

1988 No. 45

PLANT HEALTH

The Disposal of Waste (Control of Beet Rhizomania Disease) Order 1988

Made - - - - - *18th January 1988*

Laid before Parliament *19th January 1988*

Coming into force *1st March 1988*

The Minister of Agriculture, Fisheries and Food in relation to England, the Secretary of State for Scotland in relation to Scotland and the Secretary of State for Wales in relation to Wales, in exercise of the powers conferred by section 3(1), (2) and (4) of the Plant Health Act 1967(a), and now vested in them(b), and of all other powers enabling them in that behalf, hereby make the following Order:

Title, extent and commencement

1. This Order may be cited as the Disposal of Waste (Control of Beet Rhizomania Disease) Order 1988, shall apply to Great Britain and shall come into force on 1st March 1988.

Interpretation

2. In this Order, unless the context otherwise requires—

“appropriate Minister” means in the application of this Order to England the Minister of Agriculture, Fisheries and Food, in its application to Scotland the Secretary of State for Scotland and in its application to Wales the Secretary of State for Wales;

“approved land” means land which has been approved in writing by the appropriate Minister for the deposit of waste;

“Beet Rhizomania Disease” means the disease caused by Beet Necrotic Yellow Vein virus;

“imported” means brought to Great Britain from a country out of Great Britain;

“inspector” means a person appointed to be an inspector for the purposes of the Plant Health (Great Britain) Order 1987(c);

“processing” means processing for the purposes of business other than by way of retail sale and includes grading and packaging for those purposes;

“waste” means waste obtained from the processing of any imported raw potatoes, beets, carrots, celery or celeriac, leeks, turnips or swedes (other than those from which all traces of soil or other growing medium have been removed by washing or otherwise in the exporting country) but does not include—

(a) waste obtained by or following a process which will kill *Polymyxa betae*, the vector of Beet Rhizomania Disease, or

(b) water which has been freed from solid waste.

(a) 1967 c.8; section 3(1) and (2) was amended by the European Communities Act 1972 (c.68), section 4(1) and Schedule 4, paragraph 8; section 3(4) was substituted by section 42 of the Criminal Justice Act 1982 (c.48) and is to be read with S.I. 1984/447, 526.

(b) In the case of the Secretary of State for Wales by virtue of S.I. 1978/272.

(c) S.I. 1987/1758.

Prohibition of disposal of waste

3.—(1) Subject to paragraph (2) below, no person shall knowingly—

- (a) deposit or cause or permit to be deposited any waste on any land other than on approved land;
- (b) remove or cause or permit to be removed any waste from the processing site except for transport directly to approved land for the purpose of depositing it there;
- (c) remove or cause or permit to be removed any waste deposited on approved land;
- (d) transport or cause or permit to be transported any waste except in a vehicle or container (which will not permit escape of the waste) to approved land.

(2) Paragraph (1)(a) above shall not apply to waste kept at the processing site in a container or other receptacle which will not permit escape of the waste pending its removal to approved land.

Approvals

4.—(1) Any person who wishes to have land declared as approved land may make a written application to the appropriate Minister.

(2) A person who makes such an application shall give the appropriate Minister such information as is necessary to enable him to determine whether to grant his approval having regard to the need to prevent the spread of Beet Rhizomania Disease.

(3) The appropriate Minister may grant his approval subject to such conditions, if any, as he considers necessary to prevent the spread of Beet Rhizomania Disease and may vary or revoke an approval granted under this Order.

Actions which may be taken by an inspector

5.—(1) An inspector may by notice in writing served on the occupier or other person in charge of any land which adjoins or is in close proximity to any approved land which has been used for depositing waste declare the first mentioned land as a safety zone.

(2) If it appears to an inspector to be necessary for the purpose of preventing the spread of Beet Rhizomania Disease, he may, by notice in writing served on the occupier or other person in charge of—

- (a) approved land, or
- (b) land which has ceased to be approved, or
- (c) land declared as a safety zone under paragraph (1) above,

prohibit the planting on such land of such plants as he shall specify in the notice.

(3) An inspector may amend or withdraw a notice served under this article by further notice in writing served on the occupier or other person in charge of the land to which the notice to be amended or withdrawn relates.

(4) No notice shall be served under paragraph (2)(a) or (b) above in respect of land which has not been used for depositing waste.

