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STATUTORY RULES OF NORTHERN IRELAND

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**2018 No. 184**

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

**PART 9**

Notifications, provision and exchange of information

**Notification of the presence or suspected presence of certain plant pests**

**44.**—(1) The occupier or other person in charge of premises who becomes aware of or suspects that any notifiable plant pest is present on the premises, or any other person who in the course of their duties or business becomes aware of or suspects that a notifiable plant pest is present on any premises, must immediately notify the Department or an inspector of its presence or suspected presence.

(2) A notice under paragraph (1) may first be given orally, but must be confirmed in writing as soon as reasonably practicable.

(3) In this article, “notifiable plant pest” means—

- (a) a plant pest, other than a plant pest of a description specified in Schedule 17, which—
  - (i) is of a description specified in Schedule 1;
  - (ii) is of a description specified in column 3 of Part A of Schedule 2;
  - (iii) is of a description specified in column 3 of Part B of Schedule 2 and which is present on, or appears to an inspector to have been in contact with, relevant material of a description specified in the entry in respect of that plant pest in column 2 of Part B of Schedule 2; or
  - (iv) although not of a description specified in Schedule 1 or 2, is not normally present in Northern Ireland and is likely to be injurious to plants in Northern Ireland;
- (b) a plant pest of a description specified in Schedule 17 which—
  - (i) is a sub-species or strain normally present in Northern Ireland and which has been found on the premises of a registered plant trader;
  - (ii) is a sub-species or strain not normally present in Northern Ireland and which has been found on any premises; or
  - (iii) is also specified in column 3 of Part A of Schedule 2 and which is present on, or appears to an inspector to have been in contact with, relevant material of a description specified in the entry in respect of that plant pest in column 2 of Part A of Schedule 2.

(4) If the Department becomes aware of the presence or suspected presence of *Xylella fastidiosa* (Wells et al.) in any place or area in Northern Ireland, the Department must ensure that any person having under their control plants which may be infected by *Xylella fastidiosa* (Wells et al.) is immediately informed of—

- (a) its presence or suspected presence;
- (b) the possible consequences arising from its presence or suspected presence; and
- (c) the measures to be taken as a result.