

1978 No. 505

PLANT HEALTH

The Progressive Wilt Disease of Hops Order 1978

<i>Made</i>	- - -	23rd March 1978
<i>Laid before Parliament</i>		7th April 1978
<i>Coming into Operation</i>		28th April 1978

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 as read with section 20 of the Agriculture (Miscellaneous Provisions) Act 1972(d), 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 Progressive Wilt Disease of Hops Order 1978 and shall come into operation on 28th April 1978.

Revocation

2. The Progressive Wilt Disease of Hops Order 1965(e) is hereby revoked.

Interpretation

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

“farm” means the whole of the land which is occupied as a unit for agricultural purposes;

“hop plant” includes any part of a hop plant;

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

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

“progressive wilt disease” means the disease of hop plants known as progressive wilt disease of hops or progressive verticillium wilt of hops and includes any strain of the fungus *Verticillium alboatrum* Reinke and Berth., causing the said disease;

“specified area” means the area comprising the counties of

(a) East Sussex

(b) West Sussex except that part which lies west of the A24 road and

(c) Kent except that part which lies east of a line following the A20 road from Folkestone to Maidstone, the A229 road from Maidstone to Rochester, the A2 road from Rochester to Strood, the A228 road from Strood and then the B2001 road to Grain.

(a) 1967 c. 8.

(b) 1967 c. 80.

(c) 1972 c. 68.

(d) 1972 c. 62.

(e) S.I. 1965/1184.

(2) The Interpretation Act 1889(a) 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 order hereby revoked were Acts of Parliament.

Notification of existence or suspected existence of the disease

4. The occupier or other person in charge of any farm who knows or suspects that progressive wilt disease exists thereon shall forthwith give notice to the Minister of the existence or suspected existence of the disease.

Destruction of dead and dying bines and leaves

5.—(1) The occupier or other person in charge of any farm who knows or suspects that progressive wilt disease exists thereon, shall with all practicable speed from time to time destroy by fire on the farm all dead and dying bines and leaves of hop plants which may be present there.

(2) The Minister or an inspector may by licence in writing exempt from the provisions of this article, in accordance with the conditions of such licence, the occupier or other person in charge of any farm on which hop plants are grown for the purpose of experiment or research.

Restriction on the movement of hop plants

6. No person shall, except under and in accordance with the conditions of a licence in writing granted by the Minister or an inspector—

- (a) bring or cause or permit to be brought into the specified area any hop plant from anywhere outside the area;
- (b) move or cause or permit to be moved any hop plant from or into any farm situated in the specified area;
- (c) move or cause to permit to be moved from the specified area any used hop pole or used hop picking machine.

Restriction on the planting or movement for planting of hop plants grown in certain counties

7. Subject to article 6 of this order no person shall, except under and in accordance with the conditions of a licence in writing granted by the Minister or an inspector—

- (a) plant or cause or permit to be planted or move or cause or permit to be moved for planting elsewhere than in Kent, East Sussex or West Sussex any hop plant grown in those counties;
- (b) plant or cause or permit to be planted or move or cause or permit to be moved for planting elsewhere than in Surrey, Hampshire, Oxfordshire, Kent, East Sussex, or West Sussex any hop plant grown in Surrey, Hampshire or Oxfordshire;
- (c) plant or cause or permit to be planted or move or cause or permit to be moved for planting elsewhere than in Hereford and Worcester, Salop, Surrey, Hampshire, Oxfordshire, Kent, East Sussex or West Sussex any hop plant grown in Hereford and Worcester or Salop.

(a) 1889 c. 63.

Power to require further measures to be taken to control the disease

8.—(1) Where the Minister or an inspector knows or suspects that progressive wilt disease exists on any part of a farm he may serve on the occupier or other person in charge of the farm a notice requiring him to take, from time to time or within such time as may be specified in the notice, such steps, also specified in the notice, as in the opinion of the Minister or of the inspector, as the case may be, are necessary or desirable to prevent the spread or recurrence of the said disease including, but without prejudice to the generality of the power aforesaid, any or all of the following steps, namely—

- (a) to cut down and destroy by fire such bines and leaves of hop plants as may be specified;
- (b) to destroy by fire with all practicable speed all dead and dying bines and leaves of hop plants;
- (c) to grub up and destroy by fire such hop plants as may be specified;
- (d) to sow with grass such land as may be specified;
- (e) at all times to maintain under weed-free grass or in a weed-free state to such extent as may be specified such land as may be specified;
- (f) to erect and at all times thereafter to maintain such fences on the farm as may be specified;
- (g) to treat, destroy, or dispose of in some other manner such soil or such things on the farm which are capable of harbouring or spreading progressive wilt disease, not being harvested cones of hop plants, as may be specified;
- (h) to inform the Minister forthwith of any further appearance or suspected appearance of progressive wilt disease on the farm.

