

SCHEDULE 5

Regulation 49

Amendments to secondary legislation

PART 1

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

1.—(1) The Marketing of Vegetable Plant Material Regulations (Northern Ireland) 1995⁽¹⁾ are amended as follows.

(2) In regulation 2, after the definition of “producer” insert—

““the EU Plant Health Regulation” means Regulation (EU) 2016/2031 of the European Parliament of the Council on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives [69/464/EEC](#), [74/647/EEC](#), [93/85/EEC](#), [98/57/EC](#), [2000/29/EC](#), [2006/91/EC](#) and [2007/33/EC](#)(2);”.

(3) In regulation 8(2), for “Council [Directive 2000/29/EC](#)” substitute “the EU Plant Health Regulation”.

PART 2

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

2.—(1) The Marketing of Ornamental Plant Propagating Material Regulations (Northern Ireland) 1999 are amended as follows.

(2) In regulation 2(1)—

(a) omit the definition of “[Directive 2000/29/EC](#)”;

(b) at the appropriate place insert—

““the EU Plant Health Regulation” means Regulation (EU) 2016/2031 of the European Parliament of the Council on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives [69/464/EEC](#), [74/647/EEC](#), [93/85/EEC](#), [98/57/EC](#), [2000/29/EC](#), [2006/91/EC](#) and [2007/33/EC](#).

“the Plant Health Official Controls Regulations” means the Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2019;”.

(3) In regulation 6A(4), in the definition of “responsible official body”, for the words from “a body” to the end, substitute “an appropriate authority described in regulation 2(1) of the Plant Health Official Controls Regulations”.

(4) For regulation 7(5) substitute—

“(5) Registration of a supplier on the register of professional operators under regulation 5 of the Plant Health Official Controls Regulations is deemed to constitute registration for the purposes of paragraph (1) above.”.

(1) [S.R. 1995 No. 415](#).

(2) [O.J. No. L 317, 23.11.2016, p. 4](#).

Status: This is the original version (as it was originally made).

- (5) In regulation 8(3)—
 - (a) for the words from “a plant pest” to “Order (Northern Ireland) 1993” substitute “a controlled plant pest as defined in regulation 2(1) of the Plant Health Official Controls Regulations”;
 - (b) for the words from “article 20” to “certain plant pests” substitute “the EU Plant Health Regulation”.
- (6) In regulation 9(2), for “[Directive 2000/29/EC](#)” substitute “the EU Plant Health Regulation”.
- (7) In regulation 12(3), for the words from “Article 13(5)” to the end, substitute “the EU Plant Health Regulation”.

PART 3

The Forest Reproductive Material Regulations (Northern Ireland) 2002

3.—(1) The Forest Reproductive Material Regulations (Northern Ireland) 2002⁽³⁾ are amended as follows.

- (2) In regulation 2(2)—
 - (a) at the appropriate place insert—

““the EU Plant Health Regulation” means Regulation (EU) 2016/2031 of the European Parliament of the Council on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives [69/464/EEC](#), [74/647/EEC](#), [93/85/EEC](#), [98/57/EC](#), [2000/29/EC](#), [2006/91/EC](#) and [2007/33/EC](#)”;
 - (b) in the definition of “plant passport”, for “Plant Health (Wood and Bark) Order (Northern Ireland) 2006” substitute “EU Plant Health Regulation”.

PART 4

The Seed Potatoes Regulations (Northern Ireland) 2016

4.—(1) The Seed Potatoes Regulations (Northern Ireland) 2016⁽⁴⁾ are amended as follows.

- (2) In regulation 2(1), at the appropriate place insert—

““the EU Plant Health Regulation” means Regulation (EU) 2016/2031 of the European Parliament of the Council on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives [69/464/EC](#), [74/647/EEC](#), [93/85/EEC](#), [98/57/EC](#), [2000/29/EC](#), [2006/91/EC](#) and [2007/33/EC](#);

“the Plant Health Official Controls Regulations” means the Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2019”;
- (3) In regulation 11(11), after “these Regulations” insert “, the EU Plant Health Regulation”.
- (4) In Schedule 1—
 - (a) in paragraph 3(d)—

⁽³⁾ S.R. 2002 No. 404.

⁽⁴⁾ S.R. 2016 No. 190.

- (i) in sub-paragraph (i), for “article 32(4) of the Plant Health Order” substitute “Parts 3 to 5 of Schedule 2 to the Plant Health Official Controls Regulations”;
- (ii) in sub-paragraph (ii), for “article 38(7) of the Plant Health Order” substitute “Part 6 of Schedule 2 to the Plant Health Official Controls Regulations”;
- (b) in paragraph 4(1)(b), for “Schedule 15 to the Plant Health Order” substitute “Part 4 of Schedule 2 to the Plant Health Official Controls Regulations”;
- (c) in paragraph 6(b), for “Schedule 15 to the Plant Health Order” substitute “Part 4 of Schedule 2 to the Plant Health Official Controls Regulations”;
- (5) In Schedule 5, in paragraph 3(b)—
 - (a) in sub-paragraph (i), for “article 32(4) of the Plant Health Order” substitute “Parts 3 to 5 of Schedule 2 to the Plant Health Official Controls Regulations”;
 - (b) in sub-paragraph (ii), for “article 38(7) of the Plant Health Order” substitute “Part 6 of Schedule 2 to the Plant Health Official Controls Regulations”.

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 (Northern Ireland) 2017⁽⁵⁾ are amended as follows.
- (2) In regulation 2, in the appropriate place insert—

““the Plant Health Official Controls Regulations” means the Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2019;”.
 - (3) In regulation 3(1), omit the definition of “[Directive 2000/29/EC](#)”.
 - (4) Omit regulation 10(6).
 - (5) In regulation 11(7), for the words from “plant trader” to “2006” substitute “professional operator under regulation 4 of the Plant Health Official Controls Regulations”.
 - (6) For regulation 15(1)(g)(iii) substitute—

“a controlled plant pest as defined in regulation 2(1) of the Plant Health Official Controls Regulations.”.

(5) [S.R. 2017 No. 119](#).