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STATUTORY RULES OF NORTHERN IRELAND

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**2019 No. 161**

**PLANT HEALTH**

**The Marketing of Plant and Propagating Material  
(Amendment) Regulations (Northern Ireland) 2019**

*Made - - - - 28th August 2019*

*Coming into operation 1st September 2019*

The Department of Agriculture, Environment and Rural Affairs<sup>(1)</sup>, in exercise of the powers conferred by section 2(2) of and Paragraph 1A of Schedule 2 to the European Communities Act 1972<sup>(2)</sup>, makes the following Regulations.

The Department of Agriculture, Environment and Rural Affairs is designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to the common agricultural policy of the European Union<sup>(3)</sup>.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Marketing of Plant and Propagating Material (Amendment) Regulations (Northern Ireland) 2019 and come into operation on 1st September 2019.

(2) The Interpretation Act (Northern Ireland) 1954<sup>(4)</sup> applies to these Regulations as it applies to an Act of the Assembly.

**The Marketing of Vegetable Plant Material Regulations (Northern Ireland) 1995**

2. In the Marketing of Vegetable Plant Material Regulations (Northern Ireland) 1995<sup>(5)</sup>, after regulation 4 insert—

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(1) Formerly the Department of Agriculture and Rural Development (DARD) (see Article 3(4) of the Departments (Northern Ireland) Order 1999 (S.I. 1999/283 (N.I. 1)). DARD was renamed the Department of Agriculture, Environment and Rural Affairs by Article 1(2) of the Departments Act (Northern Ireland) 2016 (2016 c. 5 (N.I.)).

(2) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) (the 2006 Act) and by Part 1 of Schedule 1 to the European Union (Amendment) Act 2008 (c.7) (the 2008 Act). Paragraph 1A of Schedule 2 was inserted by section 28 of the 2006 Act and by Part 1 of Schedule 1 to the 2008 Act. It is prospectively repealed by the European Union (Withdrawal) Act 2018 (c. 16), section 1 from exit day (see section 20 of that Act).

(3) S.I. 2000/2812.

(4) 1954 c. 33 (N.I.).

(5) S.R. 1995 No. 415, as amended by S.R. 2007 No. 400 and S.I. 2011/1043.

**“Plant material from outside the European Union: authorisation**

**4A.**—(1) The Department may authorise the marketing of plant material from any country outside the European Union if satisfied that the plant material has been produced under conditions equivalent to the requirements in these Regulations for plant material.

(2) An authorisation given under this regulation—

- (a) must be in writing;
- (b) may be subject to conditions; and
- (c) may be amended, suspended or revoked by notice.”.

**The Marketing of Fruit Plant and Propagating Material Regulations (Northern Ireland) 2017**

**3.** In the Marketing of Fruit Plant and Propagating Material Regulations (Northern Ireland) 2017(6), in regulation 5, for paragraphs (3) and (4) substitute—

“(3) The Department may authorise the marketing of plant material from any country outside the European Union if satisfied that the plant material has been produced under conditions equivalent to the requirements in these Regulations for plant material.”.

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on 28th August 2019.



*John Joe O’Boyle*  
A senior officer of the  
Department of Agriculture, Environment and  
Rural Affairs

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## EXPLANATORY NOTE

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

These Regulations are made in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 (c. 68) and make amendments to the Marketing of Vegetable Plant Material Regulations (Northern Ireland) 1995 (S.R. 1995 No. 415) and the Marketing of Fruit Plant and Propagating Material Regulations (Northern Ireland) 2017 (S.R. 2017 No. 119) to enable the Department to authorise the marketing of vegetable plant material and fruit plant and propagating material from countries outside the European Union in certain circumstances.

Regulation 2 amends the Marketing of Vegetable Plant Material Regulations (Northern Ireland) 1995 to provide that the Department may authorise the marketing of plant material from any country outside of the European Union if satisfied that the plant material has been produced under conditions equivalent to those required by those Regulations.

Regulation 3 amends the Marketing of Fruit Plant and Propagating Material Regulations (Northern Ireland) 2017 to provide that the Department may authorise the marketing of plant material from countries outside of the European Union if satisfied that the plant material has been produced under conditions equivalent to those required by those Regulations.

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