

EXPLANATORY MEMORANDUM TO
THE PLANT HEALTH (AMENDMENT) ORDER (NORTHERN IRELAND) 2013

2013 No. 7

1. The Department of Agriculture and Rural Development makes the following Order, in exercise of the powers conferred by sections 2(1) and (2), 3(1), 3B(1) and 4(1) of the Plant Health Act (Northern Ireland) 1967.

2. Description

2.1 This Order amends The Plant Health Order (Northern Ireland) 2006 (S.R. 2006/82) (“the principal Regulations”). The principal Regulations implement Council Directive 2000/29/EC (OJ No. L169, 10.7.00, P.1) as amended by Council Directive 2002/89/EC (O.J. No. L355, 30.12.02, P.45-60), which requires Member States to conduct documentary checks, identity checks and plant health checks of certain imports of plants, plant products and other objects from other member states and third countries.

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

3.1 The rule that requires subordinate legislation to be laid before the Assembly at least 21 days before it comes into effect, has been breached to ensure the requirements of the Order should come into force as soon as possible. This action has been taken in the interests of protecting the potato sector in Northern Ireland at the earliest opportunity.

4. Legislative Background

4.1 This Order: (a) extends the principal Regulations to require prior notification of landing consignments consisting of potatoes, other than seed potatoes, grown or suspected to have been grown in Poland, Portugal, Romania or Spain; and (b) inserts at Schedule 4 to the principal Regulations the requirement for a certificate issued by the responsible official body of Poland confirming that the potatoes have been found to be free from *Clavibacter michiganensis* ssp *sepedonicus*.

5. Consultation

5.1 The principal stakeholders in the sector have been consulted and there is broad agreement that the amendment should be made to protect the Northern Ireland potato industry.

6. Territorial Extent and Application

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

7. European Convention on Human Rights

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

8. Equality Impact

8.1 The legislation amends The Plant Health Order (Northern Ireland) 2006 (S.R. 2006/82) and implements Council Directive 2002/89/EC which requires Member States to conduct documentary checks, identity checks and plant health checks of certain imports of plants, plant products and other objects from other member states and third countries. This Order will apply in equal measure to all Section 75 groups and no single group has been identified as being disproportionately or negatively affected.

9. Regulatory Impact

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

9.2 There is no impact on the public sector.

10. Financial Implications

10.1 This Order introduces documentation requirements, within the framework provided by Council Directive 2000/29/EC, for the plant import industry. There are no significant additional costs.

11. Policy background

11.1 The Department has, in response to the disease threat to the potato industry here, identified control measures and introduced them by way this Order.

12. Impact

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

13. Contact

Peter Toner at the Department of Agriculture, Tel: 02890 524493 or e-mail: peter.toner@dardni.gov.uk , can answer any queries regarding the instrument.