

EXPLANATORY MEMORANDUM TO
THE PLANT HEALTH (AMENDMENT NO 2) ORDER (NORTHERN
IRELAND)

2011 No. 233

Introduction

1. The Department of Agriculture and Rural Development⁽¹⁾, in exercise of the powers conferred on it by sections 3(1)⁽²⁾ of the Plant Health Act (Northern Ireland) 1967⁽³⁾, 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 SI proposes to amend the Plant Health Order (Northern Ireland) 2006 by removing certain townlands previously scheduled as safety zones to protect against spread of potato wart disease. The Order lifts restrictions on the growing of potatoes in the former safety zones as provided in Article 2.

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

3.1 None

4. **Legislative Background**

4.1 This Order amends the Plant Health Order (Northern Ireland) 2006 by removing certain townlands previously scheduled as safety zones to protect against spread of potato wart disease.

5. **Consultation**

5.1 No consultation was conducted as the provisions of the Order places no financial burden on industry.

6. **Territorial Extent and Application**

6.1 This instrument applies to Northern Ireland.

7. **European Convention on Human Rights**

7.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

(1) Formerly the Department of Agriculture for Northern Ireland; *see* S.I. 1999/283 (N.I. 1) Art. 3(4)
(2) As amended by S.R. & O.(N.I.) 1972 No.351 Art.3 and Sch.2
(3) 1967 c. 28 (N.I.)

8. Section 24 of the Northern Ireland Act 1998

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

9. Equality Impact

9.1 These regulations will apply in equal measures to all Section 75 groups. It is not expected that any of these changes will impact differently across any of the Section 75 groups.

10. Regulatory Impact

10.1 A Regulatory Impact Assessment has not been prepared for this Statutory Rule as it has no impact on business, charities or voluntary bodies.

10.2 This Order allows producers to grow different varieties of potatoes on land previously restricted by the Plant Health Order (Northern Ireland) 2006, Schedule 14, Part B.

11. Financial Implications

11.1 There are no financial implications.

12. Policy background

12.1 In spring 2000 DARD started a programme of sampling and biological diagnosis (bioassay) of soil from land in County Down that was historically declared to be infected with potato wart disease. These tests have been carried out in line with an internationally agreed protocol (*Synchytrium endobioticum*, soil tests and descheduling of previously infested plots: Phytosanitary procedure 99/7340) to determine freedom from the presence of viable sporangia of *S. endobioticum*, the pathogenic agent of Potato Wart Disease.

12.2 In 2010 staff from DARD's Quality Assurance Branch (QAB) and Applied Plant Science Division (APSD) completed a bioassay for presence of viable sporangia of *S. endobioticum* in soil sampled from fields scheduled as being infested with *S. endobioticum*. As a result of these tests, QAB and AFBI APSD staff concluded that no viable inoculum exists in relation to growing areas throughout the 78 townlands in certain areas in the Ards Peninsula, Mid-Ulster and Cookstown areas. It is therefore no longer necessary to have these areas scheduled as safety zones in which the growing of non-immune potato varieties is prohibited.

13. Contact

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