

2012 No. 185

SEEDS

The Potatoes Originating in Egypt (Amendment) Regulations (Northern Ireland) 2012

Made - - - -

10th May 2012

Coming into operation -

11th June 2012

The Department of Agriculture and Rural Development^(a) makes the following Regulations in exercise of the powers conferred on it by section 2(2) of, as read with paragraph 1A of Schedule 2 to, the European Communities Act 1972^(b).

It is a Department designated^(c) for the purposes of section 2(2) of that Act^(d) in relation to the common agriculture policy of the European Community.

These Regulations make provision for a purpose mentioned in section 2(2) of that Act and it appears to the Department that it is expedient for a reference to Commission Implementing Decision 2011/787/EU^(e) to be construed as a reference to that Decision as amended from time to time.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as The Potatoes Originating in Egypt (Amendment) Regulations (Northern Ireland) 2012 and shall come into operation on 11th June 2012.

(2) The Interpretation Act (Northern Ireland) 1954^(f) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment to The Potatoes Originating in Egypt Regulations (Northern Ireland) 2004

2. The Potatoes Originating in Egypt Regulations (Northern Ireland) 2004^(g) are amended as follows—

(1) In regulation 2(2) (interpretation)—

for the definition of “the Decision”, substitute ““the Decision” means Commission Implementing Decision 2011/787/EU of 29 November 2011 authorising member States temporarily to take emergency measures against the dissemination of *Ralstonia solanacearum*

(a) Formerly the Department of Agriculture for Northern Ireland; see S.I. 1999/283 (N.I.1), Article 3(4)

(b) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c.51)

(c) S.I. 2000/2812

(d) 1972 c.68

(e) O.J. No. L319, 2.12.2011, p.112

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

(g) S.R. 2004 No.183

(Smith) Yabuuchi et al as regards Egypt and references in these Regulations to “the Decision” are references to that Decision as amended from time to time.”;

for the definition of “the Order” substitute ““the Order” means the Plant Health Order (Northern Ireland) 2006.”;

for the definition of “phytosanitary certificate” substitute ““phytosanitary certificate” has the same meaning as in article 2(1) of the Order.”.

(2) In regulation 3 (importation of potatoes originating in Egypt)—

(a) in paragraph (1), for “paragraph 1(b)(xi) of the Annex to the Decision” substitute “paragraph 2.2(c) of the Annex to the Decision”;

(b) in paragraph (2), for “point 35B of Section 1 of Part A of Schedule 4 to the Order”, substitute “point 36 of Part A of Schedule 4 to the Order”.

(3) For regulation 5 (powers of an inspector), substitute the following—

“(1) The provisions of this regulation are without prejudice to the circumstances in which an inspector may exercise the powers conferred by the Order.

(2) On having reasonable grounds for suspecting a contravention or likely contravention of regulation 3, an inspector may, for the purpose of these Regulations, exercise—

(a) the power conferred by Article 32(1), (2) and (3) of the Order as read with Article 34 of the Order, as if a potato originating in Egypt were a plant landed or likely to be landed in contravention of that Order; and

(b) the power conferred by Article 32(4), (5) and (6) of the Order as read with Article 34 of that Order, as if a potato originating in Egypt kept on or moved from premises, or likely to be so, was a plant kept or moved in contravention of that Order.

(3) On having reasonable grounds for suspecting a contravention or likely contravention of regulation 4, an inspector may, for the purpose of these Regulations, exercise the powers conferred by Article 32(4), (5) and (6) of the Order as read with Article 34 of that Order, as if a potato originating in Egypt kept on or moved in contravention of that Order.

(4) Any notice served by virtue of this regulation in exercise of a power conferred by Article 32 of the Order shall have effect as if served under Article 32 of that Order, and Articles 31(7), 33(4), 34(3) and (4), 36, 37, 43, 44(1)(a) and (c) and 45, shall apply accordingly.

(5) An inspector may, for the purposes of checking compliance with these Regulations, exercise the powers conferred by Article 31 of the Order, as if checking compliance with that Order.

(6) Any power conferred by Article 31 of the Order which is exercised by virtue of this regulation shall be treated as if that power has been exercised under the Order, and the provisions of that Order (including Article 44(1)(a) and (c) and 45) shall apply accordingly.”

(4) In paragraph (1) of regulation 6 (charges in respect of the sampling of imports of potatoes)—

(a) for “Article 25(a)(iii) of the Order” substitute “Article 31(2)(b) of the Order”; and

(b) for “paragraphs 2 and 3 of the Annex to the Decision”, substitute “paragraphs 4 and 5 of the Annex to the Decision”.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 10th May 2012.



Keith Morrison

A senior officer of the Department of Agriculture and Rural Development

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Potatoes Originating in Egypt Regulations (Northern Ireland) 2004 (S.R. 2004 No. 183). They implement Commission Implementing Decision 2011/787/EU (O.J. No. L319, 2.12.2011, p.112), which repeals Commission Decision 2004/4/EC and as amended. They authorise Member States temporarily to take additional measures against the dissemination of *Ralstonia solanacearum* (Smith) Yabuuchi et al. as regards Egypt.

These Regulations also update reference to the Plant Health Order (Northern Ireland) 1993 to reflect the Plant Health Order (Northern Ireland) 2006.

A regulatory impact assessment has not been considered necessary for these Regulations as any impacts are considered to be negligible.

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