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STATUTORY INSTRUMENTS

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**1998 No. 3167**

**PLANT HEALTH**

**The Potatoes Originating in Egypt  
(Amendment) Regulations 1998**

*Made* - - - - *16th December 1998*  
*Laid before Parliament* *17th December 1998*  
*Coming into force* - - *18th December 1998*

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 by the said section 2(2) and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Title and commencement**

1. These Regulations may be cited as the Potatoes Originating in Egypt (Amendment) Regulations 1998 and shall come into force on 18th December 1998.

**Amendment of the Potatoes Originating in Egypt Regulations 1998**

2.—(1) The Potatoes Originating in Egypt Regulations 1998<sup>(3)</sup> shall be amended in accordance with paragraphs (2), (3) and (4) below.

(2) In regulation 2 (interpretation) for the definition of “the Decision” there shall be substituted—  
““the Decision” means Commission Decision [96/301/EC](#) authorising member States temporarily to take additional measures against the dissemination of *Pseudomonas solanacearum* (Smith) Smith as regards Egypt<sup>(4)</sup> as amended by Commission Decision [98/105/EC](#) authorising member States temporarily to take emergency measures against the dissemination of *Pseudomonas solanacearum* (Smith) Smith as regards Egypt<sup>(5)</sup> and Commission Decision [98/503/EC](#) authorising member States temporarily to take emergency

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(1) S.I. [1972/1811](#).

(2) [1972 c. 68](#).

(3) S.I. [1998/201](#).

(4) OJ No. L115, 9.5.96, p. 47.

(5) OJ No. L25, 31.1.98, p. 101.

measures against the dissemination of *Pseudomonas solanacearum* (Smith) Smith as regards Egypt(6);”.

(3) After regulation 5 there shall be inserted—

**“Charges in respect of the sampling of imports of potatoes**

**5A.**—(1) Where the power to take samples conferred by article 25(1)(a) of the Order is exercised by an inspector in respect of potatoes originating in Egypt in order to ascertain whether, for the purposes of paragraph 3 of the Annex to the Decision, those potatoes are infected with *Pseudomonas solanacearum* (Smith) Smith, there shall be payable by the importer a fee of £35, unless that power has previously been exercised for that purpose in respect of other potatoes from the same village, in the case of the delta region, or basin, in the case of the desert regions, during the same growing year.

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

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

(3) In this regulation—

“delta region”, “village”, “basin” and “desert regions” have the same meanings as they have in paragraph 1(a) of the Annex to the Decision; and

“growing year” means the period beginning on 1st September in one year and ending on 31st August in the following year.”.

(4) In paragraph (1) of regulation 6 (offences) for the words—

“regulation 3 (imports of potatoes originating in Egypt) or 4 (approval of plants which process potatoes originating in Egypt)”

there shall be substituted—

“regulation 3 (imports of potatoes originating in Egypt) or 4(1) (person processing potatoes otherwise than in an approved plant)”.

16th December 1998

*Jeff Rooker*  
Minister of State, Ministry of Agriculture,  
Fisheries and Food

15th December 1998

*Calum MacDonald*  
Parliamentary Under Secretary of State, Scottish  
Office

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## EXPLANATORY NOTE

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

These Regulations implement Commission Decision [98/503/EC](#) amending Decision [96/301/EC](#) and authorising Member States temporarily to take emergency measures against the dissemination of *Pseudomonas solanacearum* (Smith) Smith as regards Egypt (OJNo. L225, 12.8.98, p. 34) by amending the definition of “the Decision” in the Potatoes Originating in Egypt Regulations 1998 (the 1998 Regulations) (regulation 2(2)). Decision [98/503/EC](#) revises the conditions applying to potatoes from Egypt.

The Regulations amend the 1998 Regulations to set a fee of £35 where a sample of potatoes is taken for the purpose of ascertaining whether the potatoes are infected with *Pseudomonas solanacearum* (Smith) Smith (regulation 2(3)). They also make a minor clarificatory amendment to regulation 6 of the 1998 Regulations (regulation 2(4)).

A Regulatory Impact 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 7PX.