

## EXPLANATORY MEMORANDUM TO

### THE PLANT HEALTH (AMENDMENT No.2) ORDER (NI) 2013 – Ash Dieback

#### 2013 No. 103

1. The Department of Agriculture and Rural Development in exercise of the powers conferred on it by sections 2, 3(1), 3A, 3B(1) and 4(1) of the Plant Health Act (Northern Ireland) 1967 makes the following Order which is subject to negative resolution.

2. **Description**

The proposed Regulations make amendments to the Plant Health Order (Northern Ireland) 2006 (“the principal Regulations”) and revoke and replace the Plant Health (Amendment No.3) Order (Northern Ireland) 2012 which was made on 26 October 2012 to introduce emergency measures to prevent the introduction and spread of *Chalara Fraxinea* T Kowalski, including its teleomorph *Hymenoscyphus pseudoalbidus*, a cause of ash dieback.

Due to the short timescale required to make the Plant Health (Amendment No.3) Order (Northern Ireland) 2012, a revocation Order is required to amend and revise.

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

None

4. **Legislative Background**

The Plant Health (Amendment No. 3) Order (Northern Ireland) 2012 (SR 2012 No 392) is now revoked and replaced by this Order.

5. **Consultation**

N/A.

6. **Territorial Extent and Application**

This revised Statutory Rule applies to Northern Ireland only.

## **7. European Convention on Human Rights**

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

## **8. Equality Impact**

In accordance with DARD's obligations under Section 75 of the Northern Ireland Act 1998, the equality implications of the proposed Regulations have been assessed. The proposed legislation has been screened for equality and human rights issues and none were identified. It is not expected that any of the amendments set out in the draft Statutory Rule will impact differentially across any of the section 75 groups.

## **9. Regulatory Impact**

There are minimal financial implications anticipated for industry. It is therefore not considered necessary to prepare a Regulatory Impact Assessment and the Department is content that the proposed legislation meets DARD's commitment to Better Regulation and gold plating is not applicable.

## **10. Financial Implications**

There are minimal financial implications.

## **11. Policy background**

Ash Dieback is a disease of ash trees (*Fraxinus species*) caused by a fungus called Chalara fraxinea (*C. Fraxinea*). The disease causes leaf loss and crown dieback in affected trees and it can lead to tree death.

*C. Fraxinea* has caused widespread damage to ash tree populations in continental Europe, especially common ash (*Fraxinus excelsior*), including its 'Pendula' ornamental variety. *Fraxinus angustifolia* is also susceptible. Chalara dieback of ash is particularly destructive of young ash plants, killing them within one growing season of symptoms becoming visible. Older trees can survive initial attacks, but tend to succumb eventually after several seasons of infection.

The legislation, introduced on 26 October, restricts imports and movements of ash plants and seeds to those originating in pest free areas. As no country or region, including Northern Ireland, has yet established a pest free area, this means that movement of ash plants and seeds into, within and out of Northern Ireland is currently prohibited under the legislation.

The above mentioned legislation is now revoked due to further amendments being required; the Examiner of Statutory Rules comments

being considered; and incorporation of amendments from the latest GB Order, The Plant Health (England)(Amendment) Order 2012, S.I. 2012 No. 2922.

This Order implements Commission Directive 2008/61/EC (establishing the conditions under which certain harmful organisms, plants, plant products and other objects listed in Annexes 1 to V to Council Directive 2000/29/EC may be introduced into or moved within the Community or certain protected zones thereof, for trial or scientific purposes and for work on varietal selections).

This Order also implements Article 16(2) of Council Directive 2000/29/EC on protective measures against the introduction into the European Union of organisms harmful to plants or plant products and against their spread within the Union("the Plant Health Directive") establishes the EU plant health regime.

## **12. Contact**

Renee McDowell at the Department of Agriculture Tel: 02890 520855 or e-mail: [renee.mcdowell@dardni.gov.uk](mailto:renee.mcdowell@dardni.gov.uk) can answer any queries regarding the Statutory Rule.