

2007 No. 400

PLANT HEALTH

**The Marketing of Vegetable Plant Material (Amendment)
Regulations (Northern Ireland) 2007**

Made - - - - - *13th September 2007*

Coming into operation - - - - - *30th November 2007*

The Department of Agriculture and Rural Development(**a**) is a Department designated(**b**) for the purposes of section 2(2) of the European Communities Act 1972(**c**) in relation to the common agricultural policy of the European Community.

These Regulations make provision for a purpose mentioned in section 2(2) of that Act and it appears to the Department that it is expedient for certain references to provisions of Community instruments to be construed as references to those provisions as amended from time to time.

The Department makes the following Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, that Act(**d**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as The Marketing of Vegetable Plant Material (Amendment) Regulations (Northern Ireland) 2007 and shall come into operation on 30th November 2007.

(2) The Interpretation Act (Northern Ireland) 1954(**e**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendments to the Marketing of Vegetable Plant Material Regulations (Northern Ireland) 1995

2.—(1) The Marketing of Vegetable Plant Material Regulations (Northern Ireland) 1995(**f**) are amended in accordance with paragraphs (2) to (6).

(2) In regulation 3 (plant material to which these Regulations apply)—

(a) in paragraph 1(a), for “Schedule 1” substitute “Annex II, as amended from time to time, to Directive 92/33/EEC”(**g**);

(a) Formerly the Department of Agriculture for Northern Ireland; *see* S.I. 1999/283 (N.I.1), Art. 3(4).

(b) S.I. 2000/2812.

(c) 1972 c. 68.

(d) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c.51).

(e) 1954 c. 33 (N.I.).

(f) S.R. 1995/415.

(g) O.J. No. L 157, 10.6.1992, p.1, as last amended by Commission Directive 2006/124/EC, O.J. No. L 339, 6.12.2006, p.12.

- (b) in paragraph 1(b), for “Schedule 1” substitute “that Annex, as amended from time to time”.
- (3) In regulation 5(a) (quality requirements for plant material), after “Annex” insert “, as amended from time to time,”.
- (4) In regulation 6(b) (measures to be taken by producers), after “Annex” insert “, as amended from time to time,”.
- (5) In regulation 8 (information to accompany material)—
 - (a) in paragraph 2, for “Council Directive 77/93/EEC” substitute “Council Directive 2000/29/EC”(a);
 - (b) in paragraph 4, for “Schedule 1” substitute “Schedule 2”.
- (6) Omit Schedule 1 (species and genera to which the Regulations apply).

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 13th September 2007.

L.S.

John Speers
A senior officer of the Department of Agriculture and Rural Development

(a) O.J. No. L 169, 10.7.2000, p.1, as last amended by Commission Directive 2006/35/EC, O.J. No. L 88, 25.3.2006, p.9.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Northern Ireland only, amend the Marketing of Vegetable Plant Material Regulations (Northern Ireland) 1995 (“the principal Regulations”) in order to update the list of genera and species of plant material to which those Regulations apply. This implements Article 1 of Commission Directive 2006/124/EC which amended the list of genera and species of plants to which Council Directive 92/33/EEC (“the Council Directive”) applies. The Council Directive has been extended to apply to Zea Mays L.(popcorn and sweetcorn) and, additionally, certain botanical names used in that Directive have been amended.

The principal Regulations will now apply to the list of genera and species in Annex II to the Council Directive as it is amended from time to time (regulation 2(2)).

These Regulations also amend the cross-references in the principal Regulations to the Annex to Commission Directive 93/61/EEC (regulation 2(3) and (4)). That Annex lists certain organisms and diseases from which vegetable plant material that is to be marketed must be substantially free and in relation to which certain measures must be taken if they are found. The cross-references to the list of organisms and diseases are now to the list as it is amended from time to time.

These Regulations also update a reference and correct an erroneous cross-reference in regulation 8(4) of the principal Regulations (regulation 2(5)).

No Regulatory Impact Assessment has been prepared in respect of these Regulations as it has no impact on costs to business.