EXPLANATORY MEMORANDUM TO

THE PLANT HEALTH (AMENDMENT) ORDER 2010

SR 2010 No. 197

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development to accompany the Statutory Rule (details above).

1.2 The Statutory Rule is made in exercise of the powers conferred on the Department by sections 2, 3 and 4(1) of the Plant Health Act (Northern Ireland) 1967, and is subject to the negative resolution procedure.

2. Description

2.1 This Order amends the Plant Health Order (Northern Ireland) 2006 ('the principal Order') (S.R. 2006/82). It implements Commission Directive 2010/1/EU amending Annexes II, III and IV to Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community.

2.2 The Order makes a minor technical amendment to Schedule 4, Part C, to the principal Order in order to implement the amendments made to Council Directive 2000/29/EC.

3. Matters of special interest to the Examiner of Statutory Rules

3.1 It is intended to put these measures in place as soon as possible. The transposition date of Commission Directive 2010/1/EU was 28th February, however, the Directive was only issued on 12 January 2010 and, therefore, the Department has had limited time in which to progress it through the legislative process.

4. Legislative Background

4.1 This Order amends the Plant Health Order (Northern Ireland) 2006 (SR 2006 No.82).

5. Consultation

5.1 Consultation is not required for this legislation and is not considered necessary as it places no financial burden on industry and protects the local industry and the environment from potential infestation.

6. Territorial Extent and Application

6.1 This Statutory Rule applies to Northern Ireland.

7. Section 24 of the Northern Ireland Act 1998

7.1 The proposed legislation has been screened for these issues and none were identified.

8. Equality Impact

8.1 These regulations will apply in equal measures to all Section 75 groups. It is not expected that any of these changes will impact differentially across any of the section 75 groups.

9. Regulatory Impact

9.1 There are no financial implications and it is therefore not considered necessary to conduct a Regulatory Impact Assessment.

10. Financial Implications

10.1 There are no financial implications.

11. Policy background

11.1 The Department statutorily inspects imports of plants or plant products for plant pests and diseases. This Order implements Commission Directive 2010/1/EU amending Annexes II,III and IV to Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community.

12. Contact

Renee McDowell at the Department of Agriculture and Rural Development Tel: 02890 520855 or e-mail: renee.mcdowell@dardni.gov.uk can answer any queries regarding the Statutory Rule.

Equality and **Human Rights** Screening Template

December 2007



Department of
Agriculture and
Rural Development
www.dardni.gov.uk

DARD Equality and **Human Rights** Screening Template

DARD has a statutory duty to screen. This includes our strategies and plans, policies, legislative developments; and new ways of working such as – the introduction, change or end of an existing service, funding arrangement or facility. This screening template is designed to help business areas consider the likely equality and human rights impacts of their proposed decisions on DARD's customers, service users, staff and visitors.

Section A - asks you to provide details about the policy / decision that is being screened.

Section B - has 4 key questions that require you to consider the likely impact on Section 75 equality groups. Details of all consultation activity should be recorded.

Section C - has 4 key questions in relation to obligations under the Disability Discrimination Order and the Human Rights Act.

Section D - is the formal record of the screening decision. It is important that all efforts to consult and consider evidence are recorded precisely throughout the entire screening process, in accordance with the terms of the Guidance Note at the end of the document.

 Click on the Word icon to download the Screening Guidance

Section A

Details about the policy / decision to be screened

Title of policy / decision to be screened:-

The Plant Health (Amendment) Order (Northern Ireland) 2010

Brief description of policy / decision to be screened:-

The proposed Order amends The Plant Health Order (Northern Ireland) 2006 ('the principal Order') (S.R. 2006/82). It implements Commission Directive 2010/1/EU amending Annexes II,III and Annex IV to Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community. The Order makes a minor technical amendment to Schedule 4, Part C, to the principal Order.

Commission Directive 2010/1/EU requires Member States to update the areas recognised as protected zones to avoid the introduction of plant health diseases and pests into the Community.

