

1984 No. 320

PLANT HEALTH

**Import and Export (Plants and Plant Products) (Plant Health)
(Amendment No. 2) Order (Northern Ireland) 1984***Made* 10th September 1984*Coming into operation* 15th October 1984

The Department of Agriculture in exercise of the powers conferred on it by section 2(1)(a) and (2)(b) of the Plant Health Act (Northern Ireland) 1967(c) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Import and Export (Plants and Plant Products) (Plant Health) (Amendment No. 2) Order (Northern Ireland) 1984 and shall come into operation on 15th October 1984.

Amendment of Import and Export (Plants and Plant Products) (Plant Health) Order (Northern Ireland) 1981

2. The Import and Export (Plants and Plant Products) (Plant Health) Order (Northern Ireland) 1981(d) shall be amended as follows—

- (a) in Article 4(3) after “(b) raw vegetables;” there shall be inserted—
 - “(c) cut flowers and other parts of plants used for decoration;
 - (d) all rooted plants of conifers (Coniferae);
 - (e) parts of plants of conifers (Coniferae),”;
- (b) in Article 4(3) for “Parts IV, V and VI” there shall be substituted “Parts IB (Item 47A), IV, V, VI and VID”;
- (c) in Article 7(1) for “Parts IA, IIB, IIIB, or VB” there shall be substituted “Parts IA, IB (Item 47A), IIB, IIIB, VB or VID”;
- (d) in Article 8(1) for “Parts IA, IIA, IIIB, IIIC, IVB, IVC, VB, VIB or VIC” there shall be substituted “Parts IA, IB (Item 47A), IIA, IIIB, IIIC, IVB, IVC, VB, VIB, VIC or VID”;
- (e) after Article 8 there shall be inserted—

“Certificates to accompany consignments imported from Great Britain

8A.—(1) A person shall not land a consignment of a description which is set out in Parts IB (Item 47B) or VID of Schedule 2 and which has been consigned to Northern Ireland from Great Britain unless such consignment is accompanied by:

- (a) a phytosanitary certificate issued in the country in which such consignment was grown; and
- (b) a re-forwarding phytosanitary certificate issued in each other country from which such consignment has been consigned prior to its landing.

(2) Paragraph (1)(b) shall only apply to the re-export of a consignment to Northern Ireland from Great Britain if:

(a) As amended by S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Sch. 2
 (b) As amended by 1979 c. 2 s. 177(1) Sch. 4 Pt. II
 (c) 1967 c. 28 (N.I.)
 (d) S.R. 1981.No. 38

(a) such consignment has before being consigned to Northern Ireland been stored, repacked or split up in Great Britain and, re-exported to Northern Ireland from Great Britain; or

(b) the address of the consignee set out in the phytosanitary certificate accompanying the consignment is not in Northern Ireland.”;

(f) in Schedule 2 Part IB after Item 47, there shall be inserted—

“Item	Description of plants and plant products	Conditions subject to which landing is permitted
47A.	All rooted plants of conifers (Coniferae) including such plants not intended for planting consigned to Northern Ireland from a Member State or a Third Country.	<p>(1) Without prejudice to other requirements of this Schedule, the consignment shall be accompanied by a phytosanitary certificate and, as appropriate, one or more re-forwarding phytosanitary certificates in accordance with the provisions of Articles 7 or 8 and Article 10.</p> <p>(2) The consignment shall be accompanied by an official statement certifying that:</p> <p>(a) no symptoms of <i>Dendroctonus micans</i> have been observed at the place of production or its immediate vicinity since the beginning of the last complete cycle of vegetation; and</p> <p>(b) if the plants were grown other than in a nursery they do not exceed 3 metres in height.</p>
47B.	All rooted plants of conifers (Coniferae) not intended for planting consigned to Northern Ireland from Great Britain.	<p>(1) Without prejudice to other requirements of this Schedule the consignment shall be accompanied by a phytosanitary certificate and, as appropriate, one or more re-forwarding phytosanitary certificates in accordance with the provisions of Article 8A and Article 10.</p> <p>(2) The consignment shall be accompanied by an official statement certifying that:</p>

Item	Description of plants and plant products	Conditions subject to which landing is permitted
		<p>(a) no symptoms of <i>Dendroctonus micans</i> have been observed at the place of production or its immediate vicinity since the beginning of the last complete cycle of vegetation; and</p> <p>(b) if the plants were grown other than in a nursery they do not exceed 3 metres in height.'';</p>

(g) in Schedule 2 after Part VIC, there shall be inserted—

PART VID

CONIFERS

General conditions in the case of all parts of plants of conifers (Coniferae)

Item	Description of plants and plant products	Conditions subject to which landing is permitted
84.	Parts of plants of conifers (Coniferae).	<p>(1) Without prejudice to other requirements of this Schedule the consignment shall be accompanied by:</p> <p>(a) a phytosanitary certificate and, as appropriate, one or more re-forwarding phytosanitary certificates in accordance with the provisions of Articles 7 or 8 or 8A and Article 10; and</p> <p>(b) an official statement certifying that:</p> <p>(i) no symptoms of <i>Dendroctonus micans</i> have been observed at the place of production or its immediate vicinity since the beginning of the last complete cycle of vegetation.</p>

<i>Item</i>	<i>Description of plants and plant products</i>	<i>Conditions subject to which landing is permitted</i>
		<p>(ii) the parts of plants were not derived from the tops of trees which exceed 3 metres in height unless such trees have been grown in a nursery.</p> <p>(2) The parts of plants shall not exceed 3 metres in height.”.</p>

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 10th September 1984.

(L.S.)

J. C. L. Phillips

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order implements the European Commission Decisions 83/96/EEC (O.J. Vol. 26, L. 61 8.3.83 p. 20) and 84/69/EEC (O.J. Vol. 27, L. 38 9.2.84 p. 381) which authorise the United Kingdom to take measures to protect itself against the introduction from Member States of the beetle *Dendroctonus micans* (the Great Spruce Bark Beetle) a non-indigenous pest which attacks conifer trees.

Except for conifer trees and cut conifer trees which have been consigned to Northern Ireland from the Republic of Ireland and which have been grown in the Republic of Ireland, or been landed in the Republic of Ireland in accordance with the importation regulations governing such landings, this Order—

- (a) prohibits the landing from Member States of conifer trees which are over three metres in height and have not been grown in a nursery (Article 2(f) of the Order and Article 1(b) of Decision 83/96/EEC);
- (b) prohibits the landing from Member States of cut conifer trees, which are over three metres in height or derive from the tops of trees grown outside a nursery which are themselves over three metres in height (Article 2(g) of the Order and Article 1(b) and (c) of Decision 83/96/EEC);
- (c) provides that conifer trees or cut conifer trees when imported into Northern Ireland from Member States must be accompanied by a phytosanitary certificate and by specified official statements (Article 2(f) and 2(g) of the Order and Article 1(a), (b), (c) and (d) of Decision 83/96/EEC).

In addition to implementing the above Commission Decisions the Order also applies similar controls as set out above in respect of imports from Great Britain and Third Countries save that rooted conifers intended for planting and imported from Great Britain do not require a phytosanitary certificate (Article 2(d), (e), (f) and (g) of the Order).

Offences in connection with this Order and penalties which may be imposed in respect of a contravention or failure to comply with this Order are set out in Article 18 of the Import and Export (Plants and Plant Products) (Plant Health) Order (Northern Ireland) 1981, (S.R. 1981 No. 38).