#### STATUTORY RULES OF NORTHERN IRELAND

# 2019 No. 230

# PLANT HEALTH

# The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2019

Made - - - - 13th December 2019
Coming into operation 14th December 2019

## THE PLANT HEALTH (OFFICIAL CONTROLS AND MISCELLANEOUS PROVISIONS) REGULATIONS (NORTHERN IRELAND) 2019

#### PART 1

#### Introduction

- 1. Citation and commencement
- 2. Interpretation
- 3. Interpretation: EU Decisions
- 4. Article 82 of the EU Plant Health Regulation: meaning of "close proximity"

#### PART 2

#### Competent authorities

5. Designation of competent authority

#### PART 3

Official Controls on controlled consignments from third countries and other official controls on goods from third countries

- 6. Derogations to the requirement to give prior notification in accordance with Article 1(1) of Commission Implementing Regulation (EU) 2019/1013
- 7. Suspicion of non-compliance
- 8. Consignments not correctly presented for official controls
- 9. Official measures in relation to non-compliant consignments or consignments which pose a risk to plant health
- 10. Notices under Regulation 7, 8 or 9

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2019. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 11. Border control posts: authorisation of inspection centres and commercial storage facilities
- 12. Transitional provision: approved places of inspection

#### PART 4

Official activities to prevent the establishment or spread of plant pests

- 13. Introduction
- 14. Notices in relation to controlled plant pests or prohibited material
- 15. Action which may be taken by a plant health inspector
- 16. Establishment of demarcated areas and measures to be taken in those areas

#### PART 5

#### Temporary national measures

17. Schedule 1 contains additional temporary measures to prevent the entry...

#### PART 6

Registration, authorisations and certificates

- 18. Application for registration
- 19. Other applications
- 20. Authorisations for other purposes
- 21. Authorisations granted by the Department

#### PART 7

Measures relating to certain solanaceous species

22. Schedule 2 contains specific measures relating to certain solanaceous species....

#### PART 8

Notification requirements for the organisation of official controls

- 23. Notification requirements in relation to seed potatoes
- 24. Notification requirements in relation to citrus fruits
- 25. Notification requirements in relation to other plants and plant products

#### PART 9

General powers of inspectors, enforcement, recovery of expenses and appeal

- 26. Interpretation
- 27. Powers of entry
- 28. Right of entry conferred by a warrant issued by a lay magistrate
- 29. Information notices
- 30. Failure to comply with a notice
- 31. Marking of wood packaging material: power of seizure
- 32. Recovery of expenses
- 33. Disclosure of information held by the Commissioners for Her Majesty's Revenue and Customs

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2019. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 34. Disclosure of information
- 35. Appeal

#### PART 10

## General and supplemental provisions relating to notices

- 36. Miscellaneous provisions as to notices
- 37. Service of notices

#### PART 11

#### Offences

- 38. General
- 39. Failure to comply with requirements of notices etc.
- 40. Defence: reasonable excuse
- 41. Provision of false or misleading information
- 42. Improper use of plant passports or certificates
- 43. Obstruction
- 44. Offence relating to the disclosure of information held by Revenue and Customs
- 45. Defence: lawful disclosure
- 46. Offences by bodies corporate
- 47. Offences by partnerships and unincorporated associations
- 48. Penalties

#### PART 12

#### Miscellaneous

- 49. Minor and consequential amendments
- 50. Revocation
- 51. Transitional provisions: licences under article 36(1) of the 2006 Order or article 43(1) of the 2018 Order
- 52. Transitional provisions: other licences under the 2006 Order or the 2018 Order
- 53. Transitional provisions: notices Signature

SCHEDULE Temporary national measures

PART 1 — Plants, plant products or other objects from third countries

- 1. Interpration
- 2. Temporary measures applying to the introduction of plants, plant products or other objects from third countries
  - PART 2 Plants, plant products or other objects from another part of the Union territory
- 3. Temporary measures applying to the introduction of plants, plant products or other objects from another part of the Union territory
- 4. No person may introduce or move any plants, plant products...
- 5. Inspection and control of potato plant health Dickeya spp.

