
STATUTORY RULES OF NORTHERN IRELAND

2020 No. 293

PLANT HEALTH

The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2020

Made - - - - 30th November 2020

Coming into operation 23rd December 2020

THE PLANT HEALTH (OFFICIAL CONTROLS
AND MISCELLANEOUS PROVISIONS)
REGULATIONS (NORTHERN IRELAND) 2020

PART 1

Introduction

1. Citation and commencement
2. Interpretation: general
3. Interpretation: EU Decisions
4. Measures adopted pursuant to Article 30(1) of the EU Plant Health Regulation
5. Article 82 of the EU Plant Health Regulation: meaning of “close proximity”

PART 2

Competent authority

6. Designation of competent authority

PART 3

Official Controls on controlled consignments from third countries
and other official controls on goods from third countries

7. Derogations to the requirement to give prior notification in accordance with Article 1(1) of Commission Implementing Regulation (EU) 2019/1013
8. Suspicion of non-compliance
9. Consignments not correctly presented for official controls

Status: This is the original version (as it was originally made).

10. Official measures in relation to non-compliant consignments or consignments which pose a risk to plant health
11. Notices under Regulation 8, 9 or 10
12. Border control posts: authorisation of inspection centres and commercial storage facilities
13. Transitional provision: approved places of inspection

PART 4

Official activities to prevent the establishment or spread of plant pests

14. Introduction
15. Notices in relation to controlled plant pests or prohibited material
16. Action which may be taken by a plant health inspector
17. Establishment of demarcated areas and measures to be taken in those areas

PART 5

Temporary national measures relating to plant health

18. Temporary national measures relating to plant health

PART 6

Registration, authorisations and certificates

19. Applications for registration
20. Other applications
21. Authorisations for other purposes
22. Authorisations granted by the Department

PART 7

Measures relating to certain solanaceous species

23. Specific measures relating to certain solanaceous species

PART 8

Notification requirements for the organisation of official controls

24. Notification requirements in relation to potatoes
25. Notification requirements in relation to citrus fruits
26. Notification requirements in relation to other plants and plant products

PART 9

General powers of plant health inspectors, enforcement, recovery of expenses and appeals

27. Interpretation
28. Powers of entry
29. Right of entry conferred by a warrant issued by a lay magistrate
30. Information notices
31. Failure to comply with a notice
32. Removal of ISPM 15 mark from wood packaging material
33. Marking of wood packaging material: power of seizure
34. Recovery of expenses

- 35. Disclosure of information held by the Commissioners for Her Majesty's Revenue and Customs
- 36. Disclosure of information
- 37. Appeal

PART 10

General and supplemental provisions relating to notices

- 38. Miscellaneous provisions as to notices
- 39. Service of notices

PART 11

Offences

- 40. General
- 41. Failure to comply with requirements of notices etc.
- 42. Defence: reasonable excuse
- 43. Provision of false or misleading information
- 44. Improper use of plant passports or certificates
- 45. Obstruction
- 46. Offence relating to the disclosure of information held by Revenue and Customs
- 47. Defence: lawful disclosure
- 48. Offences by bodies corporate
- 49. Offences by partnerships and unincorporated associations
- 50. Penalties

PART 12

Minor and consequential amendments

- 51. Amendment of the Marketing of Vegetable Plant Material Regulations (Northern Ireland) 1995
- 52. Amendment of the Marketing of Ornamental Plant Propagating Material Regulations (Northern Ireland) 1999
- 53. Amendment of the Seed Potatoes Regulations (Northern Ireland) 2016
- 54. Amendment of the Marketing of Fruit Plant and Propagating Material Regulations (Northern Ireland) 2017

PART 13

Revocation, transitional and saving provisions

- 55. Revocation, transitional and saving provisions
Signature

SCHEDULE 1 Temporary national measures

- 1. Interpretation
- 2. Temporary measures in relation to *Ceratocystis platani* (J.M. Walter Engelbr. & T.C. Harr.

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

3. Temporary measures in relation to *Candidatus Phytoplasma ulmi*
4. Temporary measures in relation to *Agrilus planipennis* Fairmaire
5. Exception for controlled material in transit
- PART 2 — Plants, plant products or other objects from another part of the Union territory
6. Temporary measures applying to the introduction of plants, plant products or other objects from another part of the Union territory
7. No person may introduce or move any plants, plant products...
- PART 3 — Official controls on consignments from third countries
8. (1) In this Part— “border control post” means a border...
9. Application of this Part
10. Notification and presentation of Schedule 1 consignments
11. Consignments not correctly presented for official controls
12. Official controls to be performed on Schedule 1 consignments
13. Completion of official controls
14. Removal of Schedule 1 consignments from border control posts of arrival
15. Measures to be taken on non-compliant Schedule 1 consignments
16. Measures to be taken on Schedule 1 consignments
17. Notification of decisions to refuse the entry of a Schedule 1 consignment into Northern Ireland
18. Notices under this Part

SCHEDULE

2

PART 1 — General interpretation

1. In this Schedule— “Directive 93/85/EEC” means Council Directive 93/85/EEC on...
- PART 2 — General provisions relating to the planting of certain solanaceous species
2. General restrictions on the planting of potatoes
- PART 3 — Measures for the control of Potato wart disease
3. Interpretation
4. Official measures relating to contaminated plots of land
5. Prohibition on the planting of potatoes on contaminated plots
6. Revocation of the demarcation of a contaminated plot
- PART 4 — Measures for the control of European populations of Potato cyst nematode
7. Interpretation
8. Official investigations and surveys
9. Official records of investigations and surveys
10. Notices in relation to infested fields and contaminated susceptible material
11. Prohibition on the planting of potatoes in infested fields
12. Controls on contaminated seed potatoes etc.
13. Controls on potatoes for industrial processing or grading
14. Controls on contaminated bulbs etc.
15. Further investigations for the presence of Potato cyst nematodes
- PART 5 — Measures for the control of Potato ring rot
16. Interpretation
17. Official surveys and testing
18. Measures to be taken following the confirmation of the presence of Potato ring rot

19. Restrictions in relation to susceptible material or objects contaminated or possibly contaminated with Potato ring rot
 20. Measures in relation to a contaminated place of production
 21. Additional measures applicable to a unit of protected crop production
 22. Measures to be taken in demarcated zones for the control of Potato ring rot
 - PART 6 — Measures for the control of Potato brown rot
 23. In this Schedule— “certified seed potatoes” means pre-basic seed potatoes...
 24. Official surveys and testing
 25. Measures to be taken following the confirmation of the presence of Potato brown rot
 26. Restrictions in relation to susceptible material or objects contaminated or possibly contaminated with Potato brown rot
 27. Measures which may be required in relation to a contaminated place of production
 28. Additional measures in relation to units of protected crop production
 29. Measures to be taken in demarcated zones for the control of Potato brown rot
 - PART 7 — Measures relating to Egyptian potatoes
 30. Measures for the purposes of Article 7 of Commission Implementing Decision 2011/787/EC
- SCHEDULE 3 Offences: relevant provisions in the EU Regulations
- 3
- PART 1 — The EU Plant Health Regulation
- PART 2 — The Official Controls Regulation
- PART 3 — Other EU legislation
- SCHEDULE 4 Offences relating to EU emergency decisions
- 4
- Explanatory Note