

2006 No. 165

PLANT HEALTH

Plant Health (Amendment) Order (Northern Ireland) 2006

Made - - - - 29th March 2006

Coming into operation - 1st May 2006

The Department of Agriculture and Rural Development(a), in exercise of the powers conferred by sections 2(b), 3(c), and 4(1)(d) of the Plant Health Act (Northern Ireland) 1967(e) and of all other powers 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) 2006 and shall come into operation on 1st May 2006.

Amendment of the Plant Health Order (Northern Ireland) 2006

2. The Plant Health Order (Northern Ireland) 2006(f) shall be amended in accordance with the following Articles.

3. For Article 7(3) there shall be substituted—

“(3) Where relevant material consigned to Northern Ireland via any third country by way of transit—

- (a) has or may have been exposed to infection or contamination by any plant pest;
- (b) no longer remains the same material specified in the phytosanitary certificate which accompanies it; or
- (c) has been processed so as to change its nature,

the phytosanitary certificate required to accompany it shall be issued in the country of transit.”.

4.—(1) In Schedule 6, Part A, Item 7(d) for the phrase “certified seeds of *Helianthus annuus* L., *Lycopersicon lycopersicum* (L.) Karsten ex Farw. and *Phaseolus* L.” there shall be substituted “seeds of *Helianthus annuus* L., *Lycopersicon lycopersicum* (L.) Karsten ex Farw. and *Phaseolus* L.”.

(2) In Schedule 7, Part A, Item 7(d) for the phrase “certified seeds of *Helianthus annuus* L., *Lycopersicon lycopersicum* (L.) Karsten ex Farw. and *Phaseolus* L.” there shall be substituted

(a) Formerly the Department of Agriculture for Northern Ireland; see S.I. 1999/283 (N.I. 1) Art. 3(4)
(b) As amended by S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Sch. 2; 1979 c.2, s. 177 (1) and Sch. 4 Pt.II; and S.I. 1984/702 (N.I. 2) Art. 15(2)
(c) Section 3(1) was amended by S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Sch. 2; Section 3B was inserted by S.I. 1984/702 (N.I. 2) Art. 15(2)
(d) As amended by S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Sch. 2 and S.I. 1984/702 (N.I. 2) Art. 15(2)
(e) 1967 c.28 (N.I.)
(f) S.R. 2006 No. 82

“seeds of *Helianthus annuus* L., *Lycopersicon lycopersicum* (L.) Karsten ex Farw. and *Phaseolus* L.”.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 29th March 2006



David Small

A senior officer of the Department of Agriculture and Rural Development

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which extends to Northern Ireland only, comes into operation on 1st May 2006. It amends the Plant Health Order (Northern Ireland) 2006 to make clearer the meaning of the provision in Article 7(3) and to implement the requirements of Commission Directive 2005/77/EC of 11 November 2005 (O.J. No. L.296, 12.11.2005, p.17) which amends Annex V to Council Directive 2000/29/EC (O.J. No. L.169, 10.7.2000, p.1) on protective measures against the introduction into the Community of organisms harmful to plants and plant products and against their spread within the Community.

Plant passports are required for moving certified seeds of *Helianthus annuus* L., *Lycopersicon lycopersicum* (L.) Karsten ex Farw. and *Phaseolus* L. within the Community, other than locally. To improve the phytosanitary protection of seeds of the above named species, the requirement that seeds have to be accompanied by a plant passport when moved within the Community, other than locally, is now applied to all seeds of those species (Article 4(1) and (2)).