and the following parts of counties; AVON: that part of the county which lies to the south of the southern boundary of the M4 motorway; CHESHIRE: that part of the county which lies to the east of the eastern boundary of the Peak District National Park together with that part of the county which lies to the north of the northern boundary of the A52(T) road; GLOUCESTERSHIRE: that part of the county which lies to the east of the eastern boundary of the Fosse Way Roman road; GREATER MANCHESTER: that part of the county which lies to the east of the eastern boundary of the Peak District National Park; LEICESTERSHIRE: that part of the county which lies to the east of the eastern boundary of the Fosse Way Roman road together with that part of the county which lies to the east of the eastern boundary of the B411A road together with that part of the county which lies to the east of the eastern boundary of the M1 motorway; NORTH YORKSHIRE: the whole county except that part of the county which comprises the district of Craven; STAFFORDSHIRE: that part of the county which lies to the east of the eastern boundary of the A52(T) road; WARWICKSHIRE: that part of the county which lies to the east of the eastern boundary of the Fosse Way Roman road; WILTSHIRE: that part of the county which lies to the south of the southern boundary of the M4 motorway to the intersection of the M4 motorway and the Fosse Way Roman road, and that part of the county which lies to the east of the eastern boundary of the Fosse Way Roman road

Carr., over 3m. in height, other than fruit and seeds. Ireland

United Kingdom (Northern Ireland and the Isle of Man).”;

- (f) for the entry in column (2) opposite Item 6 there shall be substituted—
 “Plants of *Abies* Mill., *Larix* Mill., *Picea* A. Dietr. and *Pinus* L., over 3m. in height, other than fruit and seeds.”;
- (g) for the entry in column (2) opposite Item 7 there shall be substituted—
 “Plants of *Abies* Mill., *Larix* Mill., *Picea* A. Dietr. and *Pinus* L., other than fruit and seeds.”;
- (h) in the entries in column (4) opposite Items 13, 14, 16, 17, 19, 20, 21, 22, 22A and 25 there shall be inserted in alphabetical order
 “France (Brittany).”;
- (i) after Item 23 there shall be inserted the following new Item—

“23A Seeds of <i>Gossypium</i> spp.	Official statement that the seed has been acid delinted.	Greece Spain (Andalucia, Catalonia, Extremadura, Murcia, Valencia).”;
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- (j) for the entry in column (4) opposite Item 24 there shall be substituted—
 “Portugal (Alentejo, Algarve and Madeira)
 Spain (Granada and Malaga).”.

8. In Schedule 5—

- (a) in Part A Section II—
- (i) for paragraph 1(a) there shall be substituted—
 “(a) plants of *Abies* Mill., *Larix* Mill., *Picea* A. Dietr., *Pinus* L. and *Pseudotsuga* Carr.”;
- (ii) in paragraph 1(c) the words “*Persea americana* P. Mill.” shall be deleted;
- (iii) for paragraph 1(i) there shall be substituted—
 “fruit (bolls) of *Gossypium* spp. and unginned cotton.”;
- (iv) paragraph 2(a) shall be deleted and paragraph 2(b) shall be renumbered “2(a)”;
- (b) in Part B Section II—
- (i) for paragraph 6 there shall be substituted—
 “Seeds and fruit (bolls) of *Gossypium* spp. and unginned cotton.”;
- (ii) for paragraph 7 there shall be substituted—
 “7. Parts of plants of *Eucalyptus* L'Hérit.”.

9. In Schedule 8(12)—

- (a) in Part A—
- (i) for the entry in column (3) opposite Item 1 there shall be substituted—

- “Greece
Spain (Andalucia, Catalonia, Extremadura, Murcia, Valencia)”;
- (ii) for the entries in column (3) opposite Items 4, 7, 8 and 9 there shall be respectively deleted the word “Spain”;
- (iii) in the entry in column (3) opposite Item 11 there shall be deleted the words “Greece, Spain”;
- (iv) for the entry in column (3) opposite Item 15 there shall be substituted—
“Portugal (Alentejo, Algarve and Madeira)
Spain (Granada and Malaga)”;
- (v) Item 17 shall be deleted;
- (b) in Part B—
- (i) in the entry in column (3) opposite Item 1 the word “Italy” shall be deleted;
- (ii) Item 3 shall be deleted;
- (c) in Part C, Items 4 and 5 shall be deleted;
- (d) in Part D—
- (i) in the entry in column (3) opposite Item 1 there shall be inserted in alphabetical order
“France (Brittany)”;
- (ii) Item 3 shall be deleted.

