

1972. No. 24

[NC]

PLANT HEALTH**Importation and Planting of Potatoes**

ORDER, DATED 9TH FEBRUARY 1972, MADE BY THE MINISTRY OF AGRICULTURE UNDER THE PLANT HEALTH ACT (NORTHERN IRELAND) 1967.

The Ministry of Agriculture in exercise of the powers conferred on it by Section 2 of the Plant Health Act (Northern Ireland) 1967(a), and of every other power enabling it in that behalf, hereby makes the following Order:—

Citation and commencement

1.—(1) This Order may be cited as the Importation and Planting of Potatoes Order (Northern Ireland) 1972.

(2) This Order shall come into operation on the 1st March 1972.

Revocation

2. The Importation and Planting of Potatoes Order (Northern Ireland) 1964(b); the Importation and Planting of Potatoes (Amendment) Order (Northern Ireland) 1968(c); the Importation and Planting of Potatoes (Amendment) Order (Northern Ireland) 1969(d) and the Importation and Planting of Potatoes (Amendment) Order (Northern Ireland) 1971(e) are hereby revoked.

Interpretation

3. In this Order—

“consignment” includes soil, packing materials, cases and containers;

“crop” includes a plant or any part thereof;

“importer”, in relation to any potatoes, includes any person who, whether as owner, consignor or consignee, agent or broker, is in possession of or is in any way entitled to the custody or control of the potatoes;

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

“landed” means brought into Northern Ireland by any means whatsoever;

“new potatoes” means potatoes which have been dug immature for marketing without delay, the skins of which can be removed by rubbing with the fingers or show evidence of natural skinning at the time of landing;

“potato” means the tuber, or part thereof, or any part of the plant including true seed, of *Solanum tuberosum* L. and of other tuber-forming species of *Solanum*;

“premises” includes any vehicle, vessel, aircraft, hovercraft or freight container;

“unhealthy” means carrying or affected with any bacterium fungus, mycoplasma, alga, virus or invertebrate animal destructive to agricultural or horticultural crops or to trees or bushes.

(a) 1967. c. 28 (N.I.).

(b) S.R. & O. (N.I.) 1964, No. 80.

(c) S.R. & O. (N.I.) 1968, No. 38.

(d) S.R. & O. (N.I.) 1969, No. 121.

(e) S.R. & O. (N.I.) 1971, No. 132.

Prohibition on the importation of potatoes

4.—(1) Save as otherwise provided in this Article or in Article 16 the landing of potatoes in Northern Ireland is prohibited.

(2) The prohibition contained in the preceding paragraph shall not apply to—

- (a) new potatoes in respect of which the requirements set out in Articles 5 and 6 have been complied with;
- (b) potatoes produced in the Irish Republic which are being moved through Northern Ireland to a place outside Northern Ireland provided they are moved direct from the point of entry to the point of exit and are not unloaded elsewhere in Northern Ireland.

Importation of new potatoes

5. New potatoes may be landed in Northern Ireland provided that—

- (1) they were before importation into Northern Ireland landed in Great Britain from a country or part of a country referred to in the First Schedule and in accordance with the importation regulations governing such landing; or
- (2) (a) they were produced in any of the countries or parts of countries referred to in Column 1 of the First Schedule and are landed in Northern Ireland in any period of a year other than a period, if any, set out in Column 2 thereof opposite the name of the country or part of a country in which they were grown; and
 - (b) they are accompanied by a phytosanitary certificate and, where appropriate, by one or more supplemental certificates, in accordance with Articles 7 to 9; and
 - (c) the conditions set out in the Second Schedule are complied with; or
- (3) (a) they were produced in the Irish Republic in a district other than a prohibited district as described in the Fifth Schedule and are accompanied by a certificate in the form set out in the Sixth Schedule; and
 - (b) they are landed in Northern Ireland by a route approved by Her Majesty's Commissioners of Customs and Excise and between the hours specified by the said Commissioners for the importation of goods from the Irish Republic.

Provisions as to containers

6.—(1) All new potatoes landed in Northern Ireland shall be securely packed in new bags or other new containers clearly marked with the name of the country in which the potatoes were grown.

(2) New potatoes landed in Northern Ireland shall not be removed from the containers in which they were landed except for the purpose of sale by retail.

Phytosanitary certificates

7.—(1) Where it is required by Article 5(2)(b) that a phytosanitary certificate accompany a consignment of new potatoes landed in Northern Ireland, such certificate shall be in the form set out in the Third Schedule.

(2) The phytosanitary certificate shall have been duly completed and signed by or on behalf of an authorised officer of the Plant Protection Service of the country in which the potatoes were grown.

