

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order comes into operation on 10th March, 1960. The First Schedule sets out the statutory minimum remuneration payable in substitution for that fixed by the First Schedule to the Aerated Waters Wages Council (Northern Ireland) Wages Regulation Order, 1957 (Order N.I.A. (50)), as amended by the Aerated Waters Wages Council (Northern Ireland) Wages Regulation (Amendment) Order, 1958 (Order N.I.A. (54)).

The amendment to the Aerated Waters Wages Council (Northern Ireland) Wages Regulation (Holidays) Order, 1949 (Order N.I.A. (32)), set out in the Second Schedule to this Order, was contained in the Second Schedule to Order N.I.A. (50), and is repeated without alteration.

New provisions in the First Schedule are printed in italics.

Order N.I.A. (50) and Order N.I.A. (54) are revoked.

1960. No. 27

[NC]

DESTRUCTIVE INSECTS AND PESTS

Potato Root Eelworm

ORDER, DATED 29TH FEBRUARY, 1960, MADE BY THE MINISTRY OF AGRICULTURE UNDER THE DESTRUCTIVE INSECTS AND PESTS ACTS (NORTHERN IRELAND), 1877 TO 1934.

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

Short Title and Commencement

1.—(1) This Order may be cited as The Potato Root Eelworm Order (Northern Ireland), 1960.

(2) This Order shall come into operation on 1st day of March, 1960.

Interpretation

2. In this Order:—

“conveyance” includes any vehicle, ship, boat, vessel or craft;

“inspector” means an officer of the Ministry authorised for the purposes of this Order;

“land” includes land whether built on or not, and any building or buildings;

“Ministry” means the Ministry of Agriculture;

“occupier” means any person in occupation of or in charge of any land, whether he has an estate in said lands or not;

- “owner” when not also occupier, means the person from whom the occupier holds the land;
- “packages” includes boxes, sacks, baskets and other containers;
- “plant propagating material” means plants or parts thereof (except seeds) for planting, sowing or propagation;
- “potatoes” includes tubers planted or growing or grown, as well as the roots and haulms of such tubers;
- “potato root eelworm” means the nematode, *Heterodera rostochiensis* Wollenweber;
- “tomato plants” includes seeds, roots, stems and leaves of any species of tomato growing or grown.

PART I

MEASURES FOR THE PREVENTION OF INFECTION

Restriction on Planting

3.—(1) Potatoes shall not be planted or grown or permitted to be planted or grown more often than twice in any period of eight years in the same land within the districts specified in the Schedule except:—

- (a) under the authority of a licence issued by the Ministry, or
- (b) in a garden immediately adjoining a dwelling house where all the produce from the garden is retained for the use of the occupants of the said dwelling house.

(2) An Inspector may, for the purpose of ascertaining whether potatoes have been planted or are growing or have been grown in any land, enter upon any land and take such steps as may be necessary to determine whether potatoes have been so planted or are growing or have been grown and the area over which such planting or growing has taken place.

Service of Directions

4. If an Inspector finds potatoes planted or growing in any land in contravention of Article 3(1) or in contravention of a licence granted thereunder or has reason to believe that potatoes have been so planted or are growing he or the Ministry may serve a Direction on the occupier of such land requiring him, within such period as may be specified, to dig or otherwise raise out of the ground the said potatoes and to dispose of the same in such manner as may be prescribed in the Direction.

Notification of Infection

5. Every occupier who knows or suspects that any land, of which he is in occupation or in charge, is infected with Potato Root Eelworm shall forthwith notify the fact to the Ministry.

PART II

MEASURES FOR THE PREVENTION OF THE SPREAD OF INFECTION

Taking of Samples

6. An Inspector on receiving in any manner notification of the existence or suspected existence or having himself reason to suspect the existence of Potato Root Eelworm in any land in which potatoes or tomato plants or any plant propagating material are growing or have been grown, or for the purpose of ascertaining whether Potato Root Eelworm exists in any land,

may enter upon any land, and take such steps as may be necessary, and take a sample or samples of soil, plants, or parts of plants for testing or examination by the Ministry in order to determine whether Potato Root Eelworm exists therein.

Service of Notices

7.—(1) If, as a result of an examination or test as aforesaid, 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 may be specified in the Notice. Where the person using the land at the time of the discovery of Potato Root Eelworm therein is not also the owner, such person shall on request disclose to the Ministry the name and address of the owner and a Notice shall also be served upon the owner.

(2) Without prejudice to the generality of Article 7(1) a Notice served under this Article may direct:—

(a) That potatoes or tomato plants or plant propagating material shall not again during the currency of the Notice be planted or grown in or moved on to, or be permitted to be planted or grown in or moved on to any land specified in the Notice otherwise than in accordance with the conditions of a Licence issued by the Ministry.

(b) That potatoes or tomato plants or plant propagating material which have been grown or are growing in any land specified in the Notice

(i) shall not again be planted or be permitted to be planted or grown;

(ii) shall not be sold or otherwise disposed of for the purpose of being planted or grown; and

(iii) shall not be moved or be permitted to be moved from the said land;

otherwise than in accordance with the conditions of a Licence issued by the Ministry, except that if the land specified in the Notice is a garden immediately adjoining a dwelling house, the produce of the garden may be moved to the said dwelling house for use by the occupants thereof.

