

4. The Importation of Plants (Northern Ireland) (Amendment) Order of 1940 (Statutory Rules and Orders of Northern Ireland, 1940, No. 47) is hereby revoked.

Commencement

5. This Order shall come into operation on the first day of June, 1945.

Short Title and Construction

6. This Order may be cited as the Importation of Plants (Northern Ireland) (Amendment) Order of 1945 and shall be read as one with the principal Order.

In witness whereof the Official Seal of the Ministry of Agriculture for Northern Ireland is hereunto affixed this thirtieth day of May, Nineteen Hundred and Forty-five.

(L.S.)

(Signed) *J. Pimlott*,

Assistant Secretary.

Potato Root Eelworm

ORDER, DATED 23RD AUGUST, 1945, MADE BY THE MINISTRY OF AGRICULTURE UNDER THE DESTRUCTIVE INSECTS AND PESTS ACTS, 1877-1934.

1945. No. 103

The Ministry of Agriculture, hereinafter referred to as "the Ministry" by virtue and in exercise of the powers vested in it under The Destructive Insects and Pests Acts, 1877, 1907 and 1934 and of every other power enabling it in that behalf, orders and it is hereby ordered as follows:—

Definitions :

1. In this Order—

"Authorised" means authorised by the Ministry.

"Inspector" means an Inspector of the Ministry.

"Land" includes buildings and premises in which tomatoes are or have been grown.

"Occupier" means the person rated or liable to be rated to the Poor Rate in respect of the land or who would be so rated or liable to be rated but for the provisions of Section 1 of the Local Government (Rating and Finance) Act (Northern Ireland), 1929, and includes in relation to any land, the occupier of which is absent from Northern Ireland, any agent or other person entrusted with the management of the land on his behalf.

"Packages" includes boxes, sacks, baskets and other containers.

“Potatoes” includes tubers growing, or grown, on a farm or in a garden in Northern Ireland, or obtained from any person or district outside Northern Ireland, as well as the haulms of such tubers.

“Potato Root Eelworm” means the Nematode, *Heterodera rostochiensis* Wollenweber.

“Tomato Plants” includes roots, stems and leaves of any species of tomato growing, or grown, on a farm or in a garden, building or premises in Northern Ireland or obtained from any person or district outside Northern Ireland.

Commencement and Short Title

2. This Order shall come into operation on the first day of September, 1945, and may be cited as “The Potato Root Eelworm (Northern Ireland) Order, 1945.”

Notification of Infection

3. Every person who grows potatoes or tomato plants on land which is infected or suspected to be infected with Potato Root Eelworm shall forthwith notify the fact to the Ministry.

Measures for the Prevention of the Spread of Infection

4.—(1) An Inspector of the Ministry or other authorised officer on receiving in any manner notification of the existence or supposed existence or having reason to suspect the existence of Potato Root Eelworm in any land on which potatoes or tomato plants are growing or have been grown, or for the purpose of inquiry into the existence of Potato Root Eelworm in any land may enter upon any land and take such steps as may be necessary to determine whether Potato Root Eelworm exists, the area over which it exists and the area to which it is likely to spread. If the Inspector or other authorised officer suspects that Potato Root Eelworm exists in the land he shall immediately report the fact to the Ministry and shall take and send to the Ministry, for testing or other examination, a sample or samples of the soil in which the potatoes or tomato plants are growing or have been grown. If, as a result of such examination of the soil, the Ministry is satisfied of the existence of Potato Root Eelworm therein, the Ministry shall cause a Notice to be served upon the occupier of the land requiring him to adopt such measures for the prevention of the spread of Potato Root Eelworm as are authorised by this Order. Where the person using the land at the time of the discovery of Potato Root Eelworm therein is not also the occupier a Notice shall be also served upon such person.

(2) The Notice under this Article may require :—

(i) That potatoes or tomato plants shall not again be planted or permitted to be planted on such land as may be specified in the Notice.