Aims and objectives of the policy / decision to be screened:-

To protect member States from the introduction of plant health pests and diseases.

On whom will the policy / decision impact:-

Commercial growers and importers bringing plants into Northern Ireland. Attached are geographical and perceived community background charts for the 112 main traders (some are ‘unknown’ community as they are companies).

Section B

1. Is there any evidence of higher or lower participation or uptake by different groups?

	Yes	No	Don't know
Religious belief	☐	☒	☐
Political opinion	☐	☒	☐
Racial group	☐	☒	☐
Age	☐	☒	☐
Marital status	☐	☒	☐
Sexual orientation	☐	☒	☐
Gender	☐	☒	☐
Disability	☐	☒	☐
Dependants	☐	☒	☐

Evidence held? Outline all supporting evidence:

This policy is specific to a small number of traders. The attached geographical location/perceived community charts (below) are evidence of balanced (i.e. no higher or lower) participation or uptake. There is no other available evidence concerning the other different Section 75 groups.

No evidence held? Outline how you will obtain it:

When the next substantial plant health consultation occurs (expected in the next 2 years), we intend requesting comments on equality and human rights concerns from stakeholders during public consultations on plant health policy issue(s), using the following:

" Under Section 75 of the Northern Ireland Act 1998, the Department is required to have due regard to the need to promote equality of opportunity:

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependants and persons without.

The consultation has been screened in terms of equality and it has been concluded that the proposed measures will not have any differential impact on the groups listed above. We would, however, welcome any comments on the equality aspects of the consultation."

In the near future we intend requesting comments on equality and human rights concerns from stakeholders during public consultations on plant health policy issue(s).

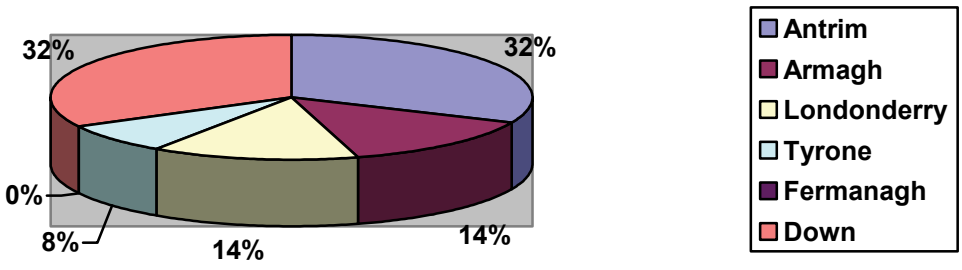
2. Do different groups have different needs, experiences, issues and priorities in relation to this policy issue?

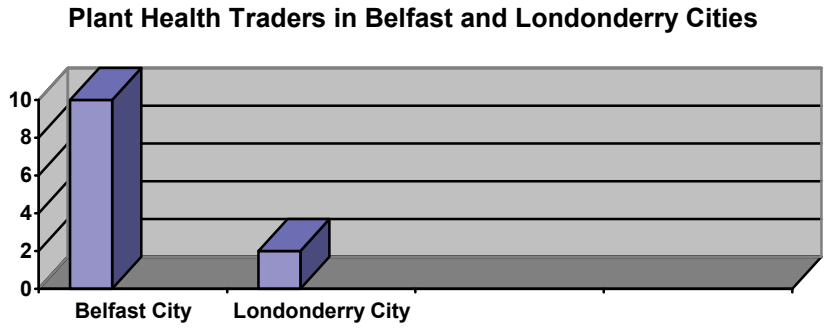
	Yes	No	Don't know
Religious belief	☐	☒	☐
Political opinion	☐	☒	☐
Racial group	☐	☒	☐
Age	☐	☒	☐
Marital status	☐	☒	☐
Sexual orientation	☐	☒	☐
Gender	☐	☒	☐
Disability	☐	☒	☐
Dependants	☐	☒	☐

