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STATUTORY RULES OF NORTHERN IRELAND

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**2019 No. 41**

**PLANT HEALTH  
SEEDS**

The Plant Health and Seeds (Miscellaneous  
Amendments) Regulations (Northern Ireland) 2019

*Made* - - - - - *6th March 2019*

*Coming into operation* *28th March 2019*

The Department of Agriculture, Environment and Rural Affairs<sup>(1)</sup>, in exercise of the powers conferred by section 2(2) of and paragraph 1A of Schedule 2 to the European Communities Act 1972<sup>(2)</sup>, makes the following Regulations.

These Regulations make provision for a purpose mentioned in section 2(2) of that Act and it appears to the Department that it is expedient for references to the instruments specified in regulations 2 to 7 to be construed as references to those instruments as amended from time to time.

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>(3)</sup>.

**PART 1**

**Introduction**

**Citation, commencement and interpretation**

**1.—(1)** These Regulations may be cited as the Plant Health and Seeds (Miscellaneous Amendments) Regulations (Northern Ireland) 2019 and come into operation on 28th March 2019.

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(1) Formerly the Department of Agriculture and Rural Development (DARD) (see Article 3(4) of the Departments (Northern Ireland) Order 1999 (S.I. 1999/283 (N.I.1)). DARD was renamed the Department of Agriculture, Environment and Rural Affairs by Article 1(2) of the Departments Act (Northern Ireland) 2016 (2016 c.5 (N.I.))

(2) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) (the 2006 Act) and by Part 1 of Schedule 1 to the European Union (Amendment) Act 2008 (c. 7) (the 2008 Act). Paragraph 1A of Schedule 2 was inserted by section 28 of the 2006 Act and by Part 1 of Schedule 1 to the 2008 Act.

(3) S.I. 2000/2812

(2) The Interpretation Act (Northern Ireland) 1954<sup>(4)</sup> applies to these Regulations as it applies to an Act of the Assembly.

## PART 2

### Amendment of the Seed Potatoes Regulations

#### Amendment of the Seed Potatoes Regulations (Northern Ireland) 2016

2.—(1) The Seed Potatoes Regulations (Northern Ireland) 2016<sup>(5)</sup> are amended as follows.

(2) In regulation 2(1) (interpretation general), in the definition of—

- (a) “Commission [Decision 2004/842/EC](#)” at the end insert “as amended from time to time”;
- (b) “Commission [Directive 2008/62/EC](#)” at the end insert “as amended from time to time”;
- (c) “Council [Directive 2002/53/EC](#)” at the end insert “as amended from time to time”;
- (d) “Council [Directive 2002/56/EC](#)” at the end insert “as amended from time to time”;
- (e) “[Directive 2001/18/EC](#)” at the end insert “as last amended by Commission Directive (EU) 2018/350<sup>(6)</sup>”;
- (f) “[Directive 2014/20/EU](#)” at the end insert “as amended from time to time”;
- (g) “Regulation 1829/2003” at the end insert “as amended from time to time”.

## PART 3

### Amendment of the Marketing of Plant Material Regulations

#### The Marketing of Vegetable Plant Material Regulations (Northern Ireland) 1995

3.—(1) The Marketing of Vegetable Plant Material Regulations (Northern Ireland) 1995<sup>(7)</sup> are amended as follows.

(2) In regulation 2(2) (interpretation)—

- (a) omit the definition of “[Directive 92/33/EEC](#)”;
- (b) in the definition of “[Directive 93/61/EEC](#)” for “[Directive 92/33/EEC](#)” substitute “[Directive 2008/72/EC](#)”;
- (c) after the definition of “[Directive 93/61/EEC](#)”, insert—
 

““[Directive 2008/72/EC](#)” means Council [Directive 2008/72/EC](#) of 15th July 2008<sup>(8)</sup> on the marketing of vegetable propagating and planting material, other than seed, as amended from time to time;”;

(3) In regulation 3(1)(a), for “[Directive 93/33/EEC](#)” substitute “[Directive 2008/72/EC](#)”.

(4) In regulation 5(d)(ii), for “[Directive 92/33/EEC](#)” substitute “[Directive 2008/72/EC](#)”.

(4) 1954 c. 33 (N.I.)

(5) S.R. 2016 No. 190

(6) OJ No L 67, 09.03.18, p. 30

(7) S.R. 1995 No. 415 as amended by S.R. 2007 No. 400 and S.I. 2011/1043

(8) OJ No L 25, 01.08.2008, p. 28 - 39

### **The Marketing of Ornamental Plant Propagating Material Regulations (Northern Ireland) 1999**

4.—(1) The Marketing of Ornamental Plant Propagating Material Regulations (Northern Ireland) 1999<sup>(9)</sup> are amended as follows.

