
STATUTORY RULES OF NORTHERN IRELAND

2019 No. 230

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

PART 12

Miscellaneous

Minor and consequential amendments

49. Schedule 5 contains minor and consequential amendments to secondary legislation.

Revocation

50. The instruments listed in Schedule 6 are revoked to the extent specified in the corresponding entry in column 3 of that Schedule.

Transitional provisions: licences under article 36(1) of the 2006 Order or article 43(1) of the 2018 Order

51.—(1) Any licence granted by the Department under article 36(1) of the 2006 Order or article 43(1) of the 2018 Order, which is in force immediately before the commencement date, has effect during the relevant period as if it had been granted by the Department in accordance with Article 5 of Commission Delegated Regulation (EU) 2019/829 on the date on which it was granted under the 2006 Order or the 2018 Order.

(2) Nothing in paragraph (1) affects anything carried out prior to the commencement date under, or for the purposes of, the licence.

(3) Any reference in the licence to the 2006 Order, the 2018 Order, Council directive [2000/29/EC](#) or Commission [Directive 2008/61/EC](#) is to be read as a reference to the corresponding provision in or under the EU Plant Health Regulation or these Regulations.

(4) In this regulation—

“Commission Delegated Regulation (EU) 2019/829” means Commission Delegated Regulation (EU) 2019/829 supplementing Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants, authorising member States to provide for temporary derogations in view of official testing, scientific or educational purposes, trials, varietal selections or breeding⁽¹⁾;

“Council [Directive 2000/29/EC](#)” means Council [Directive 2000/29/EC](#) on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽²⁾;

(1) O.J. No. L 137, 23.5.2019, p. 15.

(2) O.J. No. L 169, 10.7.2000, p. 1, as last amended by Commission Implementing Directive (EU) 2017/1920 (O.J. No. L 86, 28.3.2019, p. 41).

“Commission [Directive 2008/61/EC](#)” means Commission [Directive 2008/61/EC](#) establishing the conditions under which certain harmful organisms, plants, plant products and other objects listed in Annexes I to V to Council [Directive 2000/29/EC](#) may be introduced into or moved within the Community or certain protected zones thereof, for trial or scientific purposes and for work on varietal selections⁽³⁾;

“relevant period”, in relation to a licence, means—

- (a) if the licence expires on or after 31st December 2020, the period beginning on the commencement date and ending on 31st December 2020; or
- (b) if the licence expires before 31st December 2020, the period beginning with the commencement date and ending on the date of expiry of the licence specified in the licence.

Transitional provisions: other licences under the 2006 Order or the 2018 Order

52.—(1) Any licence granted by the Department under Article 35(1)(a) of the 2006 Order or Article 42(1)(a) of the 2018 Order and which has effect on the commencement date remains in force as if it had been granted by the Department under regulation 21(2) on the date on which the licence was granted under the 2006 Order or the 2018 Order.

(2) Nothing in paragraph (1) affects anything carried out prior to the commencement date under, or for the purposes of, the licence.

(3) Any reference in the licence to the 2006 Order, the 2018 Order or Council [Directive 2000/29/EC](#) is to be read as a reference to the corresponding provision in or under the EU Plant Health Regulation or these Regulations.

(4) In paragraph (3), “Council [Directive 2000/29/EC](#)” has the same meaning as in regulation 51.

Transitional provisions: notices

53.—(1) Any notice given under the 2006 Order or the 2018 Order and which has effect on the commencement date—

- (a) remains in force and continues to have effect as if it were given under these Regulations for an equivalent purpose on the date on which it was given under the 2006 Order or the 2018 Order; and
- (b) is to be read with such modifications as are necessary for it to do so.

(2) In paragraph (1), the reference to any notice under the 2006 Order or the 2018 Order includes any official approval given for the purposes of the notice.

(3) O.J. No. L 158, 18.6.2008, p. 41.