(3) If, in the description of the consignment in a phytosanitary certificate in the form set out in the Third Schedule, the address of the consignee is not in Northern Ireland, the certificate shall include an additional declaration by the said authorised officer to the effect that the consignment is believed to conform with the current phytosanitary regulations of Northern Ireland.

(4) The examination referred to in a phytosanitary certificate in the form set out in the Third Schedule shall have been carried out not more than 14 days prior to the date of despatch of the consignment.

(5) Where a consignment is accompanied by a supplemental certificate in accordance with Article 8, a facsimile copy of the phytosanitary certificate, endorsed by the Plant Protection Service of the country in which the potatoes were unloaded or landed as being a true copy, may accompany the consignment in place of the phytosanitary certificate itself.

Supplemental certificates

8.—(1) Where it is required by Article 5(2)(b) that a phytosanitary certificate accompany a consignment of new potatoes landed in Northern Ireland, and where the consignment before being so landed was unloaded or landed in a country or countries other than that in which they were grown and other than in England, Wales or Scotland, such certificate shall be accompanied by a supplemental certificate in the form set out in the Fourth Schedule.

(2) The supplemental certificate shall have been duly completed and signed by or on behalf of an authorised officer of the Plant Protection Service of the country in which the potatoes have been unloaded or landed.

(3) The supplemental certificate shall have been signed not more than 14 days prior to the date of despatch of the consignment.

Further provisions as to phytosanitary and supplemental certificates

9.—(1) Where a phytosanitary certificate or a supplemental certificate is issued in a country of which the language is other than English it shall incorporate or be accompanied by a translation into the language of that country, which translation, if it is in a document separate from the certificate, shall have been duly completed and signed by or on behalf of the officer by whom or on whose behalf the certificate was signed.

(2) Except in the case of consignments imported by post, phytosanitary certificates and supplemental certificates shall be delivered to the proper officer at the same time as, and together with, the entry relating to the consignment:

Provided that in this paragraph the expression "proper officer" has the like meaning as in the Customs and Excise Act 1952(f) and the reference to the entry shall be construed as a reference to the entry, delivery of which is to be made in accordance with the provisions of that Act.

(3) In the case of consignments imported by post such certificates shall be affixed to the package comprising the consignment or, if the consignment consists of more than one package, the certificate shall be affixed to one of the packages and copies thereof affixed to each of the remaining packages.

(4) No certificate issued by or on behalf of a state, provincial or other regional or local government authority of part of a country, or by or on behalf of any department, service or other organ of such authority shall be deemed to be a valid phytosanitary or supplemental certificate for the purposes of this Order unless such authority is the only one empowered to issue, in relation to such part of the country, phytosanitary or supplemental certificates to accord with the requirements of this Order.

(f) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 44.

Further provisions as to the importation of new potatoes from the Irish Republic

10.—(1) The certificate required under Article 5(3)(a) shall be dated not earlier than one month before the date of the landing in Northern Ireland of the potatoes referred to in the certificate.

(2) Article 9(2) and Article 9(3) shall apply to certificates prescribed in Article 5(3)(a) in relation to potatoes produced in the Irish Republic and landed in Northern Ireland in like manner as they do to phytosanitary certificates and supplemental certificates.

Examination and sampling

11. An inspector, upon production if so required of the appointment or authority, may—

- (a) enter any premises and examine and take samples of any consignment or part of a consignment of potatoes (including any soil or other growing medium, packing material and containers accompanying the produce) landed or likely to be landed or suspected by him to have been landed or to be likely to be landed in Northern Ireland, whether or not such consignment was or ought to have been accompanied by a certificate required by this Order;
- (b) for the purposes of such examination, open, authorise any person to open on his behalf or require the importer or the person in charge of the produce to open any bag, container or other package in the consignment or part of a consignment;
- (c) if and so far as is necessary for the purposes of such examination, prohibit entirely, or to the extent indicated by him, the movement of any consignment or part of a consignment of potatoes which has been landed or is suspected by him to have been landed in Northern Ireland, and
- (d) enter any premises and examine and take samples of any potatoes which have been landed or are suspected by him to have been landed in Northern Ireland during the previous twelve months or which have been derived or are suspected by him to have been derived from potatoes which have been so landed.

Procedure when potatoes are landed in contravention of this Order

12.—(1) If any consignment or part of a consignment of potatoes is landed in Northern Ireland in contravention of this Order, the potatoes comprising the consignment or part of a consignment as the case may be shall forthwith be destroyed by and at the expense of the importer unless they are immediately re-exported or are disposed of in accordance with the terms of a licence served on the importer by an inspector.

