
STATUTORY RULES OF NORTHERN IRELAND

2018 No. 184

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

PART 3

Internal EU controls on movement

Prohibitions on the introduction of plant pests and relevant material from the European Union

19.—(1) No person may introduce any of the following plant pests and relevant material into Northern Ireland from another part of the European Union—

- (a) any plant pest of a description specified in Part A or B of Schedule 1;
- (b) any relevant material of a description specified in column 2 of Schedule 2 which is carrying or infected with a plant pest of a description specified in any entry in respect of that description of relevant material in column 3 of Schedule 2;
- (c) any plant pest which, although not specified in Schedule 1 or in column 3 of Schedule 2, is not normally present in Northern Ireland and which is likely to be injurious to plants in Northern Ireland;
- (d) any relevant material of a description specified in column 2 of Schedule 3 which originates in a third country specified in the entry in respect of that description of relevant material in column 3 of Schedule 3;
- (e) any relevant material of a description specified in column 2 of Part A of Schedule 4, unless the requirements specified in the entries in respect of that description of relevant material in column 3 of Part A of Schedule 4 are complied with;
- (f) any relevant material of a description specified in column 2 of Part B of Schedule 4, unless the requirements specified in the entries in respect of that description of relevant material in column 3 of Part B of Schedule 4 are complied with;
- (g) any relevant material of a description specified in column 2 of Part C of Schedule 4, unless the requirements specified in the entries in respect of that description of relevant material in column 3 of Part C of Schedule 4 are complied with.

(2) Paragraph (1) applies to the specified plant pests and relevant material whether they originate in another part of the European Union or a third country.

(3) But paragraph (1) does not apply to any relevant material of a description specified in column 2 of Part A or C of Schedule 4 to which Part 2 applies.

(4) Paragraph 1(e) and (f) does not apply to any relevant material which is prohibited from being introduced into Northern Ireland under paragraph (1)(d).

(5) No person may land any of the following potatoes into Northern Ireland unless written notification of the matters referred to in paragraph (6) is provided to an inspector at least two days prior to the intended date of their landing—

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- (a) seed potatoes grown or suspected to have been grown in another member State or in Switzerland; or
 - (b) potatoes, other than seed potatoes, grown or suspected to have been grown in Poland, Portugal, Romania or any part of Spain (other than the Canary Islands, Ceuta and Melilla).
- (6) The matters are—
- (a) the intended time and date of their landing;
 - (b) their intended use;
 - (c) their intended destination;
 - (d) their variety and quantity; and
 - (e) the identification number of the producer of the potatoes.
- (7) In the case of notifiable citrus fruits, the person who is introducing the fruits into the European Union via a point of entry in another part of the European Union shall provide written notification to the Department at the specified address, prior to their arrival at that point of entry, of—
- (a) the expected date of their introduction into the European Union;
 - (b) their point of entry into the European Union;
 - (c) their volume;
 - (d) the identification numbers of their containers;
 - (e) the names, addresses and the locations of the premises in Northern Ireland at which they are to be processed.
- (8) Paragraphs (1)(e), (f) and (g) and (5) are subject to article 23.
- (9) In this article—
- “notifiable citrus fruits” means citrus fruits for processing which are to be introduced into the European Union via a point of entry in another member State and processed into juice in Northern Ireland;
- “specified address” means the address given by the Department from time to time for the purposes of paragraph (7).

Notification of the landing of certain plants for planting

20.—(1) A person who lands the following plants must notify an inspector in writing of the matters referred to in paragraph (2) prior to or no later than four days after the date of their landing in Northern Ireland—

- (a) plants of *Castanea* Mill., *Fraxinus* L., *Pinus* L., *Platanus* L., *Prunus* L., *Quercus* L. or *Ulmus* L., intended for planting, which have been grown or are suspected to have been grown in another member State; or
 - (b) plants of *Castanea* Mill., *Fraxinus* L., *Pinus* L., *Platanus* L., *Prunus* L., *Quercus* L. or *Ulmus* L., intended for planting, which have been grown or are suspected to have been grown in Switzerland and to which the requirements of article 6 do not apply.
- (2) The matters are—
- (a) the intended date of their landing or, if they have landed in Northern Ireland, the date on which they first landed in Northern Ireland;
 - (b) their intended destination, or if they have landed in Northern Ireland, their current location;
 - (c) their genus, species and quantity;
 - (d) the identification number of the supplier of the plants; and
 - (e) the country from which they have been consigned.

