

1977 No. 988

PLANT HEALTH

The Beet Cyst Nematode Order 1977

<i>Made</i>	- - -	8th June 1977
<i>Laid before Parliament</i>		16th June 1977
<i>Coming into Operation</i>		7th July 1977

The Minister of Agriculture, Fisheries and Food, by virtue and in exercise of the powers vested in him by sections 3(1), (2) and (4) of the Plant Health Act 1967(a), as amended by section 92(2) of, and Part II of Schedule 3 to, the Criminal Justice Act 1967(b), and by section 4(1) of, and paragraph 8 of Schedule 4 to, the European Communities Act 1972(c), and of every other power enabling him in that behalf, hereby makes the following order:—

Citation and commencement

1. This order may be cited as the Beet Cyst Nematode Order 1977, and shall come into operation on 7th July 1977.

Revocation

2. The Beet Eelworm Order 1960(d) and the Beet Eelworm (Amendment) Order 1962(e), are hereby revoked.

Interpretation

3.—(1) In this order, unless the context otherwise requires—

“beet cyst nematode” means the cyst forming plant-parasitic nematode

Heterodera schachtii Schmidt;

“infested land” means land declared to be infested land for the purposes of this order by a notice served in pursuance of article 4 of this order;

“inspector” means an officer of the Ministry of Agriculture, Fisheries and Food authorised by the Minister for the purposes of this order;

“the Minister” means the Minister of Agriculture, Fisheries and Food.

(2) The Interpretation Act 1889(f) shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament and as if this order and the orders hereby revoked were Acts of Parliament.

(a) 1967 c. 8. (b) 1967 c. 80. (c) 1972 c. 68.
 (d) S.I. 1960/2147 (1960 II, p. 2687). (e) S.I. 1962/2497 (1962 III, p. 3372).
 (f) 1889 c. 63.

Declaration of infested land

4.—(1) If it appears to the Minister that any land is infested with beet cyst nematode, he may by notice in writing served upon the occupier or other person in charge of the said land declare the said land to be infested land for the purposes of this order.

(2) A notice served under paragraph (1) of this article shall describe by reference to a map or plan or otherwise the area declared to be infested land.

(3) A notice served under paragraph (1) of this article may be amended or withdrawn by the Minister by a further notice in writing served upon the occupier or other person in charge of the land referred to therein.

Restrictions on planting

5.—(1) Except under and in accordance with the conditions of a licence issued by the Minister no person shall sow or plant or cause or permit to be sown or planted any seed or plant of the Families Chenopodiaceae and Cruciferae including sugar beet, fodder beet, spinach beet, Swiss chard (also known as seakale beet), red beet, mangel, cabbage, kale, cauliflower, broccoli, calabrese, Brussels sprout, turnip, swede, rape or coleseed (including turnip rape and swede rape), mustard, cress or kohlrabi on any infested land.

(2) The Minister may by notice in writing served on the occupier or other person in charge of any infested land on which any crop is being grown in contravention of paragraph (1) of this article require him to treat, destroy or remove and dispose of the said crop in such manner and within such time as may be specified in the notice.

Service of notices

6. For the purposes of this order a notice shall be deemed to be served on any person if it is delivered to him personally or left for him at his last known place of abode or business or sent through the post in a letter addressed to him there.

Powers of entry, inspection and sampling

7. An inspector may, for the purposes of any examination or inquiry undertaken in order to ascertain whether any land is infested with beet cyst nematode or for any other purpose of this order, upon production if so required of his authority, enter upon the land and examine and take samples of any crop or plants growing thereon and take samples of the soil.

Information to be given

8. The occupier or other person in charge of infested land shall if so required in writing by the Minister or by an inspector give within such time and in such manner as may be specified such information in his possession as may be required for the purposes of this order concerning the crops grown on such land at any time: provided that any information given under this article shall not be available, as evidence against the person giving it, in any prosecution under this order other than a prosecution in respect of an alleged failure to comply with this article.

Offences

9. Any person who fails to comply with or who acts in contravention of this order or the requirements, terms or conditions of any notice served or licence issued thereunder, or who wilfully obstructs an inspector in the exercise of his powers under this order, or who wilfully or recklessly makes any statement for the purposes of this order which is false in any material particular shall be liable on summary conviction to a penalty not exceeding £100 or in respect of a second or subsequent offence to a penalty not exceeding £200.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed this 8th June 1977.

(L.S.)

John Silkin,

Minister of Agriculture, Fisheries and Food.

EXPLANATORY NOTE

(This Note is not part of the order.)

This order supersedes the Beet Eelworm Order 1960, as amended.

Where it appears to the Minister of Agriculture, Fisheries and Food that any land is infested with beet cyst nematode he may, by notice served on the occupier, declare the land to be infested land for the purposes of the order.

Restrictions are placed on the planting and growing of crops of the beet and cabbage families on land declared to be infested land. The Minister may, by and in accordance with the conditions of a licence, relax these restrictions.

Inspectors appointed by the Minister may enter on land for the purposes of the order and occupiers may be required to give information regarding the cropping of the land. There are penalties for contravention of the order or of the terms and conditions of notices or licences given under it.

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