

EXPLANATORY MEMORANDUM

The Plant Health (Amendment) Order (Northern Ireland) 2009

2009 No. 179

1. The Department of Agriculture and Rural Development, in exercise of the powers conferred on it by sections 2 and 3 of the Plant Health Act (Northern Ireland) 1967, and of every other power enabling it in that behalf, makes the above-named Order, which is subject to negative resolution.

2. Description

2.1 This Order amends The Plant Health Order (Northern Ireland) 2006 ('the principal Order') (S.R. 2006/82). It implements Commission Directive 2009/7/EC, amending Annexes I, II, IV and V to Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ No L 40, 11.2.2009, p 12). The Order make various amendments to Schedules 1, 2, 4 and 6 to the principal Order so as to apply new restrictions on the introduction into Northern Ireland of certain plants and plant pests.

3. Matters of special interest to the Examiner of Statutory Rules

3.1 It is intended to put these measures in place as soon as possible in order to comply as closely as possible with the transposition date of 1st April 2009. The Directive was only issued on 10th February 2009, so the Department has had limited time in which to progress it through the legislative process.

4. Legislative Background

4.1 This Order amends the Plant Health Order (Northern Ireland) 2006 (SR 2006 No. 82).

5. Consultation

5.1 This legislation does not require consultation and it is not considered necessary as it places no more than negligible financial burden on industry and protects the local industry from infestation.

6. Territorial Extent and Application

6.1 This Statutory Rule applies to Northern Ireland.

7. European Convention on Human Rights

7.1 The proposed legislation has been screened for these issues and none were identified.

8. Equality Impact

8.1 These regulations will apply in equal measure to all Section 75 groups. It is not expected that any of these changes will impact differentially across any of the section 75 groups.

9. Regulatory Impact

9.1 A Regulatory Impact Assessment has not been prepared for this instrument as it results in only negligible costs for business and none for charities or voluntary bodies.

10. Financial Implications

10.1 There are no financial implications.

11. Policy background

11.1 The Department statutorily inspects imports of plants or plant products for plant pests and diseases. This Order amending Annexes I, II, IV and V to Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ No L 40, 11.2.2009, p 12). The Order make various amendments to Schedules 1, 2, 4 and 6 to the principal Order so as to apply new restrictions on the introduction into Northern Ireland of certain plants and plant pests.

12. Impact

12.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has negligible impact on business and none on charities or voluntary bodies.

13. Contact

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