
STATUTORY RULES OF NORTHERN IRELAND

2018 No. 184

The Plant Health Order (Northern Ireland) 2018 (revoked)

PART 3

Internal EU controls on movement

Exceptions from certain prohibitions and requirements

23.—(1) The following provisions do not apply to small quantities of relevant material, other than excluded material, if the relevant material meets the conditions in paragraph (2)—

- (a) article 19(1)(e), (f) and (g) and (5);
- (b) article 20(1);
- (c) article 21(1)(e) and (f); and
- (d) article 22(1), (2), (5) and (6).

(2) The conditions are that the relevant material—

- (a) does not show any signs of the presence of a plant pest;
- (b) is not intended for use in the course of a trade or business; and
- (c) is intended for household use.

(3) The requirements in article 22(1) do not apply to plants intended for planting, other than seeds, which can only grow in water or soil that is permanently saturated with water, which originate in an area established in accordance with Article 5 of Decision 2012/697/EU and which are only being moved within that area.

(4) The requirements in article 22(1) and (5) which would apply by virtue of paragraph 16 of Part A of Schedules 6 and 7 to *Xylella* host plants within the meaning of Article 1(b) of Decision (EU) 2015/789 and to pre-basic mother plants and pre-basic material referred to in Article 9(9) of that Decision do not apply where the plants are being moved by a person acting for purposes outside the person's trade, business or profession and the person is acquiring them for personal use.

(5) The Department may exempt from the prohibition on movement in article 22(1) or (2) the movement of relevant material which originates in Northern Ireland if the Department is satisfied that—

- (a) the movement is made locally by small producers or processors whose entire production and sale of such material is intended for final usage by persons on the local market who are not professionally involved in plant production; and
- (b) there is no risk of plant pests spreading or being spread as a result of that movement.

(6) In paragraph (1), “excluded material” means any of the following material—

- (a) plants of *Castanea* Mill. intended for planting;
- (b) plants of *Fraxinus* L. intended for planting;
- (c) plants, other than seeds, of *Platanus* L. intended for planting.

Status:

Point in time view as at 01/12/2018. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the The Plant Health Order (Northern Ireland) 2018 (revoked), Section 23.