(ii) That potatoes or tomato plants which have been grown on the land specified in the Notice (a) shall not be planted or be permitted

to be planted elsewhere (*b*) shall not be sold or otherwise disposed of for the purpose of being planted and (*c*) shall not be moved or be permitted to be moved from the said land otherwise than in accordance with the conditions of a licence granted by an Inspector or other authorised officer.

(iii) That no affected soil shall be moved from one part of a farm or garden or building or premises either to another part of the same farm or garden or building or premises or to another farm or garden or other building or premises whether within or without the affected area, otherwise than in accordance with the conditions of a licence granted by an Inspector or other authorised officer.

(iv) That affected soil where tomatoes have been grown shall be subjected to such treatment and within such period of time as may be specified in the Notice.

(3) Every such Notice shall remain in force until altered or withdrawn by the Ministry.

*Disposal of Potatoes or Tomato Plants planted or grown in
contravention of a Notice or Licence*

5. If an Inspector or any authorised officer finds potatoes or tomato plants planted or growing or has reason to suspect that potatoes or tomato plants have been planted, on any land in contravention of a Notice served under Article 4 of this Order, or in contravention of a licence under the Order, he may serve a Direction on the person using the land, whether or not he is the occupier, to dig or otherwise raise out of the ground the said potatoes or tomato plants and to dispose of the same in such manner and within such period of time as may be specified in the Direction.

*Disposal of Potatoes or Tomato Plants moved in contravention of
the Order*

6. If any potatoes or tomato plants are delivered or placed on rail or loaded or moved in contravention of this Order, or of a Notice or Direction served thereunder, the Ministry or any Inspector or other authorised person may dispose of or cause to be disposed of, in such manner as the Ministry or the Inspector or authorised person, as the case may be, shall think fit, such potatoes or tomato plants and any packages in which same are or have been contained, or may remove or cause to be removed any of the aforesaid potatoes or tomato plants or packages to such place and in such manner as the Ministry or an Inspector or other authorised person may think fit, and may serve a Notice on the consignee of, or on the person in charge of, or in possession of, any of the aforesaid potatoes or tomato plants or packages, directing the consignee or person on whom the Notice is served to dispose of the aforesaid potatoes or tomato plants and packages within such time and in such manner as may be specified in such Notice, or to remove same within such time and to such place as may be specified in such Notice.

Special Licences

7. Notwithstanding anything in this Order contained potatoes or tomato plants may be planted, moved, supplied, used or dealt with in any manner specified in any special licence granted under this Order.

Notices and Directions

8. For the purposes of this Order a Notice or Direction shall be deemed to be served on a person if it is delivered to him personally or left for him at his last-known place of abode or at his office or place of business, or sent in a prepaid registered letter addressed to him at either of such places, and a Notice, Direction or other Document purporting to be signed by an Inspector or any authorised person shall be *prima facie* evidence that it was signed by such Inspector or such authorised person, as the case may be, and duly authorised.

Offences

9. Any person who contravenes or fails to comply with any of the provisions of this Order shall be liable on summary conviction to a penalty not exceeding £5 for a first offence and not exceeding £10 for a second or subsequent offence.

Sealed with the Official Seal of the Ministry of Agriculture for Northern Ireland this 23rd day of August, Nineteen hundred and forty-five, in the presence of

(L.S.)

(Signed) *J. Pimlott,*

Assistant Secretary.

DISABLED PERSONS (EMPLOYMENT).

Appointed Day, p. 28.
District Advisory Committees
and Panels, p. 29.

Non-British Subjects, p. 32.
Registration, p. 33.

Appointed Day.

ORDER IN COUNCIL, DATED 13TH JULY, 1945, MADE UNDER SECTION TWENTY-THREE OF THE DISABLED PERSONS (EMPLOYMENT) ACT (NORTHERN IRELAND), 1945.

1945. No. 99.

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND
ABERCORN

WHEREAS provision is made by sub-section (4) of section twenty-three of the Disabled Persons (Employment) Act (Northern Ireland), 1945,