**SCHEDULE** 

2

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2019. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- PART 1 General interpretation
- 1. In this Schedule— "Directive 93/85/EEC" means Council Directive...
  - PART 2 General provisions relating to the planting of certain solanaceous species
- 2. General restrictions on the planting of potatoes
- 3. Restrictions on the planting of potatoes in the protected region
  - PART 3 Measures for the control of Potato wart disease
- 4. Interpretation
- 5. Official measures relating to contaminated plots of land
- 6. Prohibition on the planting of potatoes on contaminated plots
- 7. Revocation of the demarcation of a contaminated plot
  - PART 4 Measures for the control of European populations of Potato cyst nematode
- 8. Interpretation
- 9. Official investigations and surveys
- 10. Official records of investigations and surveys
- 11. Notices in relation to infested fields and contaminated susceptible material
- 12. Prohibition on the planting of potatoes in infested fields
- 13. Controls on contaminated seed potatoes etc.
- 14. Controls on potatoes for industrial processing or grading
- 15. Controls on contaminated bulbs etc.
- 16. Further investigations for the presence of Potato cyst nematodes PART 5 Measures for the control of Potato ring rot
- 17. Interpretation
- 18. Official surveys and testing
- 19. Measures to be taken following the confirmation of the presence of Potato ring rot
- 20. Restrictions in relation to susceptible material or objects contaminated or possibly contaminated with Potato ring rot
- 21. Measures in relation to a contaminated place of production
- 22. Additional measures applicable to a unit of protected crop production
- 23. Measures to be taken in demarcated zones for the control of Potato ring rot
  - PART 6 Measures for the control of Potato brown rot
- 24. In this Schedule—" certified seed potatoes" means pre-basic...
- 25. Official surveys and testing
- 26. Measures to be taken following the confirmation of the presence of Potato brown rot
- 27. Restrictions in relation to susceptible material or objects contaminated or possibly contaminated with Potato brown rot
- 28. Measures which may be required in relation to a contaminated place of production
- 29. Additional measures in relation to units of protected crop production
- 30. Measures to be taken in demarcated zones for the control of Potato brown rot
- SCHEDULE Offences: relevant provisions in the EU Regulations

PART 1 — The EU Plant Health Regulation

PART 2 — The Official Controls Regulation

PART 3 — Other EU legislation

Document Generated: 2024-01-08

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2019. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE EU emergency decisions relating to plant health

PART 1 — Offences relating to the EU Decisions

SCHEDULE

Amendments to secondary legislation

4

- PART 1 The Marketing of Vegetable Plant Material Regulations (Northern Ireland) 1995
- 1. (1) The Marketing of Vegetable Plant Material Regulations (Northern Ireland)...
  - PART 2 The Marketing of Ornamental Plant Propagating Material Regulations (Northern Ireland) 1999
- 2. (1) The Marketing of Ornamental Plant Propagating Material Regulations (Northern...
  - PART 3 The Forest Reproductive Material Regulations (Northern Ireland) 2002
- 3. (1) The Forest Reproductive Material Regulations (Northern Ireland) 2002 are...
  - PART 4 The Seed Potatoes Regulations (Northern Ireland) 2016
- 4. (1) The Seed Potatoes Regulations (Northern Ireland) 2016 are amended...
  - PART 5 The Marketing of Fruit Plant and Propagating Material Regulations (Northern Ireland) 2017
- 5. (1) The Marketing of Fruit Plant and Propagating Material Regulations...

SCHEDULE Revocation of Instruments

6

**Explanatory Note** 

#### **Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2019. Any changes that have already been made by the team appear in the content and are referenced with annotations.

View outstanding changes

#### Changes and effects yet to be applied to:

- Regulations mods by S.R. 2020/293 reg.002
- Regulations revoked in pt. by S.R. 2020/293 reg. 55(1)(d)
- Regulations revoked in pt. by S.R. 2020/293 reg. 55(4)
- reg. 20 revoked in pt. by S.R. 2020/293 reg. 55(3)
- reg. 51(3) revoked in pt. by S.R. 2020/293 reg. 55(2)(a)
- reg. 52(1) revoked in pt. by S.R. 2020/293 reg. 55(2)(b)
- reg. 53(1)(a) revoked in pt. by S.R. 2020/293 reg. 55(2)(c)

# Changes and effects yet to be applied to the whole Rule associated Parts and Chapters:

Whole provisions yet to be inserted into this Rule (including any effects on those provisions):

reg .002 revoked in pt. by S.R. 2020/293 reg. 55(2)