(2) Any destruction required by paragraph (1) of this Article shall be carried out by the importer to the satisfaction of an inspector at a place designated by him and, except with his written authority, none of the potatoes shall be moved other than to such place.

(3) If the importer shall have failed to destroy the potatoes in accordance with paragraph (1) of this Article or if he shall have failed to dispose of the potatoes in accordance with the terms of a licence granted as aforesaid, then, without prejudice to any proceedings under this Order consequent upon such failure, an inspector or a person acting on his instructions may enter any premises in which the potatoes or any of them may be and may remove and destroy them and the cost of taking such steps shall be recoverable by the Ministry from the importer as a civil debt.

(4) In this Article "potatoes" includes soil, packing materials, bags and other containers.

Procedure in the case of landing of unhealthy potatoes

13.—(1) If it appears to an inspector that any potatoes in a consignment or part of a consignment likely to be landed in Northern Ireland are unhealthy, he may serve upon the importer or upon any person in control of the landing or unloading of the potatoes from a vessel, aircraft, vehicle, hovercraft or freight container a notice specifying the manner in which the landing or unloading is to be carried out and the precautions which are to be taken in the course thereof in order to prevent the spread of any pest or disease.

(2) If it appears to an inspector at any time that any potatoes in a consignment or part of a consignment landed in Northern Ireland are unhealthy, he may serve upon the importer a notice requiring him, within such time and in such manner as may be specified in the notice, to destroy the potatoes comprising the consignment or part of a consignment or such of them as may be so specified.

(3) Where a notice under paragraph (2) of this Article has been served upon an importer, the Ministry or an inspector may grant a licence authorising at the importer's own expense and risk, in lieu of the destruction required by the notice, the treatment or re-export or the disposal in some other manner of the potatoes or of such of them as may be specified in the licence, within such time, in such manner and subject to such conditions as may be so specified.

(4) Any destruction required by a notice served under paragraph (2) of this Article shall be carried out by the importer upon whom the notice is served to the satisfaction of an inspector at a place designated by an inspector and, except with the written authority of the Ministry or an inspector, none of the potatoes shall be moved otherwise than to such place.

(5) If a notice under paragraph (2) of this Article has been served upon an importer and has not been superseded by a licence granted under paragraph (3) hereof and the importer shall have failed to destroy the potatoes as required in the said notice, or if an importer to whom a licence has been granted under paragraph (3) of this Article shall have failed fully to comply with the terms and requirements thereof, then, without prejudice to any proceedings under this Order consequent upon such failure, an inspector or a person authorised by him for the purpose may enter any premises in which the produce or any of it may be and may remove and destroy it and the cost of taking such steps shall be recoverable by the Ministry from the importer as a civil debt.

(6) This Article shall apply in relation to any potatoes which appear to an inspector to be unhealthy following an examination authorised by Article 11(d) of this Order and, in the application of this Article to any such potatoes, any reference to the importer shall be construed as including a reference to the person in charge of the potatoes.

(7) In this Article "produce" includes soil or any other growing medium, packing materials and containers.

Restriction on sale for planting or planting of imported potatoes

14.—(1) No person shall sell for planting or offer or expose for sale for planting, or plant or cause or permit to be planted in Northern Ireland any potatoes which have been grown in any place outside Northern Ireland or any potatoes which have been derived from potatoes grown as aforesaid, except under and in accordance with the conditions of a licence granted by the Ministry.

(2) If, in contravention of paragraph (1) potatoes, as described therein, are sold for planting, or offered or exposed for sale for planting or are planted, an inspector may by notice served on the person in possession or in charge of the potatoes, prohibit the use, removal, sale or exposure for sale of the potatoes and direct the manner of their disposal or, if the potatoes have been planted, require the lifting of the potatoes or the plants or crop derived therefrom and the manner of the disposal of the potatoes or crop:

Provided that this Article shall not apply as respects any potatoes which have been landed in Northern Ireland under and in accordance with the conditions of a licence granted under Article 16 or which have been derived from any potatoes so landed.

Information regarding imported potatoes

15. Every person who has or has had in his possession or under his charge any potatoes which the Ministry or an inspector knows or suspects to have been landed in Northern Ireland, and every person who as auctioneer, salesman or otherwise, has sold or offered for sale any such potatoes shall, if so required by demand in writing by the Ministry or an inspector, give to the said Ministry or inspector, within the time specified in that demand, all such information as he possesses as to the persons who have or have had or are likely to have or have had the said potatoes in their possession or under their custody or control:

Provided that any information given under this Article shall not be available as evidence against the person giving the same in any prosecution under this Order, except in respect of an alleged failure to comply with this Article.

