

1991 No. 128

PLANT HEALTH

Plant Health (Amendment) Order
(Northern Ireland) 1991

Made 28th March 1991

Coming into operation 9th May 1991

The Department of Agriculture in exercise of the powers conferred on it by sections 2(a) and 3(1)(b) of the Plant Health Act (Northern Ireland) 1967(c) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Plant Health (Amendment) Order (Northern Ireland) 1991 and shall come into operation on 9th May 1991.

Amendment of Plant Health Order (Northern Ireland) 1988

2. The Plant Health Order (Northern Ireland) 1988(d) shall be amended as provided in Articles 3 to 14.

Interpretation

3. In Article 3—

(a) in paragraph (1) in the definition of “Member State” there shall be deleted the words “or the French overseas departments”; and

(b) after paragraph (2) there shall be inserted the following paragraph—
“(2A) Any reference in this Order to a particular plant shall include a hybrid containing genetic material from the family, genus or species to which that plant belongs.”.

Phytosanitary certificates and re-forwarding phytosanitary certificates

4. In Article 6—

(a) in paragraph (1) for “Subject to paragraphs (2) and (3)” there shall be substituted “Subject to paragraphs (2) to (4)”; and

(b) after paragraph (3) there shall be inserted the following paragraph—

(a) As amended by S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Sch. 2; 1979 c. 2, s177(1) and Sch. 4 Pt. II; and S.I. 1984/702 (N.I.2) Art. 15(2)

(b) As amended by S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Sch. 2

(c) 1967 c. 28 (N.I.) as amended by S.I. 1975/1038 (N.I. 8) Art. 11(2) and S.I. 1984/702 (N.I. 2) Art. 15(2)

(d) S.R. 1988 No. 175 relevant amending rule is S.R. 1989 No. 426

“(4) In the case of plants, soil or growing medium of a description specified in column 2 of Schedule 3 (other than any plants, soil or growing medium to which paragraph (2) or (3) applies) the phytosanitary certificate shall have been issued in the country in which the conditions specified opposite thereto in column 3 of Schedule 3 were fulfilled whether or not that country was the country of origin.”.

Exports of plants and growing medium to Member States

5. In Article 13(4) after “issued in the country of origin” there shall be inserted “or issued in accordance with Article 6(4).”.

Restrictions on points of landing for potatoes

6. In Article 11(5)(b) there shall be deleted the words from “and in the case of a consignment of ware potatoes” to “the point of landing”.

7. Article 14 and Schedule 9 shall be deleted.

Pests which may not be landed or kept etc.

8. In Schedule 1 Part 1A—

(a) there shall be deleted paragraph 15 (*Phthorimaea operculella* (Zeller)); and

(b) after paragraph 33 there shall be inserted the following paragraph—

“34. Non-European *Monochamus* spp. — Sawyer Beetle — vectors of *Bursaphelenchus xylophilus*.”.

Plants which may not be landed or kept etc.

9. In Schedule 1 Part IIA after Item 15 there shall be inserted the following Item—

“16. <i>Phthorimaea operculella</i> (Zeller) — Potato Tuber Moth	Tubers of potato (<i>Solanum tuberosum</i> L.)”.
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10. In Schedule 1 Part IIC—

(a) after Item 4 there shall be inserted the following Item—

“4A. <i>Colletotrichum acutatum</i> Simmonds — Strawberry Black Spot	Plants of Strawberry (<i>Fragaria</i> L.) other than fruit and seeds”; and
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(b) in column (2) of Item 21 for “of Hop and Lucerne (including Progressive Wilt Disease of Hops)” there shall be substituted “Disease”.

Pests which may be kept etc. and which need not be notified

11. In Schedule 1 Part IIIA after paragraph 3 there shall be inserted the following paragraph—

“3A. *Frankliniella occidentalis* (Pergande) — Western Flower Thrips”.

