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STATUTORY INSTRUMENTS

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**1996 No. 2563**

**PLANT HEALTH**

**The Potatoes Originating in the Netherlands Regulations 1996**

<i>Made</i>	- - - -	<i>10th October 1996</i>
<i>Laid before Parliament</i>		<i>10th October 1996</i>
<i>Coming into force</i>	- -	<i>11th October 1996</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the common agricultural policy of the European Community, acting jointly, in exercise of the powers conferred on them by the said section 2(2) and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Title, extent and commencement**

1. These Regulations may be cited as the Potatoes Originating in the Netherlands Regulations 1996, shall extend to Great Britain and shall come into force on 11th October 1996.

**Revocations**

2. The Seed Potatoes Originating in the Netherlands (Notification) (Scotland) Order 1995<sup>(3)</sup> and the Potatoes Originating in the Netherlands Order 1995<sup>(4)</sup> are hereby revoked.

**Interpretation**

3. In these Regulations—

“inspector” means any person authorised to be an inspector for the purposes of the Plant Health (Great Britain) Order 1993<sup>(5)</sup>;

“originating in the Netherlands” means grown in 1996 in the Netherlands;

“potato” means any tuber or true seed or any other plant of *Solanum tuberosum* L. or other tuber-forming species or hybrid of the genus *Solanum* L.;

“seed potato” means any potato intended for planting.

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(1) S.I.1972/1811.

(2) 1972 c. 68.

(3) S.I. 1995/2874 (S. 210).

(4) S.I. 1995/3018.

(5) S.I. 1993/1320; the relevant amending instrument is S.I. 1995/1358.

### **Notification of imports of potatoes originating in the Netherlands**

4.—(1) No person shall import into England or Wales any potatoes which he knows or has reasonable cause to suspect to have originated in the Netherlands unless he has given written notification to an inspector, at least two days prior to the intended date of introduction into England or Wales of the potatoes, of his intention to import the potatoes and of—

- (a) the proposed time, date and means of introduction;
- (b) the proposed point of entry;
- (c) the intended use of the potatoes;
- (d) in the case of seed potatoes or potatoes intended for processing, the proposed destination of the potatoes;
- (e) the variety of the potatoes;
- (f) the quantity of potatoes; and
- (g) the producer's identification number or the reference number of the lot.

(2) No person shall import into Scotland any potatoes which he knows or has reasonable cause to suspect to have originated in the Netherlands unless he has given written notification to the Secretary of State, at least two days prior to the intended date of introduction into Scotland of the potatoes, of his intention to import the potatoes and of the information specified in sub-paragraphs (a) to (g) of paragraph (1) above in respect of the potatoes.

(3) Any person who, before the commencement of these Regulations, imported into England and Wales any potatoes which he knew or had reasonable cause to suspect to have originated in the Netherlands shall, no later than 18th October 1996, give written notification to an inspector of—

- (a) the date the potatoes were imported;
- (b) the point of entry;
- (c) the intended use of the potatoes;
- (d) in the case of seed potatoes or potatoes intended for processing, the destination or proposed destination of the potatoes;
- (e) the variety of the potatoes;
- (f) the quantity of potatoes; and
- (g) the producer's identification number or the reference number of the lot.

(4) Any person who, before the commencement of these Regulations, imported into Scotland any potatoes which he knew or had reasonable cause to suspect to have originated in the Netherlands shall, no later than 18th October 1996, give written notification to the Secretary of State of the information specified in sub-paragraphs (a) to (g) of paragraph (3) above in respect of the potatoes.

(5) In this regulation, "processing" means any industrial treatment including washing but excluding packing for retail sale.

### **Powers of an inspector**

5.—(1) Without prejudice to the circumstances in which an inspector may by virtue of the Plant Health (Great Britain) Order 1993 exercise the powers conferred by articles 22 to 25 of that Order, an inspector who has reasonable grounds for suspecting that any person has or will have in his possession potatoes originating in the Netherlands may exercise any of those powers in respect of such potatoes.

(2) Any power exercised by virtue of paragraph (1) above shall be treated for the purposes of the Plant Health (Great Britain) Order 1993 as a power exercised under that Order.

### **Charges in respect of the sampling of imports of seed potatoes**

6.—(1) Where the power to take samples conferred by article 25(1)(a) of the Plant Health (Great Britain) Order 1993 is exercised by an inspector in respect of seed potatoes originating in the Netherlands for the purpose of ascertaining whether those potatoes are infected with *Pseudomonas solanacearum* (Smith) Smith, there shall be payable by the person required to give notification under regulation 4 in respect of those potatoes a fee of £116, except where that power has previously been exercised for that purpose in respect of other potatoes of the same variety grown on the same holding by the same producer.

(2) The fee prescribed by paragraph (1) shall be payable—

- (a) in the case of seed potatoes intended for planting in England or Wales, to the Minister of Agriculture, Fisheries and Food;
- (b) in the case of seed potatoes intended for planting in Scotland, to the Secretary of State.

### **Offences**

7.—(1) A person shall be guilty of an offence if, without reasonable excuse, proof of which shall lie on him, he contravenes or fails to comply with a provision of these Regulations.

(2) A person guilty of an offence under paragraph (1) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

10th October 1996

*Tim Boswell*  
Parliamentary Secretary, Ministry of Agriculture,  
Fisheries and Food

Scottish Office  
9th October 1996

*Lindsay*  
Parliamentary Under Secretary of State,

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

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

These Regulations, which extend to Great Britain, impose certain requirements in respect of potatoes grown in 1996 in the Netherlands in accordance with Commission Decision [95/506/EC](#) (OJNo. L291, 6.12.95, p. 48), authorizing Member States to take additional measures against the dissemination of *Pseudomonas solanacearum*(Smith) Smith as regards the Kingdom of the Netherlands, as amended by Commission Decision [96/599/EC](#) (OJ No. L265, 18.10.96, p. 18). The Seed Potatoes Originating in the Netherlands (Notification) (Scotland) Order 1995 and the Potatoes Originating in the Netherlands Order 1995 are revoked (regulation 2).

The Regulations require any person intending to import potatoes originating in the Netherlands to give at least two days' prior notification in writing of that intention and to provide specified information. They require any person who imported potatoes originating in the Netherlands before the commencement of these Regulations to give written notification by 18th October 1996 of corresponding information relating to those imports (regulation 4).

The Regulations provide that an inspector who has reasonable grounds for suspecting that a person has or will have in his possession potatoes originating in the Netherlands may exercise the powers conferred by articles 22 to 25 of the Plant Health (Great Britain) Order 1993 in respect of such potatoes (regulation 5). They prescribe that a fee of £116 shall be payable where a sample of seed potatoes is taken in exercise of those powers for the purpose of ascertaining whether the potatoes are infected with *Pseudomonas solanacearum*(Smith) Smith (except where the power to take a sample has previously been exercised for that purpose in respect of other potatoes of the same variety grown on the same holding by the same producer) (regulation 6).

A person who contravenes or fails to comply with a provision of the Regulations is liable on summary conviction to a fine not exceeding £5,000 (regulation 7).

A Compliance Cost Assessment in relation to these Regulations has been placed in the libraries of both Houses of Parliament, and copies can be obtained from the Plant Health Division of the Ministry of Agriculture, Fisheries and Food, Foss House, Kings Pool, 1—2 Peasholme Green, York YO1 2PX.