- (2) In regulation 2(2) (interpretation)—
- (a) omit the definition of “[Directive 77/93/EEC](#)”;
  - (b) in the definition of “[Directive 98/56/EC](#)” at the end insert “as amended from time to time”;
  - (c) after the definition of “[Directive 98/56/EC](#)” insert—  
““[Directive 2000/29/EC](#)” means Council [Directive 2000/29/EC](#)<sup>(10)</sup> on protective measures against the introduction into the Community of organisms harmful to plants or plant products and their spread within the Community;”;
  - (d) in the definition of “Regulation 2100/94” at the end insert “as amended from time to time”.
- (3) In regulation 9(2), for “Council [Directive 77/93/EC](#)” substitute “[Directive 2000/29/EC](#)”.

### **The Marketing of Fruit Plant and Propagating Material Regulations (Northern Ireland) 2017**

5.—(1) The Marketing of Fruit Plant and Propagating Material Regulations (Northern Ireland) 2017<sup>(11)</sup> are amended as follows.

- (2) In regulation 3(1) (interpretation: European Union instruments), in the definition of—
- (a) “[Directive 2000/29/EC](#)” at the end insert “as amended from time to time”;
  - (b) “[Directive 2014/96/EU](#)” at the end insert “as amended from time to time”;
  - (c) “[Directive 2014/97/EU](#)” at the end insert “as amended from time to time”;
  - (d) “[Directive 2014/98/EU](#)” at the end insert “as amended from time to time”;
  - (e) “the Directive” at the end insert “as amended from time to time”.
- (3) In Schedule 3, paragraph 11 (interpretation), in the definition of—
- (a) “[Directive 2001/18/EC](#)” at the end insert “as amended from time to time”;
  - (b) “Regulation (EC) No 1829/2003” at the end insert “as amended from time to time”.

## **PART 4**

### **Amendment of the Plant Health (Wood and Bark) Order (Northern Ireland) 2006**

#### **The Plant Health (Wood and Bark) Order (Northern Ireland) 2006**

6.—(1) The Plant Health (Wood and Bark) Order (Northern Ireland) 2006<sup>(12)</sup> is amended as follows.

- (2) In Article 2(1) (general interpretation)—
- (a) for the definition of “Customs Code” substitute—

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<sup>(9)</sup> [S.R. 1999 No. 502](#), as amended by [S.R. 2018 No. 183](#)

<sup>(10)</sup> OJ No L 169, 10.07.2000, p. 1 - 112

<sup>(11)</sup> [S.R. 2017 No. 119](#)

<sup>(12)</sup> [S.R. 2006 No. 66](#). Article 6 was amended by [S.R. 2009 No. 340](#) and [S.I. 2011/1043](#). There are other amending instruments but none are relevant.

““Customs Code” means Regulation (EU) 952/2013 of the European Parliament and of the Council laying down the Union Customs Code as amended from time to time(13);”;

- (b) in the definition of “customs document” for “Article 4(16)(a), (d) to (g)” substitute “Article 5(16)(a) to (c)”;
  - (c) in the definition of “industry certificate” after “Article 6(7)” insert “as amended from time to time”.
- (3) In Article 6(7) (requirements for certificates), omit sub-paragraph (f).

## PART 5

### Amendment of the Plant Health Order (Northern Ireland) 2018

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

- 7.—(1) The Plant Health Order (Northern Ireland) 2018(14) is amended as follows—
- (2) In Part A of Schedule 9, in paragraph 8, for sub-paragraph (b) substitute—
- “(b) Article 5(2) of Commission Implementing [Directive 2014/96/EU](#) on the requirements for the labelling, sealing and packaging of fruit propagating material and fruit plants intended for fruit production falling within the scope of Council [Directive 2008/90/EC](#)(15);”.

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on 6th March 2019.



*John Joe O'Boyle*  
A senior officer of the  
Department of Agriculture, Environment and  
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(13) OJ No L 269, 10.10.2013, p. 1 - 101

(14) [S.R. 2018 No. 184](#)

(15) OJ No L 298, 16.10.2014, p. 12.

## **EXPLANATORY NOTE**

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

These Regulations are made in exercise of the powers in section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972, in order to make miscellaneous technical amendments to update outdated references in existing legislation that transposes current EU Plant Health and Seeds requirements.

An Explanatory Memorandum for this instrument is available alongside the instrument at [www.legislation.gov.uk](http://www.legislation.gov.uk).