
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 82

The Plant Health Order (Northern Ireland) 2006

PART 4

**REGISTRATION OF PLANT TRADERS AND
AUTHORITY TO ISSUE PLANT PASSPORTS**

Register of plant traders

25.—(1) The Department shall maintain a register listing the following particulars with respect to each plant trader who meets the requirements of this Part:

- (a) the name of the plant trader;
- (b) the name of the person responsible for making the application where that person is not the plant trader;
- (c) the trading name of the plant trader where that name is different from that of the plant trader;
- (d) details of those activities to which this Order applies which the plant trader undertakes or intends to undertake;
- (e) the address of the premises at which the plant trader undertakes or intends to undertake the activities referred to in sub-paragraph (d); and
- (f) a registration number unique to the plant trader.

(2) The register maintained under paragraph (1) shall be open to inspection by the European Commission.

Obligation to register

26.—(1) Subject to paragraph (2), a plant trader shall not engage in any activity to which this Order applies unless he is registered in respect of the activity and the premises at which it takes place.

(2) The requirement in paragraph (1) for a plant trader to be registered shall not apply to a producer whose entire production and sale of relevant material is intended for final use by persons on the local market who are not involved in plant production in the course of a trade or business.

(3) Entries on the register kept under Article 16(1) of the Plant Health Order (Northern Ireland) 1993(1) on the day before the date of the coming into operation of this Order shall, subject to the provisions of this Part, remain in effect for the purposes of this Order as if entered on the register maintained under Article 25(1).

(1) S.R. 1993 No. 256; amended by S.R. 1994 No. 28, S.R.1995 No. 164, S.R. 1995 No. 250, S.R.1995 No. 494, S.R. 1996 No. 204, S.R. 1996 No. 249, S.R. 1997 No. 110, S.R. 1997 No. 397, S.R. 1998 No. 16, S.R. 1998 No. 146, S.R.1998 No. 315, S.R. 1999 No. 24, S.R. 2000 No. 126, S.R. 2001 No. 437, S.R. 2002 No. 273, S.R. 2003 No. 235, S.R. 2003 No. 458, S.R. 2004 No. 415 and S.R. 2005 No. 204.

Registration requirements

27.—(1) An application for registration shall be made in writing to the Department and shall be in such form and contain such information as the Department may from time to time reasonably require to enable it to register the plant trader in respect of the activity and premises in relation to which the application is made.

(2) If, after a plant trader has applied to the Department to be registered under paragraph (1) but before registration has taken place, there is any change in his circumstances recorded in the application, he shall notify the Department immediately in writing of any such change.

(3) Every registered plant trader shall notify the Department immediately in writing of any change in the particulars listed in the register with respect to him.

(4) Subject to paragraph (5), the Department shall register a plant trader who meets the requirements of this Article in respect of the activity and premises in relation to which he has applied to be registered and shall notify the plant trader when registration has taken place.

(5) The Department shall only register a plant trader in respect of an activity or premises if it is satisfied that he is able and willing to comply with the conditions specified in Article 28(1).

Conditions for maintaining registration as a plant trader

28.—(1) A registered plant trader shall in relation to the activities and premises to which his registration relates comply with the following conditions:

- (a) he shall keep an accurate plan of the premises;
- (b) he shall keep a record of relevant material purchased by him or brought onto the premises for storage, planting or production on those premises, and of relevant material under production on or dispatched from those premises;
- (c) he shall keep all documents, created or received by him, relating to the records kept under subparagraph (b), for at least one year from the date he created or received them;
- (d) he shall designate an individual (whether himself or another) who is technically experienced in relation to the activities carried out on the premises and related plant health matters affecting the premises who shall be available to liaise with the Department in relation to matters arising under this Order;
- (e) he shall examine his premises and relevant material at such times and in a manner specified in guidelines issued from time to time by the Department;
- (f) he shall make a declaration at such time and in such form as the Department may from time to time require that he is able and willing to comply with the conditions specified in sub-paragraphs (a) to (e); and
- (g) he shall comply with any other conditions which may be specified by the Department which it considers necessary to enable it to assess the presence of or spread of any plant pest on the premises by reason of the condition of those premises.

(2) The requirements of paragraph (1) shall not apply to any registered plant trader who is engaged solely in the production or importation of:

- (a) tubers of *Solanum tuberosum* L. (excluding seed potatoes);
- (b) fruit of *Citrus* L., *Fortunella* Swingle or *Poncirus* Raf. and their hybrids.

(3) Where the Department is satisfied that a registered plant trader has failed to comply with any of the conditions specified in paragraph (1) it may suspend his registration until it is satisfied that he is able and willing to comply with those conditions.

Authority to issue plant passports

29.—(1) Where a registered plant trader wishes to issue plant passports in relation to any relevant material to be moved from any premises he shall apply to the Department for the authority to do so.

(2) An application under paragraph (1) shall be in writing, shall give such notice as the Department may reasonably specify to allow it to undertake any necessary examination of the premises to which the application relates and of any relevant material there and shall contain such particulars in relation to the relevant material produced, grown, stored or otherwise present on those premises as the Department may from time to time reasonably require.

(3) The Department shall grant an authority under paragraph (1) only if, having regard to any examination of the premises to which the application relates and of any relevant material there, it is satisfied—

- (a) that the premises and relevant material are free from any relevant organisms; and
- (b) where any requirements are specified under this Order in relation to the relevant material, those requirements have been complied with.

(4) The Department’s authority to issue plant passports shall be given in writing and may be granted subject to such conditions as it considers appropriate to ensure that the relevant requirements of this Order are complied with, including a condition limiting any territories in which such plant passports shall be valid.

(5) The Department may suspend the operation of an authority to issue plant passports entirely or in relation to specified premises or relevant material if, having regard to any examination of any premises of the registered plant trader and any relevant material there, it is not satisfied that—

- (a) the premises or the relevant material are free from any relevant organisms; or
- (b) where any requirements are specified under this Order in relation to the relevant material, those requirements have been complied with.

(6) The Department may suspend the operation of or vary to the extent it considers necessary an authority to issue plant passports if it is satisfied that the registered plant trader has—

- (a) failed to comply with any of the conditions specified in Article 28(1);
- (b) failed to notify it in accordance with Article 27(3) of any change in the particulars listed in the register with respect to him;
- (c) failed to comply with a requirement in a notice served on the trader under Article 32; or
- (d) failed to comply with any conditions in the authority issued by it under paragraph (4).

(7) For the purposes of this Article “relevant organism” means—

- (a) any plant pest specified in Schedule 1; or
- (b) in relation to relevant material of a description specified in Schedule 2, any plant pest of a description specified in that Schedule opposite the reference to that relevant material.