12. In Schedule 1 Part IIIB for paragraph 7 there shall be substituted the following paragraphs—

“7. *Verticillium albo-atrum* Reinke and Berth — Verticillium Wilt Disease

8. *Verticillium dahliae* Kleb — Hop Wilt”.

Conditions subject to which plants may be landed

13. In Schedule 3 Part IIC—

(a) for Item 17 there shall be substituted the following Items—

“17. Plants of:—

Apium graveolens L.

Brassica L.

Capsicum annuum L.

Chrysanthemum L.

Cucumis L.

Dendranthema (DC.)

Des Moulins

Dianthus L.

Gerbera L.

Gypsophila L.

Lactuca sativa L.

Leucanthemum Miller

Lycopersicon lycopersicum

(L.) Karsten ex Farwell

Solanum melongena L.

Tanacetum L.

other than plants in tissue culture.

(1) Where the plants comprising the consignment were grown in a Member State an official statement shall have been made either:—

(a) that the plants or in the case of cuttings the stock plants were grown at a place of production at which no evidence of *Amauromyza maculosa* (Malloch), *Liriomyza huidobrensis* (Blanchard), *Liriomyza sativae* (Blanchard) or *Liriomyza trifolii* (Burgess) has been observed during official inspections carried out at least monthly during the three months prior to harvesting; or

(b) that immediately prior to export the plants have been inspected and found free from evidence of the pests specified in sub-paragraph (a) and have been subjected to an appropriate treatment aimed at eradicating those pests.

(2) Where the plants comprising the consignment were grown in a third country an official statement shall have been made that the plants or in the case of cuttings the stock plants were grown at a place of production at which no evidence of the pests specified in paragraph (1)(a) has been

observed during official inspections carried out at least monthly during the three months prior to harvesting.

- 17A. Herbaceous plants (other than those referred to in Item 17) other than plants in tissue culture.

Where the plants comprising the consignment were grown in a Member State where the pests specified in paragraph (1)(a) of Item 17 are known to occur or in a third country an official statement shall have been made either:

- (a) that the plants or in the case of cuttings the stock plants were grown at a place of production at which no evidence of the said pests has been observed during an official inspection carried out prior to harvesting; or
- (b) that immediately prior to export the plants have been inspected and found free from evidence of the said pests and have been subjected to an appropriate treatment aimed at eradicating those pests.”; and

(b) in column 3 of Item 28—

- (i) in paragraph (1) after “— Tomato Black Ring Spot virus;” in both places where it occurs there shall be inserted “— Strawberry Black Spot (*Colletotrichum acutatum* Simmonds);”; and
- (ii) in paragraph (4) there shall be deleted—

“(a) it shall be free from Strawberry Black Spot (*Colletotrichum acutatum* Simmonds); and”.

Instruments amending Council Directive 77/93/EEC

14. For Schedule 5 there shall be substituted the Schedule to this Order.

Sealed with the Official Seal of the Department of Agriculture on 28th March 1991.

(L.S.)