Keeping of records

6.—(1) The person in charge of premises used for processing vegetables to which this Order applies shall keep or cause to be kept a record stating—

- (a) the weight of such vegetables processed at the premises,
- (b) the weight of waste removed from the premises,
- (c) the address of approved land on which the waste so removed is intended to be deposited, and
- (d) the name and address of the carrier of that waste.

(2) The person in charge of a vehicle used for carrying waste shall keep or cause to be kept a record stating—

- (a) the weight of the waste carried in the vehicle on each journey,
- (b) the address of the premises from which the waste was removed,
- (c) the address of the approved land on which the waste was deposited, and
- (d) the registration number of the vehicle in which the waste was carried.

(3) Subject to paragraph (4) below the person in charge of approved land shall keep or cause to be kept a record stating—

- (a) the weight of waste deposited there on each occasion,
- (b) the address of the premises from which the waste originated,
- (c) the registration number of the vehicle in which the waste was carried, and
- (d) the name of the person in charge of that vehicle.

(4) The requirements of paragraph (3) above shall not apply in relation to waste deposited on approved land if the waste originates from a processing site which forms part of the same premises as the approved land.

(5) The records required to be kept by this article shall—

- (a) be kept as soon as the relevant information is available,
- (b) be kept in a permanent and legible form,
- (c) be retained by the person in charge of the said premises, vehicle or approved land for a period of three years from the date on which they were made, and
- (d) be produced by the person for the time being in charge of them to an inspector on demand at any reasonable time.

(6) The person so producing the records shall permit the inspector to take copies of, or make extracts from, them.

Powers of entry

7.—(1) Subject to paragraph (3) below an inspector may, on production if so required of his authority, at all reasonable times enter any vehicle or land, other than premises used wholly or mainly as a dwelling, for the purpose of ascertaining whether any of the provisions of this Order or the conditions of an approval granted under article 4 of this Order are being or have been contravened.

(2) An inspector entering any vehicle or land under paragraph (1) above may for the purpose mentioned in that paragraph make such enquiries, carry out such examinations and take such samples of soil, waste or other substance as he considers necessary.

(3) An inspector may not enter any land other than approved land or land used for processing vegetables to which this Order applies unless he has reason to suspect that the provisions of this Order are being or have been contravened.

Licences

8. The prohibitions contained in this Order shall not apply to a person who acts under the authority of a licence granted by the appropriate Minister and in accordance with the conditions, if any, of that licence.

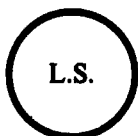
Offences

9.—(1) A person shall be guilty of an offence, who without reasonable excuse, proof of which shall lie on him—

- (a) contravenes or fails to comply with a provision of this Order; or
- (b) contravenes or fails to comply with a condition of an approval or a licence granted under this Order; or
- (c) intentionally obstructs an inspector in the exercise of his powers under this Order.

(2) A person guilty of an offence under paragraph (1) above shall be liable on summary conviction to a fine not exceeding £2,000.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 14th January 1988.



John MacGregor
Minister of Agriculture, Fisheries and Food

14th January 1988

Sanderson of Bowden
Minister of State, Scottish Office

18th January 1988

Peter Walker
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Order)

This Order which applies to Great Britain—

- (a) prohibits the depositing of waste obtained from the commercial processing (other than for retail sale) of certain imported root vegetables on land other than on land approved for that purpose, and imposes controls on the removal and transport of such waste (article 3);
- (b) provides for any person wishing to have land approved for the disposal of such waste to make application to the appropriate Minister, and for the appropriate Minister to grant his approval subject to conditions (if any) as are necessary to control the spread of Beet Rhizomania Disease (article 4);
- (c) enables plant health inspectors, by notice, to declare land adjoining, or in close proximity to approved land to be a safety zone and to prohibit the planting on such land or on approved land such plants as they may specify in the notice for the purpose of preventing the spread of Beet Rhizomania Disease (article 5);
- (d) imposes record-keeping requirements on persons in charge of processing premises, of vehicles used for the transport of waste or of approved land (article 6);
- (e) enables plant health inspectors to enter land or vehicles to ascertain whether the provisions of the Order are being or have been contravened (article 7);
- (f) provides for offences punishable by a maximum fine of £2,000 (article 9).

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ISBN 0 11 086045 4