

**EXPLANATORY MEMORANDUM TO
THE PLANT HEALTH (AMENDMENT No. 2) ORDER (NI) 2012**

2012 No. 241

1. The Department of Agriculture and Rural Development makes the following Order, in exercise of the powers conferred on it by sections 2, 3 and 4(1) of the Plant Health Act (Northern Ireland) 1967 makes the following Regulations which are subject to negative resolution.

2. Description

Article 3 makes amendments to the Plant Health Order (Northern Ireland) 2006 (S.R. 2006/82("the principal Order") to enforce Decision 1/2010 of the Joint Committee on Agriculture (2011/83/EU) (OJ No. L 32,8.2.2011,p.9) which relates to plant material controls on trade in plant material with Switzerland.

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

None

4. Legislative Background

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

5. Consultation

A consultation was not necessary as it is not required under the primary legislation and because the proposed Statutory Rule is routine and would have a purely positive impact on the industry.

6. Territorial Extent and Application

This Statutory Rule applies to Northern Ireland. Similar but separate legislation operates in England.

7. European Convention on Human Rights

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

8. Equality Impact

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

DARD has considered how this legislation meets with the requirements for Better Regulation and has concluded there will be no administrative burden to the industry. It is therefore not considered necessary to conduct a regulatory impact assessment and we are content that the proposed legislation meets DARD's commitment to Better Regulation.

10. Financial Implications

There are no financial implications associated with this Order.

11. Policy background

In line with GB Regulations, this Rule makes amendments to the Principal Order to enforce Decision 1/2010 of the Joint Committee on Agriculture (2011/83/EU) which relates to plant health controls on trade in plant material with Switzerland.

GB Regulation (SI 2012 No 697) introduces a new provision to the Plant Health (England) Order 2005, agreed with HMRC, namely, an information gateway to allow the transfer of data for the purposes of the Order from HMRC to the Secretary of State and an associated offence for wrongful disclosure of information so provided. As the information gateway requires further investigation, it will be taken forward at a later date to enable the Swiss passport amendment to be introduced without delay.

The latest change to the EU Swiss/agreement (Decision 1/2010 (2011/83/UK) has still not been published by the EU, therefore, this amendment has not been included in the GB Regulations nor the draft Order. This will be made at a later date on notification from GB.

12. Contact

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