(3) Paragraph (1) is subject to article 23.

Prevention of the spread of plant pests

21.—(1) No person may knowingly keep, store, plant, sell or move or knowingly cause or permit to be kept, stored, planted, sold or moved—

- (a) any plant pest of a description specified in Part A or B of Schedule 1;
- (b) any relevant material of a description specified in column 2 of Schedule 2 which is carrying or infected with a plant pest of a description specified in any entry in respect of that description of relevant material in column 3 of Schedule 2;
- (c) any plant pest which, although not specified in Schedule 1 or in column 3 of Schedule 2, is not normally present in Northern Ireland and which is likely to be injurious to plants in Northern Ireland;
- (d) any relevant material introduced into Northern Ireland in contravention of article 5(1)(d), (e) or (f) or article 19(1)(d), (e), (f) or (g);
- (e) any relevant material of a description specified in column 2 of Part B of Schedule 4 which originates in Northern Ireland, unless the requirements specified in the entries in respect of that description of relevant material in column 3 of Part B of Schedule 4 are complied with;
- (f) any relevant material of a description specified in column 2 of Part C of Schedule 4 which originates in Northern Ireland, unless the requirements specified in the entries in respect of that description of relevant material in column 3 of Part C of Schedule 4 are complied with;
- (g) any relevant material introduced into Northern Ireland from England, Scotland or Wales which, if it had been introduced from a third country or another part of the European Union, would have contravened article 5(1)(d), (e) or (f) or article 19(1)(d), (e), (f) or (g).

(2) The prohibitions in paragraph (1) does not apply to any plant pest or relevant material which is required to be kept, stored or moved in compliance with a requirement imposed by an inspector under Part 6 or 7.

(3) Paragraph (1)(e) and (f) is subject to article 23.

(4) In this article, “move” means move or otherwise dispose of, and “moved” is to be construed accordingly.

Requirements for plant passports

22.—(1) No person may introduce into, or move within, Northern Ireland, any relevant material of a description specified in Part A of Schedule 6 where it comprises EU transit goods or originates in Northern Ireland or elsewhere in the European Union, unless the relevant material is accompanied by a plant passport and, if originating in Northern Ireland, has been the subject of a satisfactory inspection at the place of production.

(2) No person may introduce into, or move within, Northern Ireland, any relevant material of a description specified in Part B of Schedule 6 where it comprises EU transit goods or originates in Northern Ireland or elsewhere in the European Union, unless the relevant material is accompanied by a plant passport which is valid for Northern Ireland as a protected zone and, if originating in Northern Ireland, has been the subject of a satisfactory inspection at the place of production.

(3) No person may move within Northern Ireland any relevant material which has been discharged under article 12 and which is of a description specified in Part A of Schedule 6, unless it is accompanied by a plant passport.

(4) No person may move within Northern Ireland any relevant material which has been discharged under article 12 and which is of a description specified in Part B of Schedule 6, unless it is accompanied by a plant passport which is valid for Northern Ireland as a protected zone.

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(5) No person may consign from Northern Ireland to another part of the European Union any relevant material of a description specified in Part A of Schedule 7, unless the relevant material is accompanied by a plant passport.

(6) No person may consign from Northern Ireland to a protected zone in another part of the European Union any relevant material of a description specified in Part B of Schedule 7, unless the relevant material is accompanied by a plant passport which is valid for that protected zone.

(7) The requirements in paragraphs (1) and (2) do not apply in relation to the introduction into Northern Ireland of relevant material in respect of which the Department has agreed, under an EU transit agreement, to carry out a plant health check.

(8) Paragraphs (1), (2), (5) and (6) are subject to article 23.

(9) Paragraphs (2) and (4) are subject to article 24.

