
STATUTORY RULES OF NORTHERN IRELAND

2018 No. 184

The Plant Health Order (Northern Ireland) 2018

PART 8

Licences

Licences to carry out activities prohibited by this Order

42.—(1) Notwithstanding any other provision of this Order, any plant pest or relevant material may be introduced into, or kept, stored, planted, moved or otherwise disposed of in, Northern Ireland and any other thing prohibited by this Order may be done under the authority of a licence granted by the Department—

- (a) in exercise of any derogation permitted by [Directive 2000/29/EC](#); or
- (b) for trial or scientific purposes, or for work on varietal selections, in relation to a domestic quarantine plant pest.

(2) A licence granted under paragraph (1)(b) must be in writing and may be granted—

- (a) subject to conditions;
- (b) for an indefinite period or a specified period.

(3) In this article, “domestic quarantine plant pest” means a plant pest which is not of a description listed in Annex I or II to [Directive 2000/29/EC](#) and which is not normally present in, and is likely to be injurious to plants, in Great Britain.

Licences for trial or scientific purposes or for work on varietal selections permitted by [Directive 2008/61/EC](#)

43.—(1) The Department must by licence authorise the introduction, movement or keeping of any plant pest or relevant material for any activity for trial or scientific purposes or for work on varietal selections, where the introduction, movement or keeping of the plant pest or relevant material for any such purpose would otherwise be prohibited by this Order, if the Department—

- (a) has received an application for a licence containing the information set out in Article 1(2) of [Directive 2008/61/EC](#); and
- (b) is satisfied that the general conditions set out in Annex I to that Directive are met in relation to the application.

(2) A licence granted under paragraph (1) must be in writing and include—

- (a) any conditions laid down in Article 2(2) of [Directive 2008/61/EC](#) which are relevant to any plant pest or relevant material that is the subject of the activities to which the licence relates; and
- (b) any other conditions specifying quarantine measures under paragraph 2(a) of Annex I to that Directive or further quarantine measures under paragraph 2(b) of Annex I to that Directive as the Department may determine.

(3) The Department must revoke a licence granted under paragraph (1) where it is established to the satisfaction of the Department that the licensee has not complied with or met any condition of the licence which is imposed under paragraph (2)(b).

(4) On the conclusion of any activities to which a licence granted under paragraph (1) relates, the licensee must, unless otherwise authorised by the Department under paragraph (5)—

- (a) destroy or sterilise any plant pest or relevant material that was the subject of the activities and any other relevant material which has come into contact with or which may have been contaminated by any such plant pest or relevant material; and
- (b) sterilise or clean in any manner specified by the Department, the premises and facilities at which the activities were carried out.

(5) The Department may authorise the licensee to refrain from destroying any relevant material under paragraph (4)(a) if the Department is satisfied that it has been subject to appropriate quarantine measures and has been found, in any manner specified by the Department, to be free from the plant pests specified in Schedule 1 and in column 3 of Schedule 2 and from other plant pests considered by the Department to pose a risk.

(6) For the purpose of paragraph (2), references to the responsible official body in Article 2(2) of, and Annex I to, [Directive 2008/61/EC](#) are to be taken to refer to the Department.

(7) In this article, “appropriate quarantine measures” means—

- (a) in the case of relevant material for which quarantine measures are specified in Part A of Annex III to [Directive 2008/61/EC](#), those measures; and
- (b) in the case of any other relevant material, any quarantine measures, including testing, as may be specified by the Department.