(2) A notice served in pursuance of paragraph (1) of this article may also require that, except under and in accordance with the conditions of a licence in writing granted by the Minister or an inspector, the occupier or other person in charge of the farm shall not—

- (a) plant or sow or cause or permit to be planted or sown any hop plant, or any other plant as may be specified in the notice, on such land as may also be so specified;
- (b) move or cause or permit to be moved from the farm or from such part thereof as may be specified such hop plants, hop poles comprising anchor poles and batts, or material wholly or partly derived from or partly consisting of hop plants, not being harvested cones of hop plants, as may be specified in the notice.

(3) If any person shall have failed to comply with the requirements of a notice served under this article, then, without prejudice to any proceedings under this order consequent upon such failure, an inspector or a person authorised by him for the purpose upon production if so required of his authority may enter any land or premises and take such steps as shall appear to the inspector to be necessary as far as possible either to ensure compliance with the aforesaid requirements or to remedy any breach thereof, and the cost of taking any such steps shall be recoverable by the Minister from the person in default as a civil debt.

(4) An inspector who authorises any person to act in accordance with paragraph (3) of this article shall give to that person precise instructions in writing as to the steps which appear to the inspector to be necessary.

(5) A notice served under this article may at any time be amended, modified or withdrawn by the Minister or by an inspector by a further notice in writing served upon the occupier or other person in charge of the farm to which the further notice relates.

Powers of entry, inspection and sampling

9. An inspector upon production if so required of his authority may, for the purposes of any examination or inquiry undertaken in order to ascertain whether progressive wilt disease is present or for any other purpose of this order, enter upon any land or premises and may examine, remove and take away any hop plant, any soil in which any hop plant is growing or in which he knows or suspects any hop plant to have been grown, and any material wholly or partly derived from, or partly consisting of hop plants, and may mark any hop pole, or take any other measures necessary to identify the location of hop plants.

Information to be given

10.—(1) If so required in writing by the Minister or an inspector, the occupier or other person in charge of land or premises on which the Minister or an inspector knows or suspects hop plants, hop poles or material wholly or partly derived from or partly consisting of hop plants to be or to have been present at any time shall, within such time and in such manner as may be specified in the requirement, give such information in his possession as may be required concerning the purchase, planting, sale, disposal or movement of any such plant, pole or material and produce for inspection by an inspector any invoice, record, licence, declaration, certificate or other document relating to such purchase, planting, sale, disposal or movement.

(2) Every person who has or has had in his possession or under his charge any hop plants, any hop poles or any material wholly or partly derived from or partly consisting of hop plants and every person who as auctioneer, salesman or otherwise has sold or offered for sale any such plant, pole or material shall, if so required in writing by the Minister or an inspector, give within such time and in such manner as may be specified such information as he may possess as to the persons in whose possession or under whose charge they are or have been and shall produce for inspection by an inspector any invoice, record, licence, declaration, certificate or other document relating to the purchase, planting, sale, offer for sale, disposal or movement of any such plant, pole or material.

(3) 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.

Service of notices

11. 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.

Offences

12. Any person who fails to comply with or who acts in contravention of this order or of the terms or conditions of any notice served or licence granted thereunder or who wilfully obstructs any person in the exercise of his powers under this order shall be liable on summary conviction to a fine not exceeding £100, or in respect of a second or subsequent offence to a fine not exceeding £200.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 23rd March 1978.

(L.S.)

John Silkin,

Minister of Agriculture, Fisheries and Food.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order supersedes the Progressive Wilt Disease of Hops Order 1965.

Occupiers are required to give to the Minister of Agriculture, Fisheries and Food notice of the presence, or suspected presence, on their farms of progressive wilt disease of hops and to destroy dead or dying bines and leaves of hop plants on infected farms.

This Order prohibits, except under licence of the Minister or an inspector, the bringing into specified parts of Kent, East Sussex and West Sussex any hop plants from outside that area, and restricts the movement of hop plants within that area. Restrictions are also imposed on the planting and movement of hop plants grown in Hereford and Worcester, Salop, Surrey, Hampshire, Oxfordshire, Kent, East Sussex and West Sussex.

The Minister or an inspector may, by notice served on the occupier of infected land, impose other requirements or restrictions with a view to preventing the spread or recurrence of the disease. These include—

- (a) the destruction of entire hop plants or of the bines and leaves of hop plants;
- (b) control of the cropping of land;
- (c) the erection and maintenance of fencing;
- (d) the treatment, destruction or other disposal of soil or things capable of harbouring or spreading progressive wilt disease;
- (e) restrictions on the movement of hop plants, hop poles and material derived from hop plants.

Inspectors are also given powers of entry for the purposes of this order.

Certain occupiers and other persons may be required to give information about the purchase, planting, sale, offer for sale, disposal or movement of hop plants, hop poles or material derived from hop plants and to produce relevant records and other documents.

Failure to comply with the requirements of this Order will be an offence for which a fine may be imposed on summary conviction.

SI 1978/505
ISBN 0-11-083505-0