10. In Schedule 14(13) at the end there shall be added the following—

“Commission Directive 96/14/EC	O.J. No. L.68, 19.3.96, p. 24.
Commission Directive 96/15/EC	O.J. No. L.70, 20.3.96, p. 35.”.

Sealed with the Official Seal of the Department of Agriculture on

25th June 1996.

L. G. McKibben
Assistant Secretary

SCHEDULE

Article 5.

“SCHEDULE 2

Part B

Pests which may not be introduced into certain protected zones and whose spread within those zones is prohibited if they are present on certain plants or plant products
Section A

Insects, Mites and Nematodes at all stages of their development

Item	Description of pests	Description of plants and plant products	Protected zones
(1)	(2)	(3)	(4)
1.	<i>Anthonomus grandis</i> (Boh.)	Seed and fruits (bolls) of <i>Gossypium</i> spp. and unginned cotton.	Greece Spain (Andalucia, Catalonia, Extremadura, Murcia, Valencia)
2.	<i>Cephalcia lariciphila</i> (Klug)	Plants of <i>Larix</i> Mill., intended for planting, other than seeds.	Ireland United Kingdom (Northern Ireland, the Isle of Man and Jersey)
3.	<i>Dendroctonus micans</i> Kugelán	Plants of <i>Abies</i> Mill., <i>Larix</i> Mill., <i>Picea</i> A. Dietr., <i>Pinus</i> L. and <i>Pseudotsuga</i> Carr., over 3m. in height, other than fruit and seeds.	Greece Ireland United Kingdom ⁽¹⁴⁾

(14) Scotland, Northern Ireland, England: the following counties: Bedfordshire, Berkshire, Buckinghamshire, Cambridgeshire, Cleveland, Cornwall, Cumbria, Devon, Dorset, Durham, East Sussex, Essex, Greater London, Hampshire, Hertfordshire, Humberside, Kent, Lincolnshire, Norfolk, Northamptonshire, Northumberland, Nottinghamshire, Oxfordshire, Somerset, South Yorkshire, Suffolk, Surrey, Tyne and Wear, West Sussex, West Yorkshire, the Isle of Wight, the Isle of Man, Jersey, the Isles of Scilly and the following parts of counties; AVON: that part of the county which lies to the south of the southern boundary of the M4 motorway; CHESHIRE: that part of the county which lies to the east of the eastern boundary of the Peak District National Park together with that part of the county which lies to the north of the northern boundary of the A52(T) road; GLOUCESTERSHIRE: that part of the county which lies to the east of the eastern boundary of the Fosse Way Roman road; GREATER MANCHESTER: that part of the county which lies to the east of the eastern boundary of the Peak District National Park; LEICESTERSHIRE: that part of the county which lies to the east of the eastern boundary of the Fosse Way Roman road together with that part of the county which lies to the east of the eastern boundary of the B411A road together with that part of the county which lies to the east of the eastern boundary of the M1 motorway; NORTH YORKSHIRE: the whole county except that part of the county which comprises the district of Craven; STAFFORDSHIRE: that part of the county which lies to the east of the eastern boundary of the A52(T) road; WARWICKSHIRE: that part of the county which lies to the east of the eastern boundary of the Fosse Way Roman road; WILTSHIRE: that part of the county which lies to the south of the southern boundary of the M4 motorway to the intersection of the M4 motorway and the Fosse Way Roman road, and that part of the county which lies to the east of the eastern boundary of the Fosse Way Roman road

