

**2018 No. 183**

**PLANT HEALTH**

**The Marketing of Ornamental Plant Propagating Material  
(Amendment) Regulations (Northern Ireland) 2018**

*Made* - - - - - *24th October 2018*

*Coming into operation* - *14th November 2018*

The Department of Agriculture, Environment and Rural Affairs<sup>(a)</sup> makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972<sup>(b)</sup>.

The Department of Agriculture, Environment and Rural Affairs is designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to the common agricultural policy of the European Union<sup>(c)</sup>.

**Citation, commencement and interpretation**

1. These Regulations may be cited as the Marketing of Ornamental Plant Propagating Material (Amendment) Regulations (Northern Ireland) 2018 and come into operation on 14th November 2018.

2. The Interpretation Act (Northern Ireland) 1954<sup>(d)</sup> shall apply to these Regulations as it applies to an Act of the Assembly.

**Amendment of the Marketing of Ornamental Plant Propagating Material Regulations (Northern Ireland) 1999**

3. The Marketing of Ornamental Plant Propagating Material Regulations (Northern Ireland) 1999<sup>(e)</sup> are amended as follows.

4. After regulation 6 insert—

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(a) The Ministry of Agriculture became known as the Department of Agriculture by virtue of section 7(5) of the Northern Ireland Constitution Act (c.36), was renamed the Department of Agriculture and Rural Development by Article 3(4) of the Departments (Northern Ireland) Order 1999 (S.I. 1999/283 (N.I.1)) and was renamed the Department of Agriculture, Environment and Rural Affairs by section 1 of the Departments Act (Northern Ireland) 2016 (c.5(N.I.)).

(b) 1972 c.68; section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1)(a) and the European Union (Amendment) Act 2008 (c.7), the Schedule Part 1. Schedule 2(2) is prospectively repealed by the European Union (Withdrawal) Act 2018 (c.16), section 1 from exit day (see section 20 of that Act).

(c) S.I. 1972 No.1811, to which there are amendments not relevant to these Regulations.

(d) 1954 c.33.

(e) S.R. 1999 No. 502.

**“Further provision relating to *Palmae***

**6A.**—(1) In addition to meeting the requirements of regulation 4, propagating material of *Palmae* belonging to the genera and species referred to in the Annex to Commission Directive 93/49/EEC setting out the schedule indicating the conditions to be met by ornamental plant propagating material and ornamental plants pursuant to Council Directive 91/682/EEC(a) and having a diameter of the stem at the base of over 5 cm must meet the condition set out in paragraph (2) or the conditions set out in paragraph (3).

(2) The condition is that the material has been grown for its entire life in an area which has been established as free from the organism by a responsible official body in accordance with relevant International Standards for Phytosanitary Measures.

(3) The conditions are that the material has been grown in the two years prior to its marketing in a site subject to visual inspections carried out at least once every four months confirming the freedom of that material from the organism and it has been grown in a site—

- (a) with complete physical protection against the introduction of the organism, or
- (b) where the appropriate preventative treatments have been applied with respect to the organism.

(4) For the purposes of this regulation—

“International Standards for Phytosanitary Measures” means International Standards for Phytosanitary Measures prepared by the Secretariat of the International Plant Protection Convention established by the Food and Agriculture Organisation of the United Nations(b);

“the organism” means “*Rhynchophorus ferrugineus* (Olivier)”;

“responsible official body” means a body described in Article 2(1)(g) of Directive 2000/29/EC”(c).

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on 24th October 2018.



*John Joe O’Boyle*  
A senior officer of the  
Department of Agriculture, Environment and Rural Affairs

**EXPLANATORY NOTE**

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

These Regulations amend the Marketing of Ornamental Plant Propagating Material Regulations (Northern Ireland) 1999 (S.R. 1999 No. 502) to implement Commission Implementing Directive (EU) 2018/484 amending Directive 93/49/EEC as regards the requirements to be fulfilled by the propagating material of certain genera or species of *Palmae* in respect of *Rhynchophorus ferrugineus* (Olivier) (OJ No L 81, 23.3.2018, p. 10).

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- (a) OJ No L 250, 7.10.1993, p. 9, as last amended by Commission Implementing Directive (EU) 2018/484 (OJ No L 81, 23.4.2018, p. 10).
  - (b) Available from the IPPC Secretariat, AGPP-FAO, Viale Delle Terme di Caracalla, 00153, Rome, Italy and at <https://www.ippc.int/en/core-activities/standards-setting/ispms/>.
  - (c) OJ No L 169, 10.7.2000, p. 1, as last amended by Commission Implementing Directive (EU) 2017/1920 (OJ No L 271, 20.10.2017, p. 34).

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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