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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order revokes and consolidates with amendments the Plant Health Order (Northern Ireland) 2006 (S.R. 2006 No. 82) and replaces the Plant Health (*Phytophthora ramorum*) Order (Northern Ireland) 2005 (S.R. 2005 No. 23).

It implements Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ No L 169, 10.7.2000, p1) and related European Union plant health legislation, including the following Commission Implementing Decisions—

- (a) Commission Implementing Decision (EU) 2018/927 amending Implementing Decision (EU) 2015/789 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Wells et al.) (OJ No L 164, 29.6.2018, p. 49);
- (b) Commission Implementing Decision (EU) 2018/5 amending Implementing Decision 2012/270/EU as regards emergency measures to prevent the introduction into and the spread within the Union of *Epitrix cucumeris* (Harris), *Epitrix similaris* (Gentner), *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner) (OJ No L 2, 5.1.2018, p. 11).

This Order also introduces national measures to strengthen import requirements for oak trees to protect against Oak Processionary Moth.

Part 1 is introductory and includes definitions. Article 2(4) provides for references to the European Union instruments listed in that provision to be read as references to those instruments as amended from time to time.

Part 2 applies to plant pests and relevant material coming from countries outside the European Union, including relevant material from third countries coming via another part of the European Union where the Department has agreed to carry out certain checks on that material. “Relevant material” is defined in article 2(1).

Article 5 prohibits the landing in Northern Ireland of certain plant pests and relevant material and imposes restrictions on other relevant material which may be imported into Northern Ireland from third countries.

Article 6 requires importers of controlled imports of relevant material to provide the Department with advance notice of their landing and article 7 requires those imports to be accompanied by the appropriate phytosanitary certificate. Articles 10 to 12 prohibit the removal of this relevant material from an area of plant health control until an inspector has inspected the material and is satisfied that the material can be discharged.

Article 8 exempts certain relevant material which is brought into Northern Ireland in a person’s baggage from the requirements in article 5 and other related requirements.

Part 3 applies to plant pests and relevant material from the European Union (whether originating in the European Union or in third countries). Articles 19, 20 and 21 prohibit the introduction into Northern Ireland of certain plant pests and relevant material from another part of the European Union and contain prohibitions and restrictions on the movement of plant pests and relevant material and other activities in Northern Ireland. Article 22 requires certain relevant material to be accompanied by a plant passport when it is moved within Northern Ireland or consigned to another part of the European Union.

**Status:** This is the original version (as it was originally made).

Part 4 imposes a requirement on plant traders to be registered in respect of any activity which they carry out and which is regulated by the Order (articles 26 to 29) and makes provision for the Department to authorise plant traders to issue plant passports (article 30).

Part 5 contains special arrangements governing relevant material from Switzerland.

Part 6 contains general enforcement powers given to plant health inspectors.

Part 7 imposes additional requirements in relation to certain solanaceous species (potatoes and tomatoes).

Part 8 makes provision for the Department to grant licences authorising activities which would otherwise be prohibited by the Order.

Part 9 requires certain plant pests which are present or suspected to be present in Northern Ireland to be notified to the Department or an inspector and makes provision for inspectors to request information about certain plant health matters.

Part 10 contains offences for non-compliance with the Order and with requirements imposed under article 48. Article 49 sets out the penalties for the offences. (Contravention of any prohibition on landing imposed by this Order is an offence under the Customs and Excise Management Act 1979 (c.2)).

Part 11 deals with revocations and transitional provisions. Article 52 requires the Department to review the operation and effect of this Order and publish a report at five-yearly intervals.

An impact assessment has not been produced for this instrument as no impact on business or the private or voluntary sector is foreseen.

The Explanatory Memorandum for this instrument is available alongside the instrument at [www.legislation.gov.uk](http://www.legislation.gov.uk).