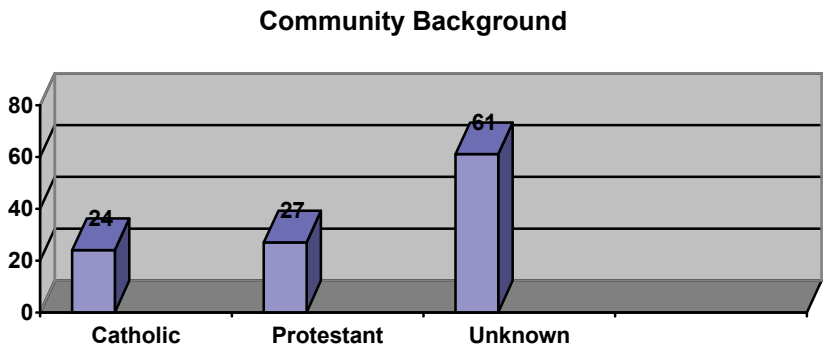
Evidence held? Outline all supporting evidence:

This policy is specific to a small number of traders. The attached geographical location/perceived community charts (below) are evidence of balanced (i.e. no higher or lower) participation or uptake. There is no other available evidence concerning the other different Section 75 groups.

Plant Health Traders







No evidence held? Outline how you will obtain it:

When the next substantial plant health consultation occurs (expected in the next 2 years), we intend requesting comments on equality and human rights concerns from stakeholders during public consultations on plant health policy issue(s), using the following:

" Under Section 75 of the Northern Ireland Act 1998, the Department is required to have due regard to the need to promote equality of opportunity:

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependants and persons without.

The consultation has been screened in terms of equality and it has been concluded that the proposed measures will not have any differential impact on the groups listed above. We would, however, welcome any comments on the equality aspects of the consultation."

In the near future we intend requesting comments on equality and human rights concerns from stakeholders during public consultations on plant health policy issue(s).

3. Consultation is an integral part of policy development and policy screening. Have consultations with relevant groups, organisations or individuals indicated that policies of this type create problems that are specific to them?

	Yes	No	Don't know
Religious belief	☐	☒	☐
Political opinion	☐	☒	☐
Racial group	☐	☒	☐
Age	☐	☒	☐
Marital status	☐	☒	☐
Sexual orientation	☐	☒	☐
Gender	☐	☒	☐
Disability	☐	☒	☐
Dependants	☐	☒	☐

Evidence held? Outline all supporting evidence:

This policy is specific to a small number of traders. The attached geographical location/perceived community charts (at Section 2) are evidence of fairly equally balanced (i.e. no higher or lower) participation or uptake. There is no other available evidence concerning the other different Section 75 groups.

No evidence held? Outline how you will obtain it:

When the next substantial plant health consultation occurs (expected in the next 2 years), we intend requesting comments on equality and human rights concerns from stakeholders during public consultations on plant health policy issue(s), using the following:

" Under Section 75 of the Northern Ireland Act 1998, the Department is required to have due regard to the need to promote equality of opportunity:

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependants and persons without.

The consultation has been screened in terms of equality and it has been concluded that the proposed measures will not have any differential impact on the groups listed above. We would, however, welcome any comments on the equality aspects of the consultation."

In the near future we intend requesting comments on equality and human rights concerns from stakeholders during public consultations on plant health policy issue(s).

4. In relation to implementing this policy, is there an opportunity to better promote equality of opportunity or good relations by altering the policy or by working with others in Government or in the larger community?

	Yes	No	Don't know
Religious belief	☐	☒	☐
Political opinion	☐	☒	☐
Racial group	☐	☒	☐
Age	☐	☒	☐
Marital status	☐	☒	☐
Sexual orientation	☐	☒	☐
Gender	☐	☒	☐
Disability	☐	☒	☐
Dependants	☐	☒	☐

Evidence held? Outline all supporting evidence:

Existing evidence (as detailed above) and anecdotal evidence (opinion of officials from familiarity with the sector, as mentioned above) suggest there is no opportunity to better promote equality of opportunity or good relations by altering the policy or by working with others in Government or in the larger community.

