

**EXPLANATORY MEMORANDUM TO**  
**THE PLANT HEALTH (AMENDMENT) REGULATIONS (NI) 2011**

**2011 No. 22**

1. The Department of Agriculture and Rural Development makes the following Order, in exercise of the powers conferred on it by section 2 and 3 of the Plant Health Act (Northern Ireland) 1967<sup>(1)</sup> as read with paragraph 1A of Schedule 2 of the European Communities Act 1972<sup>(2)</sup>, makes the following Regulations which are subject to negative resolution

**2. Description**

2.1 These Regulations amend the Plant Health Order (Northern Ireland) 2006 (S.R. 2006/82) (“the principal Regulations”), to implement emergency measures to prevent the introduction into the European Union of *Anoplophora chinensis* (Forster).

**3. Matters of special interest to the Examiner of Statutory Rules**

None

**4. Legislative Background**

4.1 This Regulation amends the Plant Health Order (Northern Ireland) 2006 (SR 2006 No.82).

**5. Consultation**

5.1 This amendment does not require consultation.

**6. Territorial Extent and Application**

6.1 This Statutory Rule applies to Northern Ireland. Similar but separate legislation operates in England, Scotland and Wales.

**7. European Convention on Human Rights**

7.1 The proposed legislation has been screened for these issues and none were identified.

**8. Equality Impact**

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<sup>(1)</sup> 1967 c.28 (N.I.)  
<sup>2</sup> 1972 c. 68.

8.1 The proposed legislation will apply in equal measure to all Section 75 groups. It is not expected that any of these changes will impact differentially across any of the Section 75 groups.

## **9. Regulatory Impact**

9.1 A Regulatory Impact Assessment has not been prepared for this Statutory Rule as it has no impact on business, charities or voluntary bodies.

9.2 There is no impact on the public sector.

## **10. Financial Implications**

10.1 There are no financial implications associated with these Regulations.

## **11. Policy background**

11.1 These Regulations transpose in Article 2(4) and (5)(b) provisions of Commission Decision 2010/380/EU amending Decision 2008/840/EC (transposed by S.R. 2008 No. 493) as regards emergency measures to prevent the introduction into the Union of *Anoplophora chinensis* (Forster) (OJ No L 174/46).

## **12. Contact**

Renee McDowell at the Department of Agriculture Tel: 02890 520855 or e-mail: [renee.mcdowell@dardni.gov.uk](mailto:renee.mcdowell@dardni.gov.uk) can answer any queries regarding the Statutory Rule.

## Transposition Note

MEMORANDUM REGARDING TRANSPOSING ARTICLE 2(4) AND 5(b) PROVISIONS OF COMMISSION DECISION 2010/380/EU AMENDING DECISION 2008/240/EC (TRANPOSED BY SR 2008 NO 493).

### Commission Directive (EC2010/380/EU)

Commission Directive 2010/380/EU amends Decision 2008/840/EC (transposed by SR 2008 no 493) as regards emergency measures to prevent the introduction into the Union of *Anoplophora chinensis* (Forster) (OJ No L 174/46). This amendment is made within the Plant Health (Amendment) Order (Northern Ireland) 2011.

<b>Directive Article</b>	<b>Effect</b>	<b>Implemented by SR Article number</b>	<b>Comments</b>
<b>Article 1(1) and (2)</b>	<b>Requirements for import of specified plants from China and from third countries where <i>Anoplophora chinensis</i> is known to occur other than China.</b>	<b>Article 2 (4) Article 2 (5)</b>	