(c) That no soil, whether loose or adhering to the roots of plants or to implements or to other objects, shall be moved or permitted to be moved from any land specified in the Notice to any other land either on the farm or garden or allotment of which the said land forms a part or on another farm or garden or allotment otherwise than in accordance with the conditions of a Licence issued by the Ministry.

(d) That cabbage plants or other plant propagating material which have been grown or are growing in any land specified in the Notice shall be destroyed by such method as may be prescribed.

(e) That the Ministry shall be notified immediately of any sale or other transfer or letting of any land specified in the Notice or any part thereof and shall at the same time be furnished with the name and address of the new owner or occupier.

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

Disposal of Potatoes or Tomato Plants or Plant Propagating Material Planted or Grown in Contravention of a Notice or Licence

8. If potatoes or tomato plants or plant propagating material have been planted or are growing in contravention of this Order or if the Ministry has

reason to suspect that potatoes or tomato plants or plant propagating material have been so planted or are growing in contravention of this Order or in contravention of a Notice served or Licence issued, the Ministry may serve a Direction on the occupier of such land requiring him to dig or otherwise raise out of the ground the said potatoes or tomato plants or plant propagating material 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 or Plant Propagating Material Moved in Contravention of the Order

9. If any potatoes or tomato plants or plant propagating material are loaded on any conveyance or moved or delivered in contravention of this Order or of any Notice or Direction served or Licence issued, the Ministry may dispose of them or cause them to be disposed of, together with any packages in which they are, or have been contained, in such manner as the Ministry shall think fit, and for that purpose the Ministry may remove or cause such potatoes or tomato plants or plant propagating material with such packages to be removed to such place and in such manner as may be thought fit, or, in the alternative, may require the consignee or other person in charge of or in possession thereof to remove and dispose of the said potatoes or tomato plants or plant propagating material and such packages in such manner and within such period of time as may be specified.

PART III

GENERAL

Powers of Entry

10. An Inspector may, for any purposes connected with his duties under this Order, enter on any land or conveyance or any place where potatoes or tomatoes or plant propagating material are planted or growing or kept or stored.

Offences and Penalties

11. Any person who :

- (a) acts in contravention of any of the provisions of this Order or of any Direction or Notice served or Licence issued;
- (b) refuses, neglects or fails to comply with the requirements of a Direction or Notice served or Licence issued; or
- (c) obstructs or impedes an Inspector in the exercise of any of the powers exercisable under this Order;

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding ten pounds for a first offence and not exceeding fifty pounds for a second or subsequent offence.

Licences

12.—(1) Notwithstanding anything in this Order contained potatoes or tomato plants or plant propagating material may be planted or grown or moved or supplied or used or dealt with in any manner specified in any Licence issued by the Ministry.

(2) Any Licence issued by the Ministry may be issued for such time and subject to such conditions as may be specified therein and may be revoked at any time by the Ministry.

Revocation of Previous Orders

13. This Order revokes:—

- (a) The Potatoes (Frequency of Planting) (Northern Ireland) Order, 1951(a).
- (b) The Potato Root Eelworm (Northern Ireland) Order, 1955(b).
- (c) The Potatoes (Frequency of Planting) (Northern Ireland) Order, 1958(c).

Sealed with the Official Seal of the Ministry of Agriculture for Northern Ireland this 29th day of February, nineteen hundred and sixty, in the presence of

(L.S.)

W. Howe Elliott,
Assistant Secretary.

SCHEDULE

DISTRICT NO. 1 (KILKEEL AREA)

A district comprising the townlands of (and all towns and villages included therein):—

Aghyoghill, Attical, Aughnahoor, Aughnaloopy, Aughtim, Ballaghanery, Ballaghanery Upper, Ballinran (E.D. Ballinran), Ballinran Upper (E.D. Ballinran), Ballyardel, Ballygowan, Ballykeel, Ballymadeerfy, Ballymagart, Ballymageogh, Ballymartin, Ballynahatten, Ballyrogan or Mourne Park, Ballyveagh Beg, Ballyveagh Beg Upper, Ballyveagh More, Ballyveagh More Upper, Benagh Lower, Benagh Upper, Brackenagh East, Brackenagh East Upper, Brackenagh West, Brackenagh West Upper, Carrigenagh, Carrigenagh Upper, Corcreaghan, Cranfield, Derryoge, Drumcro, Drumindoney, Drummanlane, Drummanmore, Dunnaman, Dunnaval, Glasdrumman, Glenloughan, Glenloughan Upper, Grange, Greencastle, Guineways, Guineways Upper, Killeel, Leitrim, Leitrim Upper, Lisnacree, Lurganconary, Lurganconary (Detached Portion), Lurganreagh, Magheramurphy, Maghereagh, Maghery, Moneydorrugh Beg, Moneydorrugh More, Moneydorrugh More Upper, Moyad, Moyad Upper, Mullartown, Tullyframe, and the Urban District of Killeel, all in the Barony of Mourne, in the Administrative County of Down;

Ballincurry, Ballindoalty, Ballinran (E.D. Killowen), Ballintur, Ballyedmond, Ballyneddan, Kilfeaghan, Tamnyveagh, all in the Barony of Iveagh Upper, Upper Half, in the Administrative County of Down.