Item	Description of pests	Description of plants and plant products	Protected zones
(1)	(2)	(3)	(4)
4.	<i>Gilpinia hercyniae</i> (Hartig)	Plants of <i>Picea</i> A. Dietr., intended for planting, other than seeds.	Greece Ireland United Kingdom (Northern Ireland, the Isle of Man and Jersey)
5.	<i>Gonipterus scutellatus</i> Gyll.	Plants of <i>Eucalyptus</i> L'Hérit, other than fruit and seeds.	Greece Portugal
6.	(a) <i>Ips amitinus</i> Eichhof	Plants of <i>Abies</i> Mill., <i>Larix</i> Mill., <i>Picea</i> A. Dietr. and <i>Pinus</i> L., over 3m. in height, other than fruit and seeds.	France (Corsica) Greece Ireland United Kingdom
	(b) <i>Ips cembrae</i> Heer	Plants of <i>Abies</i> Mill., <i>Larix</i> Mill., <i>Picea</i> A. Dietr. and <i>Pinus</i> L., over 3m. in height, other than fruit and seeds.	Greece Ireland United Kingdom (Northern Ireland and the Isle of Man)
	(c) <i>Ips duplicatus</i> Sahlberg	Plants of <i>Abies</i> Mill., <i>Larix</i> Mill., <i>Picea</i> A. Dietr. and <i>Pinus</i> L., over 3m. in height, other than fruit and seeds.	Greece Ireland United Kingdom
	(d) <i>Ips sexdentatus</i> Boerner	Plants of <i>Abies</i> Mill., <i>Larix</i> Mill., <i>Picea</i> A. Dietr. and <i>Pinus</i> L., over 3m. in height, other than fruit and seeds.	Ireland United Kingdom (Northern Ireland and the Isle of Man)
	(e) <i>Ips typographus</i> Heer	Plants of <i>Abies</i> Mill., <i>Larix</i> Mill., <i>Picea</i> A. Dietr. and <i>Pinus</i> L., over 3m. in height, other than fruit and seeds.	Ireland United Kingdom
7.	<i>Pissodes</i> spp. (European)	Plants of <i>Abies</i> Mill., <i>Larix</i> Mill., <i>Picea</i> A. Dietr. and <i>Pinus</i> L.,	Ireland

Item	Description of pests	Description of plants and plant products	Protected zones
(1)	(2)	(3)	(4)
		other than fruit and seeds.	United Kingdom (Northern Ireland, the Isle of Man and Jersey)
8.	<i>Sternochetus mangiferae</i> Fabricius	Seeds of <i>Mangifera</i> spp. originating in third countries.	Portugal (Alentejo, Algarve and Madeira) Spain (Granada and Malaga)
9.	<i>Thaumetopoea pityocampa</i> (Den. et Schiff.)	Plants of <i>Pinus</i> L., intended for planting, other than fruit and seeds.	Spain (Ibiza)”

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order further amends the Plant Health Order (Northern Ireland) 1993.

This Order implements as respects Northern Ireland—

- (i) Commission Directive [96/14/EC](#) (O.J. No. L.68, 19.3.96, p. 24) amending 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;
- (ii) Commission Directive [96/15/EC](#) (O.J. No. L.70, 20.3.96, p. 35) amending Directive [92/76/EEC](#) recognising protected zones exposed to particular plant health risks in the Community.

(14) Scotland, Northern Ireland, England: the following counties: Bedfordshire, Berkshire, Buckinghamshire, Cambridgeshire, Cleveland, Cornwall, Cumbria, Devon, Dorset, Durham, East Sussex, Essex, Greater London, Hampshire, Hertfordshire, Humberside, Kent, Lincolnshire, Norfolk, Northamptonshire, Northumberland, Nottinghamshire, Oxfordshire, Somerset, South Yorkshire, Suffolk, Surrey, Tyne and Wear, West Sussex, West Yorkshire, the Isle of Wight, the Isle of Man, Jersey, the Isles of Scilly and the following parts of counties; AVON: that part of the county which lies to the south of the southern boundary of the M4 motorway; CHESHIRE: that part of the county which lies to the east of the eastern boundary of the Peak District National Park together with that part of the county which lies to the north of the northern boundary of the A52(T) road; GLOUCESTERSHIRE: that part of the county which lies to the east of the eastern boundary of the Fosse Way Roman road; GREATER MANCHESTER: that part of the county which lies to the east of the eastern boundary of the Peak District National Park; LEICESTERSHIRE: that part of the county which lies to the east of the eastern boundary of the Fosse Way Roman road together with that part of the county which lies to the east of the eastern boundary of the B411A road together with that part of the county which lies to the east of the eastern boundary of the M1 motorway; NORTH YORKSHIRE: the whole county except that part of the county which comprises the district of Craven; STAFFORDSHIRE: that part of the county which lies to the east of the eastern boundary of the A52(T) road; WARWICKSHIRE: that part of the county which lies to the east of the eastern boundary of the Fosse Way Roman road; WILTSHIRE: that part of the county which lies to the south of the southern boundary of the M4 motorway to the intersection of the M4 motorway and the Fosse Way Roman road, and that part of the county which lies to the east of the eastern boundary of the Fosse Way Roman road

The Order makes the following principal changes—

1. A person engaged in activities involving the genetic modification of pests or genetically modified plant pests under authority of a licence granted by the Department of Agriculture need no longer obtain additional authorisation for those activities from an inspector (regulation 3).
2. Protected zones recognised in respect of various specified plant pests are amended (regulations 4 to 9).