Exceptions from certain prohibitions and requirements

23.—(1) The following provisions do not apply to small quantities of relevant material, other than excluded material, if the relevant material meets the conditions in paragraph (2)—

- (a) article 19(1)(e), (f) and (g) and (5);
- (b) article 20(1);
- (c) article 21(1)(e) and (f); and
- (d) article 22(1), (2), (5) and (6).

(2) The conditions are that the relevant material—

- (a) does not show any signs of the presence of a plant pest;
- (b) is not intended for use in the course of a trade or business; and
- (c) is intended for household use.

(3) The requirements in article 22(1) do not apply to plants intended for planting, other than seeds, which can only grow in water or soil that is permanently saturated with water, which originate in an area established in accordance with Article 5 of Decision 2012/697/EU and which are only being moved within that area.

(4) The requirements in article 22(1) and (5) which would apply by virtue of paragraph 16 of Part A of Schedules 6 and 7 to *Xylella* host plants within the meaning of Article 1(b) of Decision (EU) 2015/789 and to pre-basic mother plants and pre-basic material referred to in Article 9(9) of that Decision do not apply where the plants are being moved by a person acting for purposes outside the person's trade, business or profession and the person is acquiring them for personal use.

(5) The Department may exempt from the prohibition on movement in article 22(1) or (2) the movement of relevant material which originates in Northern Ireland if the Department is satisfied that—

- (a) the movement is made locally by small producers or processors whose entire production and sale of such material is intended for final usage by persons on the local market who are not professionally involved in plant production; and
- (b) there is no risk of plant pests spreading or being spread as a result of that movement.

(6) In paragraph (1), “excluded material” means any of the following material—

- (a) plants of *Castanea* Mill. intended for planting;
- (b) plants of *Fraxinus* L. intended for planting;
- (c) plants, other than seeds, of *Platanus* L. intended for planting.

Validity of plant passports for Northern Ireland

24.—(1) This article applies to relevant material of a description specified in Part B of Schedule 6 which is moved from a place in Northern Ireland, or through Northern Ireland, to a destination outside Northern Ireland.

- (2) The requirements in article 22(2) and (4) do not apply if the relevant material—
- (a) originates in Great Britain; or
 - (b) is accompanied during its transit through Northern Ireland by a document of a type normally used for trade purposes which certifies that the material originates outside Northern Ireland and is in transit to a final destination outside Northern Ireland and the conditions in paragraph (3) are met.
- (3) The conditions are that—
- (a) the packaging in which the relevant material is transported and any vehicle which is used to transport the material is free from soil and plant debris and any relevant plant pest in relation to which Northern Ireland is a protected zone;
 - (b) the material was sealed immediately after packaging or, where appropriate, after loading, and remains sealed during the transit of the material through Northern Ireland; and
 - (c) the nature or construction of the packaging in which the material is transported and any vehicle which is used to transport the material are sufficient to ensure that there is no risk of any relevant plant pest which may be present in or on the relevant material escaping.

General provisions relating to plant passports

25.—(1) Any alteration or erasure in a plant passport automatically invalidates the plant passport unless the alteration or erasure is certified by an authorised officer or the plant trader authorised under article 30 to issue the plant passport, in either case by initialling the alteration or erasure by hand.

(2) A plant passport relating to any relevant material is to be treated as accompanying that relevant material only if the plant passport is affixed to the relevant material, its packaging or the vehicle transporting it by an authorised officer, by the plant trader authorised to issue it or by an inspector.

(3) Where a plant passport comprises an official label and is to be affixed by the plant trader who is authorised to issue the plant passport, the plant trader must affix it in such a way that it cannot be re-used.

(4) A person may only issue a replacement plant passport to replace a plant passport issued in respect of a consignment if—

- (a) the consignment has been divided up, the consignment or part of the consignment has been combined with another consignment or the plant health status of the consignment has been changed; and
- (b) the person is satisfied that the relevant material to which the replacement plant passport will relate can be identified and is free from any risk of infestation by a plant pest of a description specified in Part A or B of Schedule 1 or in column 3 of Schedule 2.

(5) A plant passport or official documentation which accompanies any relevant material in accordance with article 22 must be retained by the person who is the final user of the relevant material or who uses the relevant material in the course of a trade or business.

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