



STATUTORY INSTRUMENTS.

S.I. No. 411 of 2012



DESTRUCTIVE INSECTS AND PESTS ACTS 1958 AND 1991
(CHALARA FRAXINEA) ORDER 2012

DESTRUCTIVE INSECTS AND PESTS ACTS 1958 AND 1991
(*CHALARA FRAXINEA*) ORDER 2012

The Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on him by sections 2 and 3 of the Destructive Insects and Pests Acts 1958 and 1991 (as adapted by the Agriculture, Fisheries and Food (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 455 of 2011)), hereby order as follows:

1. This Order may be cited as the Destructive Insects and Pests Acts 1958 and 1991 (*Chalara fraxinea*) Order 2012

2. This Order applies to *Chalara fraxinea*.

3. (1) For the purposes of this Order-

“article” means a plant of the genus *Fraxinus* L.;

“*Chalara fraxinea*” means *Chalara fraxinea* T. Kowalski (anamorph), including its teleomorph *Hymenoscyphus pseudoalbidus*;

“Council Directive” means Council Directive 2000/29/EC of 8 May 2000¹;

“crop” means a plant of the genus *Fraxinus* L.;

“inspector authorised by the Minister” means—

(a) an authorised officer within the meaning of section 11(4) of the Forestry Act 1946 (No. 13 of 1946), or

(b) an authorised officer appointed under Regulation 11 of the European Communities (Control of Organisms Harmful to Plants and Plant Products) Regulations 2004 (S.I. No. 894 of 2004);

“official statement” has the same meaning as in the Council Directive;

“plant” has the meaning assigned to “plants” in Article 2(1)(a) of the Council Directive;

“plant passport” has the meaning assigned to it in Article 2(1)(f) of the Council Directive;

“plant products” has the meaning assigned to it in Article 2(1)(b) of the Council Directive;

¹O.J. No.L169, 10.7.2000, p.1

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 30th October, 2012.*

4. (1) A person shall not land an article into the State unless it is-

- (a) accompanied by a plant passport stating that it originates from an area known to be free from *Chalara fraxinea*, or
- (b) accompanied by an official statement stating that it originates from an area known to be free from *Chalara fraxinea*.

(2) A person who lands an article in the State in contravention of paragraph (1) shall remove or destroy it and shall be liable for the cost of such removal and destruction.

5. (1) The Minister may direct in writing the removal or destruction of a crop or plant product which is infected or which in the opinion of an inspector authorised by the Minister appears—

- (a) to be infected by *Chalara fraxinea*, or
- (b) likely to spread *Chalara fraxinea*.

(2) The Minister may prohibit the keeping, selling or exposing or offering for sale, or the keeping or the distribution in any manner—

- (a) a crop or plant product which is infected by *Chalara fraxinea*, or
- (b) a crop or plant product which in the opinion of an inspector authorised by the Minister appears to be infected by *Chalara fraxinea*.

(3) A person who contravenes this Article shall be liable for the cost of removal and destruction.

6. An inspector authorised by the Minister may carry out the functions in section 3(2)(c) of the Acts for the purposes of preventing the spread of *Chalara fraxinea*.

7. The owner, or person in charge of land where a crop has been removed or destroyed for the purpose of reducing the spread of *Chalara fraxinea* shall notify the Minister in writing before he or she re-sows or re-plants such land with a tree of any species.



GIVEN under the Official Seal of the Minister for Agriculture, Food and the Marine,
26 October 2012.

TOM MORAN,

A Person Authorised Under Section 15 of the Ministers and Secretaries Act 1924 to Authenticate the Seal of the Minister for Agriculture, Food and the Marine.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

This Order is made under the Destructive Insects and Pests Acts 1958 and 1991 and provides for measures to be put in place to prevent the spread of *Chalara fraxinea* in the genus *Fraxinus* L.

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