Licences

16. Notwithstanding any provisions of this Order, any potatoes may be landed in Northern Ireland under and in accordance with the conditions of a licence granted by the Ministry.

Offences

17.—(1) Every person who wilfully obstructs or impedes the Ministry or an inspector in the exercise of its or his powers under this Order or who does any act in contravention of this Order, of the terms or conditions of any notice served or licence issued thereunder or of the requirements of, or of a prohibition imposed by the Ministry or an inspector or who fails to do any act which he is required to do by the Ministry or an inspector or by this Order or by any such notice or licence shall be liable on conviction to a penalty not exceeding £100, or in respect of a second or subsequent offence to a penalty not exceeding £200.

(2) In order that the penalty for the landing of any potatoes in contravention of this Order shall be such as may be imposed under the Customs and Excise Act 1952, paragraph (1) of this Article shall not apply in respect of any such landing.

Sealed with the Official Seal of the Ministry of Agriculture for Northern Ireland this 9th day of February 1972.

(L.S.)

Thomas P. Gibson,
Assistant Secretary.

FIRST SCHEDULE

COLUMN 1 <i>Countries or parts of countries from which potatoes (other than potatoes for planting) may be landed in Northern Ireland</i>	COLUMN 2 <i>Period of the year during which landing of new potatoes prohibited</i>
Algeria	—
Channel Islands	—
Cyprus	—
Federal Republic of Germany— the provinces of Schleswig Holstein and of Lower Saxony except the areas of that province south of the Mittelland Canal	1st July to 14th October.
France—Corsica	—
—Departments of Pyrénées Ori- entales, Aude, Hérault, Gard, Bouches du Rhône, Var and Alpes Maritimes	6th June to 31st October.
—Except Corsica and the said Departments	1st July to 14th October.
Greece	—
Israel	—
Italy—Sardinia and Sicily	—
—Regions of Basilicata, Calabria and Puglia	26th May to 30th November.
—Except Sardinia, Sicily and the regions of Basilicata, Calabria and Puglia	6th June to 31st October.
Kenya	—
Lebanon	—
Libya	—
Luxembourg	—
Malta	—
Morocco	—
Netherlands	—
Portugal—Azores and Madeira	—
—Except Azores and Madeira	21st May to 30th November.
South Africa, Republic of	—
Spain—Balearic Islands except Majorca Canary Islands	—
Majorca	6th June to 30th November.
—Except the Balearic Islands and the Canary Islands	26th May to 30th November.
Switzerland	1st July to 14th October.
Tunisia	—
United Arab Republic—Egypt	—

SECOND SCHEDULE

Conditions governing the importation of New Potatoes

1. The potatoes shall be free from Colorado beetle (*Leptinotarsa decemlineata* Say.) and either
 - (a) during the 12 months preceding the date of the signing of the phytosanitary certificate there has been no outbreak of Colorado beetle within a distance of 25 kilometres of the place where the potatoes were grown; or
 - (b) the potatoes shall have been grown in a district where an intensive system of control of Colorado beetle is in operation, and either—
 - (i) they shall have been riddled and thoroughly washed in a packing station which shall have been inspected and approved by the Plant Protection Service of the country in which the potatoes were grown, the said riddling and washing having been at all times subject to inspection by an authorised officer of the aforesaid Service, and immediately after riddling and washing the potatoes shall have been packed as required by Article 6 with a label attached to each bag or container stating the name of the packing station or the number allocated to it by the aforesaid Service, or
 - (ii) shall have been packed in a packing station specified in an authority, which was issued by the Minister of Agriculture, Fisheries and Food in respect of England and Wales, by the Secretary of State in respect of Scotland or by the Ministry of Agriculture in respect of Northern Ireland to the Plant Protection Service of the country in which the potatoes were grown and which is for the time being in force, and the conditions, if any, of that authority shall be or shall have been complied with. Any such authority shall be so issued not more frequently than once each calendar year in respect of any country.
2. The potatoes shall be free from Wart Disease (*Synchytrium endobioticum* (Schilb.) Perc.) and shall have been grown on land in which the disease is not known to have occurred at any time and in a region in which physiologic races of Wart Disease fungus other than the common European race are not known to have occurred at any time.
3. The potatoes shall be free from Ring Rot (*Corynebacterium sepedonicum* (Spieck. and Kotth.) Skaptason and Burkholder) and shall have been grown in a region in which the disease is not known to occur.
4. The potatoes shall be free from the disease Potato Spindle Tuber and shall have been grown in a region in which the disease is not known to occur.
5. The potatoes shall be free from Tuber Moth (*Gnorimoschema operculella* (Zell.)); and
6. The potatoes shall be substantially free from Brown Rot (*Pseudomonas solanacearum* (E. F. Smith) E. F. Smith);

THIRD SCHEDULE

Article 7

Phytosanitary Certificate for new potatoes

PLANT PROTECTION SERVICE

of No.

