

EXPLANATORY MEMORANDUM TO
THE PLANT HEALTH (AMENDMENT No.3) REGULATIONS (NI) 2011

2011 No. 352

1. The Department of Agriculture and Rural Development makes the following Order, in exercise of the powers conferred on it by sections 1(1) and (2A), 2 and 12(1) of the Plant Health Act (Northern Ireland) 1967 as read with paragraph 1A of Schedule 2 of the European Communities Act 1972, makes the following Regulations which are subject to negative resolution

2. Description

2.1 These Regulations amend the Plant Health Order (Northern Ireland) 2006 (S.R. 2006/82) (“the principal Regulations”), to introduce zero tolerance of *Dickeya* spp. for all grades of seed potato. Article 3 inserts a new paragraph (5) into Article 35 of the principal Order to cover notices served under the new Article 38A. Article 4 inserts a new Article 38A into the principal Order, containing provisions for the inspection of potatoes for the presence of *Dickeya* spp. and, if infection is suspected or identified, for requiring action to be taken by the person responsible for the potatoes or the premises on which they have been planted, stored, processed or packed. Articles 5 and 6 make minor drafting changes to the principal Order.

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

None

4. Legislative Background

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

5. Consultation

5.1 The Department conducted an 8 week consultation from 27 June to 22 August 2011. One response was received from the Ulster Farmers’ Union (UFU). The UFU were supportive of the proposals to introduce a nil tolerance for *Dickeya* spp.

6. Territorial Extent and Application

6.1 This Statutory Rule applies to Northern Ireland. Similar but separate legislation operates in England, Scotland and Wales.

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 The proposed legislation 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 Statutory Rule as it has no impact on business, charities or voluntary bodies.

9.2 There is no impact on the public sector.

10. Financial Implications

10.1 There are no financial implications associated with these Regulations.

11. Policy background

11.1 These Regulations are aimed at protecting Northern Ireland's high grade plant health status for seed potatoes and to protect the ware crop in general from the spread of *Dickeya solani*.

12. Contact

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