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STATUTORY RULES OF NORTHERN IRELAND

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**2008 No. 493**

**PLANT HEALTH**

**The Plant Health (Amendment  
No.3) Order (Northern Ireland) 2008**

Made - - - - 11th December 2008

Coming into operation 12th December 2008

The Department of Agriculture and Rural Development<sup>(1)</sup>, in exercise of the powers conferred on it by section 2 of the Plant Health Act (Northern Ireland) 1967<sup>(2)</sup>, makes the following Order.

**Citation and commencement**

1. This Order may be cited as the Plant Health (Amendment No.3) Order (Northern Ireland) 2008 and shall come into operation on 12th December 2008.

**Amendments to the Plant Health Order (Northern Ireland) 2006**

2.—(1) The Plant Health Order (Northern Ireland) 2006<sup>(3)</sup> is amended as follows.

(2) In Part A of Schedule 1, in the section “Insects, mites and nematodes”—

- (a) for item 4 substitute “*Anoplophora chinensis* (Forster)”; and
- (b) omit item 6.

(3) In Part A of Schedule 4, after item 81 insert—

“82. Plants, other than seeds, of *Acer* spp., *Aesculus hippocastanum*, *Alnus* spp., *Betula* spp., *Carpinus* spp., *Citrus* spp., *Corylus* spp., *Cotoneaster* spp., *Fagus* spp., *Lagerstroemia* spp., *Malus* spp., *Platanus* spp., *Populus* spp., *Prunus* spp., *Pyrus* spp., *Salix* spp., *Ulmus* spp., intended for planting, originating in any third country where *Anoplophora chinensis* (Forster) is known to occur

Without prejudice to the requirements in Schedule 3, items 4, 12 and 14 and Schedule 4, Part A, items 12, 13, 20, 21, 23, 24, 28, 29, 30, 31, 49, 51, 52, 53, 56, 61, 65, 66 and 71 the plants shall be accompanied by an official statement—

- (a) that the plants have been grown throughout their life in a place of production situated in a pest-free area established by the national plant protection organisation in the

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(1) Formerly the Department of Agriculture for Northern Ireland; see S.I. 1999/283 (N.I.1), Art. 3(4).  
(2) 1967 c. 28 (N.I.).  
(3) S.R. 2006 No. 82

country of origin in accordance with ISPMNo. 4 (the name of the pest-free area to be mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the rubric “Place of origin”); or

(b) that—

(i) the plants have been grown during a period of at least two years prior to export in a place of production, which is registered and supervised by the national plant protection organisation in the country of origin, established as free from *Anoplophora chinensis* (Forster) carried out at appropriate times and no signs of the organism have been found;

(ii) the plants have been grown in a site—

(aa) with complete physical protection against the introduction of *Anoplophora chinensis* (Forster); or

(bb) with the application of appropriate preventative treatments and surrounded by a buffer zone with a radius of at least two km where official surveys for the presence or signs of *Anoplophora chinensis* (Forster) are carried out annually at appropriate time and, where signs of *Anoplophora chinensis* (Forster) are found, eradication measures are immediately taken to restore the pest freedom of the buffer zone; and

(iii) immediately prior to export, consignments of the plants have been officially subjected

to a meticulous inspection for the presence of *Anoplophora chinensis* (Forster), in particular in roots and stems of the plants and where appropriate including destructive sampling”.

(4) In Part B of Schedule 4, after item 36 insert—

“37. Plants, other than seeds, of *Acer* spp., *Aesculus hippocastanum*, *Alnus* spp., *Betula* spp., *Carpinus* spp., *Citrus* spp., *Corylus* spp., *Cotoneaster* spp., *Fagus* spp., *Lagerstroemia* spp., *Malus* spp., *Platanus* spp., *Populus* spp., *Prunus* spp., *Pyrus* spp., *Salix* spp., and *Ulmus* spp., intended for planting, originating in an area from time to time demarcated under a legislative or administrative procedure in a member State for the purpose of eradicating and monitoring an infestation of *Anoplophora chinensis* (Forster)

- (a) The plants shall be accompanied by an official statement— that the plants have been grown during a period of at least two years prior to movement in a place of production which is registered in accordance with Commission Directive 92/90/EEC (establishing obligations to which producers and importers of plants, plant products or other objects are subject and establishing details for their registration)(4) and which has been subjected annually to two official meticulous inspections for any signs of *Anoplophora chinensis* (Forster), carried out at appropriate times and where appropriate including destructive sampling, and no signs of the organism have been found; and
- (b) That the plants were placed in a site —
- (i) With complete physical protection against the introduction of *Anoplophora chinensis* (Forster); or
- (ii) With the application of appropriate preventative treatments and surrounded by a buffer zone with a radius of at least two km beyond the boundary of the infested zone where official surveys for the presence of signs of *Anoplophora chinensis* (Forster) are found, eradication measures are immediately taken to restore the pest freedom of the buffer zone”.

(4) O.J. No. L 344, 26.11.1992, p.38.

(5) In Part A of Schedule 6 and Part A of Schedule 7, after item 7 insert—

“8. Without prejudice to paragraphs 1 and 7, plants, other than seeds, of *Acer* spp., *Aesculus hippocastanum*, *Alnus* spp., *Betula* spp., *Carpinus* spp., *Citrus* spp., *Corylus* spp., *Cotoneaster* spp., *Fagus* spp., *Lagerstroemia* spp., *Malus* spp., *Platanus* spp., *Populus* spp., *Prunus* spp., *Pyrus* spp., *Salix* spp., and *Ulmus* spp., intended for planting, originating in any third country where *Anoplophora chinchensis* (Forster) is known to occur or in an area demarcated under a legislative or administrative procedure in a member State for the purpose of eradicating and monitoring an infestation of *Anoplophora chinchensis* (Forster).”

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 11<sup>th</sup>  
December 2008.

*John Speers*  
A senior officer of the Department of Agriculture  
and Rural Development

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## EXPLANATORY NOTE

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

This Order amends the Plant Health Order (Northern Ireland) 2006 (S.I. 2006/82) (“the principal Order”) so as to implement Commission Decision 2008/840/EC of 7<sup>th</sup> November 2008, putting in place certain import restrictions on plants, other than seeds, of *Acer* spp., intended for planting, originating in any third country so as to prevent the introduction into Northern Ireland of *Anoplophora chinensis* (Forster) (the citrus longhorn beetle).

A full impact assessment has not been produced for this Order as no impact on the private or voluntary sectors is foreseen.