I. C. Henderson

Assistant Secretary

Instruments amending Council Directive 77/93/EEC

<i>Instrument</i>	<i>Reference</i>
Act concerning the conditions of accession of the Hellenic Republic and the adjustment of the Treaties	O.J. No. L.291, 19.11.79, p. 86.
Council Directive 80/392/EEC	O.J. No. L.100, 17.4.80, p. 32.
Council Directive 80/393/EEC	O.J. No. L.100, 17.4.80, p. 35.
Council Directive 81/7/EEC	O.J. No. L.14, 16.1.81, p. 23.
Council Directive 84/378/EEC	O.J. No. L.207, 2.8.84, p. 1.
Council Directive 85/173/EEC	O.J. No. L.65, 6.3.85, p. 23.
Council Regulation (EEC) No. 3768/85	O.J. No. L.362, 31.12.85, p. 8.
Council Directive 85/574/EEC	O.J. No. L.372, 31.12.85, p. 25.
Commission Directive 86/545/EEC	O.J. No. L.323, 18.11.86, p. 14.
Commission Directive 86/546/EEC	O.J. No. L.323, 18.11.86, p. 16.
Commission Directive 86/547/EEC(a)	O.J. No. L.323, 18.11.86, p. 21.
Council Directive 86/651/EEC	O.J. No. L.382, 31.12.86, p. 13.
Council Directive 87/298/EEC	O.J. No. L.151, 11.6.87, p. 1.
Commission Directive 88/271/EEC(b)	O.J. No. L.116, 4.5.88, p. 13.
Commission Directive 88/272/EEC(c)	O.J. No. L.116, 4.5.88, p. 19.
Commission Directive 88/430/EEC	O.J. No. L.208, 2.8.88, p. 36.
Council Directive 88/572/EEC	O.J. No. L.313, 19.11.88, p. 39.
Council Directive 89/359/EEC	O.J. No. L.153, 6.6.89, p. 28.
Council Directive 89/439/EEC	O.J. No. L.212, 22.7.89, p. 106.
Council Directive 90/168/EEC	O.J. No. L.92, 7.4.90, p. 49.
Council Directive 90/490/EEC	O.J. No. L.271, 3.10.90, p. 28.
Commission Directive 90/506/EEC	O.J. No. L.282, 13.10.90, p. 67."

- (a) As amended by Commission Directives 90/80/EEC (O.J. No. L.51, 27.2.90, p. 34) and 91/103/EEC (O.J. No. L.52, 27.2.91, p. 51)
- (b) As amended by Commission Directive 89/83/EEC (O.J. No. L.32, 3.2.89, p. 29)
- (c) As amended by Commission Directives 90/113/EEC (O.J. No. L.67, 15.3.90, p. 51) and 91/102/EEC (O.J. No. L.52, 27.2.91, p. 50)

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order further amends the Plant Health Order (Northern Ireland) 1988 which imposes controls on the import and export of certain plant pests, plants, plant products, soil, growing medium, agricultural machinery and genetically manipulated material and contains controls to prevent the spread of specified pests within Northern Ireland. The main changes which it effects are as set out below:—

1. Council Directive 89/439/EEC is implemented in part as follows:—
 - (a) the French overseas departments are included in the definition of Member States (Article 3(a));

- (b) in certain cases provision is made for phytosanitary certificates to be issued in the country where specified conditions are fulfilled rather than the country of production (Articles 4 and 5); and
 - (c) the requirements that new and ware potatoes consigned from Great Britain, the Isle of Man or any of the Channel Islands only enter Northern Ireland at specified places and that ware potatoes be submitted for inspection at specified offices of the Department at the place of entry have been removed (Articles 6 and 7).
2. Hybrids are included in any reference to a particular plant (Article 3(b)).
3. The controls on Potato Tuber Moth have been modified so that only potato tubers carrying the pest may not be landed (Articles 8(a) and 9).
4. Commission Directive 90/490/EEC is implemented in part by adding Sawyer Beetles to the list of pests which may not be landed or kept in Northern Ireland (Article 8(b)).
5. The controls on Strawberry Black Spot have been modified so that—
- (a) the prohibition on importing strawberry plants infected with the disease also applies to such plants consigned from other Member States of the European Community; and
 - (b) imports of strawberry plants must be accompanied by an official statement relating to this disease (Articles 10(a) and 13(b)).
6. The prohibition on the keeping or disposal of Western Flower Thrips and Hop Wilt and the requirement to notify the Department of Agriculture of their presence or suspected presence have been removed (Articles 11 and 12).
7. Commission Directive 90/506/EEC is implemented by modifying the controls on certain plants in relation to *Amauromyza maculosa* (Malloch), *Liriomyza huidobrensis* (Blanchard), *Liriomyza sativae* (Blanchard) and *Liriomyza trifolii* (Burgess) (Article 13(a)).
8. The definition of "Directive 77/93/EEC" is revised to take account of further amendments to it (Article 14).