No evidence held? Outline how you will obtain it:

When the next substantial plant health consultation occurs (expected in the next 2 years), we intend requesting comments on equality and human rights concerns from stakeholders during public consultations on plant health policy issue(s), using the following:

" Under Section 75 of the Northern Ireland Act 1998, the Department is required to have due regard to the need to promote equality of opportunity:

- between persons of different religious belief, political opinion, racial group,

age, marital status or sexual orientation;

- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependants and persons without.

The consultation has been screened in terms of equality and it has been concluded that the proposed measures will not have any differential impact on the groups listed above. We would, however, welcome any comments on the equality aspects of the consultation."

In the near future we intend requesting comments on equality and human rights concerns from stakeholders during public consultations on plant health policy issue(s).

Section C

DARD also has legislative obligations to meet under the Disability Discrimination Order and Human Rights Act. Questions 5 -9 relate to these two areas.

Consideration of Disability Duties

5. Does this proposed policy / decision provide an opportunity for DARD to better promote positive attitudes towards disabled people?

Explain your assessment in full
No. Not applicable.

6. Does this proposed policy / decision provide an opportunity for DARD to actively increase the participation by disabled people in public life?

Explain your assessment in full
No. Not applicable.

Consideration of Human Rights

7. Indicate below (by placing an X in the appropriate box) any *adverse impacts* of the policy / decision in relation to the Human Rights Articles as set out in the European Convention of Human Rights.

Right to Life	**Article 2**	☐
Prohibition of torture, inhuman or degrading treatment	**Article 3**	☐
Prohibition of slavery and forced labour	**Article 4**	☐
Right to liberty and security	**Article 5**	☐
Right to a fair and public trial	**Article 6**	☐
Right to no punishment without law	**Article 7**	☐
Right to respect for private and family life, home and correspondence	**Article 8**	☐
Right to freedom of thought, conscience and religion	**Article 9**	☐
Right to freedom of expression	**Article 10**	☐
Right to freedom of assembly and association	**Article 11**	☐
Right to marry and to found a family	**Article 12**	☐
The prohibition of discrimination	**Article 14**	☐
Protection of property	**Protocol 1 Article 1**	☐
Right to education	**Protocol 1 Article 2**	☐
Right to free and secret elections	**Protocol 1 Article 3**	☐

8. **Please explain any adverse impacts on human rights that you have identified**

None identified.

9. **Please indicate any ways which you consider the policy positively promotes human rights**

None identified.

Section D

Formal Record of Screening Decision

Title of Proposed Policy / Decision being screened –
The Plant Health (Amendment) Order (Northern Ireland) 2010

I can confirm that the proposed policy / decision has been screened for –

☒ equality of opportunity and good relations

☒ disabilities duties; and

☒ human rights issues

On the basis of the answers to the screening questions, I recommend that this policy / decision is –

☒ *Screened Out – No EQIA necessary

☐ *Screened In – Necessary to conduct a full EQIA

*(please check appropriate box above)

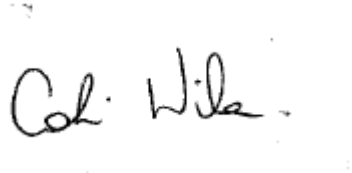
Screening assessment completed by (Staff Officer level) -

Name: Colin Wilson Grade: SO

Date: 26 April 2010

Branch: Farm Policy

Signature: please insert a scanned image of your signature below



Screening decision approved by (must be G7 or above) -

Name: PETER TONER Grade: Grade 7

Date: 26 April 2010

Branch: FFEPD

Signature: please insert a scanned image of your signature below



Please save the completed screening form within TRIM and also forward the TRIM reference for the signed electronic copy to Equality Branch at equalitybranch@dardni.gov.uk

For more information about screening, contact –

DARD Equality Branch
Room 509
Dundonald House
Upper Newtownards Road
Belfast BT4 3SB

Telephone 028 9052 4435
Textphone 028 9052 4420

Or check out our intranet site
http://dardintranet/coord_intranet/EqualityBranch/index.shtml



Department of
Agriculture and
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