This is to certify that the plants, parts of plants or plant products described below or representative samples of them were thoroughly examined on (date)

..... by (name)

an authorised officer of the (service)

and were found to the best of his knowledge to be substantially free from injurious diseases and pests; and that the consignment is believed to conform with the current phytosanitary regulations of the importing country both as stated in the additional declaration hereon and otherwise.

Fumigation or disinfection treatment (if any):

Date Treatment

Duration of Exposure Chemical and Concentration

Additional Declaration

19.....

(Signature)

(Rank)

(Stamp of the Service)

DESCRIPTION OF THE CONSIGNMENT

Name and address of exporter:

Name and address of consignee:

Number and description of packages:

Distinguishing marks:

Origin: (Grown at)*

Means of conveyance:

Point of entry:

Quantity and name of produce:

Botanical name:

*State precise location.

FOURTH SCHEDULE

Article 8

Supplemental Certificate for new potatoes required in cases where the potatoes are imported from a country other than that in which they were grown

PLANT PROTECTION SERVICE

of No.

The undersigned (name) an authorised officer of the (service) declares that the plants, parts of plants or plant products included in the consignment described below are part of a shipment imported into (country) on (date) from (country) and covered by phytosanitary certificate(s) No(s). the original or facsimile copy(ies)* which is (are) attached to this Certificate; and that while in (country) the consignment has not been subjected to the risk of infection or infestation.

.....19.....
.....
(Signature)
.....
(Rank)

(Stamp of the Service)

DESCRIPTION OF THE CONSIGNMENT

- Name and address of exporter:
- Name and address of consignee:
- Number and description of packages:
- Distinguishing marks:
- Means of conveyance:
- Point of entry:
- Quantity and name of produce:

*Copies of certificates must be endorsed by the Plant Protection Service of the re-exporting country as true copies.

FIFTH SCHEDULE

Prohibited Districts

Any district within which the growing of potatoes has been or may hereafter by Order or otherwise be placed under control by the Department of Agriculture for the Irish Republic, for the purpose of preventing the spread of Black Scab Disease (*Synchytrium endobioticum* (Schilb.) Perc.).

SIXTH SCHEDULE

Prescribed Certificate

THE IMPORTATION AND PLANTING OF POTATOES ORDER (NORTHERN IRELAND) 1972

This is to certify that the potatoes in the hereunder specified consignment were grown on land not situated in a district described in the Fifth Schedule to the above-mentioned Order nor within one mile thereof, and that so far as the Department of Agriculture for the Irish Republic is aware, the disease known as Black Scab (*Synchytrium endobioticum* (Schilb.) Perc.) has not occurred on the land on which the potatoes were grown nor within one mile of such land.

Signed on behalf of the Department of Agriculture for the Irish Republic

Date

PARTICULARS OF THE CONSIGNMENT

Quantity: Tons Cwt

Consignor:

Consignee:

EXPLANATORY NOTE

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

This Order consolidates and amends previous Orders dealing with the importation of potatoes into Northern Ireland and the planting of imported potatoes. It prohibits the importation of potatoes unless they are imported in accordance with the conditions of a licence but exceptions are made in the case of—

- (a) new potatoes produced in the Irish Republic;
- (b) potatoes produced in the Irish Republic which are passing through Northern Ireland to some other country; and
- (c) new potatoes coming from other specified countries during specified periods accompanied by a prescribed certificate; or
- (d) new potatoes which have first been imported and allowed to land in Great Britain in accordance with the importation regulations currently in force there.

All new potatoes imported into Northern Ireland must be packed in new bags or other new containers clearly marked to show the country of origin.

The Order also prohibits, except under licence, the planting or sale for planting of all types of imported potatoes.

By the principal amendments—

- (a) the definition of "potato" has been extended to include true seed of potato;
- (b) new potatoes may be imported unwashed subject to certain specified conditions.

1972. No. 25

The Electricity (Restriction on Advertisement) Order (Northern Ireland) 1972

This Order, being of a temporary character, is not printed at length in this volume.