



STATUTORY INSTRUMENTS.

S.I. No. 30 of 2020



DESTRUCTIVE INSECTS AND PESTS ACTS 1958 AND 1991
(PRE-NOTIFICATION) ORDER 2020

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DESTRUCTIVE INSECTS AND PESTS ACTS 1958 AND 1991
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I, Michael Creed, Minister for Agriculture, Food and the Marine, in exercise of the powers conferred on me 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 (Pre-Notification) Order 2020.

2. This Order applies to *Quercus*, plants and trees.

3. For the purposes of this Order

“inspector authorised by the Minister” means 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).

4. (1) A person shall not land into or keep *Thaumetopoea processionea* in the State unless authorised by the Minister.

(2) A person shall not cause *Thaumetopoea processionea* to spread in the State.

(3) A person shall not land *Quercus* plants or trees into the State without notifying the Minister in writing at least two days in advance, giving the following particulars of each consignment:

- (a) the intended date of their landing into the State;
- (b) the intended destination;
- (c) the genus, species and quantity;
- (d) the identification number of the supplier of the plants;
- (e) the country from which they have been consigned.

(4) A person who lands *Thaumetopoea processionea* in the State in contravention of paragraph (3) shall remove or destroy the plants or trees in accordance with directions of the Minister.

(5) The Minister shall not be liable for the cost of any removal or destruction under paragraph (4).

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 4th February, 2020.*

5. (1) The Minister may give a direction in writing for the removal or destruction of a plant or tree product which is infected with *Thaumetopoea processionea* or which in the opinion of an inspector authorised by the Minister appears—

- (a) to be infected by *Thaumetopoea processionea*, or
- (b) likely to spread *Thaumetopoea processionea*.

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

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

(3) A notice issued under paragraph (2) may be issued or published in a manner the Minister considers appropriate.

(4) The Minister may amend, withdraw or suspend a notice issued under paragraph (2).

6. An inspector authorised by the Minister may carry out any or all the functions in section 3(2)(c) of the Destructive Insects and Pests Acts 1958 and 1991 for the purposes of preventing the spread of *Thaumetopoea processionea*.

7. This Order is in addition to, and not in substitution for, the European Communities (Control of Organisms Harmful to Plants and Plant Products) Regulations 2004 to 2019.



GIVEN under my Official Seal,
27 January, 2020.

MICHAEL CREED,
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 introduction of *Thaumetopoea processionea* (Oak Processionary Moth) into the Country.

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