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STATUTORY RULES OF NORTHERN IRELAND

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**2011 No. 352**

**PLANT HEALTH**

**The Plant Health (Amendment  
No.3) Order (Northern Ireland) 2011**

*Made - - - - 6th October 2011*

*Coming into operation 16th November 2011*

The Department of Agriculture and Rural Development<sup>(1)</sup>, in exercise of the powers conferred by sections 2 and 3 of the Plant Health Act (Northern Ireland) 1967<sup>(2)</sup>, makes the following Order.

**Citation and commencement**

1. This Order may be cited as The Plant Health (Amendment No.3) Order (Northern Ireland) 2011 and shall come into operation on 16th November 2011.

**Amendments to the Plant Health Order (Northern Ireland) 2006**

2. The Plant Health Order (Northern Ireland) 2006<sup>(3)</sup> is amended as follows.

**Insertion of new article 35(5)**

3. In Article 35 (Service of notices) insert—

“(5) Where a notice is to be served on a potato grower or occupier of premises under Article 38A(3) and the last known place of abode or business of that person cannot be ascertained after reasonable inquiry, the notice shall be deemed to be served seven days after it has been addressed to “the occupier” and affixed conspicuously to an object on the premises on which the crop is growing or on which the potato, soil or waste material is or has been kept.”.

**Insertion of new articles 38A and 38B**

4. After Article 38 (Miscellaneous provisions for certain solanaceous species) insert—

“Inspection and control of potato crop health *Dickeya* spp.

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(1) Formerly the Department of Agriculture for Northern Ireland; see S.I. 1999/283 (N.I.1), Article 3(4)  
(2) 1967 c.28 (N.I.) as amended by S.R. & O. (N.I.) 1972 No.351 Art. 3 and Sch. 2; 1979 c. 2, s. 177 (1) and Sch. 4 Pt.II; S.I. 1984/702 (N.I. 2) Art. 15(2) and 2010 c.10 (N.I.) section 14(2)  
(3) S.R. 2006 No.82 as amended by S.R. 2006 No.165; S.R. 2006 No.435; S.R. 2007 No.333; S.R. 2007 No.483; S.R. 2008 No. 205; S.R. 2008 No.442; S.R. 2008 No.493; S.R. 2009 No. 179; S.R. 2010 No.197; S.R. 2010 No. 232; S.R. 2010 No.307 and S.R. 2011 No.22

**38A.—**(1) An inspector may at any reasonable time enter on to any premises on which the inspector reasonably believes that potatoes have been planted, stored, processed or packed and carry out such investigations as the inspector considers necessary for the purpose of establishing whether any potatoes are infected with *Dickeya* spp..

(2) An inspector may take and remove samples of potato or soil for the purpose of establishing whether any potatoes are infected with *Dickeya* spp..

(3) Where an inspector reasonably suspects that potatoes are infected with *Dickeya* spp. the inspector may serve a notice requiring the potato grower or occupier of the premises to take such steps, in such manner and within such time as may be specified in the notice, as appear to the inspector to be necessary to prevent the spread of *Dickeya* spp. to other potatoes.”

5. In part 7A, Article 38A shall be re-numbered 38B.

6. In Article 44(1) (a) (xiiiA) for “article 38A(5)” substitute “Article 38B(5)”.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 6th October 2011.



*Keith Morrison*  
A senior officer of the  
Department of Agriculture and Rural  
Development

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## EXPLANATORY NOTE

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

This Order amends the Plant Health Order (Northern Ireland) 2006 ([S.R. 2006 No.82](#)) (“the principal Order”) so as to make provision for preventing the spread of *Dickeya* spp. in potato crops.

Article 3 inserts a new paragraph (5) into Article 35 of the principal Order to cover notices served under the new Article 38A.

Article 4 inserts a new Article 38A into the principal Order, containing provisions for the inspection of potatoes for the presence of *Dickeya* spp. and, if infection is suspected or identified, for requiring action to be taken by the person responsible for the potatoes or the premises on which they have been planted, stored, processed or packed.

Articles 5 and 6 make minor drafting changes to the principal Order.

A Regulatory Impact Assessment has not been produced for these Regulations as any impacts are considered to be negligible.