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STATUTORY RULES OF NORTHERN IRELAND

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**2018 No. 184**

**The Plant Health Order (Northern Ireland) 2018**

**PART 4**

**Registration of plant traders and authority to issue plant passports**

**Conditions for maintaining registration as a plant trader and other trade-related conditions**

**29.**—(1) A registered plant trader must—

- (a) keep an accurate plan of each of the plant trader's registered premises;
- (b) keep a record of all relevant material which is—
  - (i) purchased by the plant trader;
  - (ii) brought onto any of the plant trader's registered premises for the purpose of storing, planting or producing the material on those premises; or
  - (iii) produced on, or dispatched from, any of the plant trader's registered premises;
- (c) keep each document which the plant trader has created or received and which relates to the records referred to in sub-paragraph (b) for at least one year from the date on which the plant trader created or received it;
- (d) designate an individual (whether the plant trader or another person) who is technically experienced in relation to the registered activities and the related plant health matters affecting the registered premises and who is available to liaise with the Department in relation to matters arising under this Order;
- (e) examine each of the registered premises and the relevant material at those premises at such times and in the manner specified in any guidelines issued from time to time by the Department;
- (f) make a declaration that the plant trader is able and willing to comply with the conditions specified in sub-paragraphs (a) to (e) at any time and in any form that the Department requires; and
- (g) comply with any other conditions specified by the Department which the Department considers necessary for the purpose of assessing the presence of or the spread of any plant pest on any of the plant trader's registered premises by reason of the condition of those premises.

(2) The requirements of paragraph (1) shall not apply to any registered plant trader who is engaged solely in the production or importation of tubers of *Solanum tuberosum* L. (excluding seed potatoes).

(3) If the Department is satisfied that a registered plant trader has failed to comply with any of the conditions specified in paragraph (1), the Department may suspend the plant trader's registration until the Department is satisfied that the plant trader is able and willing to comply with those conditions.

(4) A professional operator who supplies or is supplied with *Xylella* specified plants, must—

- (a) keep a record of each lot of the plants supplied by the professional operator and the name of the professional operator to whom the lot was supplied for three years from the date on which it was supplied;
  - (b) keep a record of each lot of the plants received by the professional operator and the name of the professional operator who supplied the lot for three years from the date on which it was received; and
  - (c) immediately following the dispatch or receipt of any such lot, notify the Department in writing of the details specified in Article 10(4) of Decision (EU) 2015/789 in respect of that lot.
- (5) In paragraph (4)—
- (a) “professional operator” has the meaning given in Article 1(d) of Decision (EU) 2015/789;
  - (b) “*Xylella* specified plants” means—
    - (i) specified plants within the meaning of Article 1(c) of Decision (EU) 2015/789 which have been grown for at least part of their life in, or have been moved through, a demarcated area established in accordance with Article 4 of that Decision;
    - (ii) plants intended for planting, of *Coffea*, *Lavandula dentata* L., *Nerium oleander* L., *Olea europaea* L., *Polygala myrtifolia* L. or *Prunus dulcis* (Mill.) D.A. Webb which have never been grown in a demarcated area established in accordance with Article 4 of Decision (EU) 2015/789.