DISTRICT NO. 2 (LISBURN-HILLSBOROUGH AREA)

A district comprising the townlands of (and all towns and villages included therein):—

Aghnatrisk, Annacloy, Balloonigan, Ballykeel Artifinny, Ballyknock, Bottier, Carnbane, Corcreeny, Culcavy, Drumatihugh (E.D. Hillsborough), Drumatihugh (E.D. Maze), Lisadian, Lurganville, Magherageery, Maze, Reilly's Trench, Taughblane, Tullyard, all in the Barony of Iveagh Lower, Upper Half, in the Administrative County of Down;

Ballintine, Ballyaghilis, Ballycarn, Ballycowan, Ballygowan, Ballylessan, Ballymullan, Ballynahatty, Ballynavally, Ballyskeagh, Blaris, Drumbeg, Drumbo (that portion north of the road from Shaw's Bridge to Lisburn), Edenderry, Hillhall, Largymore, Lisnatrunk (Parish of Blaris), Lisnatrunk (Parish of Lambeg), Taghna-brick, Tullynacross, all in the Barony of Castlereagh Upper, in the Administrative

(a) S.R. & O. (N.I.) 1951, No. 118.
(b) S.R. & O. (N.I.) 1955, No. 121.

(c) S.R. & O. (N.I.) 1958, No. 49.

County of Down and the South Ward of Lisburn Urban District in the Administrative County of Antrim;

Ballymacoss, Broughmore, Carnlougherin, Clogher (forming part of the Urban District of Lisburn), Creenagh, Gortnacor, Gortnacor Lower, Gortnacor Upper, Inisloughlin, Knockmore, Lissue (or Teraghfeeva), Lurganure, Old Warren and Tonagh (both forming part of the Urban District of Lisburn), all in the Barony of Massereene Upper, in the Administrative County of Antrim.

DISTRICT NO. 3 (NEWTOWNARDS-COMBER AREA)

A district comprising the townlands of (and all towns and villages included therein):—

Ballyalton (Parish of Comber), Ballyalton (Parish of Newtownards), Ballyaltikilligan, Ballybeen (E.D. Dundonald), Ballycullen, Ballyhenry Major, Ballyhenry Minor, Ballylisbredan, Ballyloughan, Ballymaglaff, Ballymagreehan, Ballyoran, Ballyrainey, Ballyrickard, Ballyrogan, Ballyrussell, Ballystockart, Castleaverry, Castlebeg, Cherryvalley, Commons, Corporation South (Detached Portion), Corporation South (Main Portion), Glassmoss, Gransha (E.D. Ballymaglaff), Greengraves, Killynether, Longlands, Milecross, Mount Alexander, Ringereevy, Scrabo, Townparks, Unicarval, all in the Barony of Castlereagh Upper, in the Administrative County of Down;

Corporation North (Main and Detached Portions) in the Barony of Ards Lower and the Urban District of Newtownards, both in the Administrative County of Down.

DISTRICT NO. 4 (PORTAVOGIE AREA)

A district comprising the townlands of (and all towns and villages included therein):—

Ballycran More, Ballyesborough, Ballyfrench, Ballyhalbert, Cloghy, Kirkistown, Portavogie, Ratallagh, all in the Barony of Ards Upper, in the Administrative County of Down.

DISTRICT NO. 5 (DOAGH-BALLYCLARE AREA)

A district comprising the townlands of (and all towns and villages included therein):—

Ballyclare (forming part of the Urban District of Ballyclare), Ballycor, Ballyeaston, Ballyhamage, Ballywee (E.D. Donegore), Ballywee (E.D. Kilbride), Coggrey, Cromy and Taggarts Land, Doagh, Durham's Land, Ferguson's Land, Fifty Acres, Freemanstown, Holestone, Kilbride, Moyadam, Rashee, all in the Barony of Antrim Upper, in the Administrative County of Antrim; Ballyclare and Ballygallagh (forming part of the Urban District of Ballyclare), Ballyhowne (E.D. Ballyclare Rural), Ballylinny, Bruslee, Clementshill, Grange of Ballywalter, all in the Barony of Belfast Lower, in the Administrative County of Antrim.

EXPLANATORY NOTE

(This note is not part of the Order but is intended to indicate its general purport.)

This Order, which revises and consolidates existing Orders relating to Potato Root Eelworm—

- (a) provides measures for the prevention of infection by Potato Root Eelworm and for preventing the spread of the pest. It requires that the existence or suspected existence of Potato Root Eelworm shall be notified to the Ministry; and
- (b) provides for the disposal of potatoes or tomato plants or plant propagating material grown or moved in contravention of the Order.