
STATUTORY INSTRUMENTS

1995 No. 3018

PLANT HEALTH

The Potatoes Originating in the Netherlands Order 1995

		<i>22nd November</i>
<i>Made</i>	- - - -	<i>1995</i>
		<i>22nd November</i>
<i>Laid before Parliament</i>		<i>1995</i>
<i>Coming into force</i>	- -	<i>23rd November 1995</i>

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 on them by sections 2 and 3 of the Plant Health Act 1967(1) and now vested in them(2) 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 Potatoes Originating in the Netherlands Order 1995, shall apply to Great Britain and shall come into force on 23rd November 1995.

Interpretation

2. In this Order—

“inspector” means any person authorised to be an inspector for the purposes of the Plant Health (Great Britain) Order 1993(3);

“originating in the Netherlands” means grown and harvested in 1995 in the Netherlands;

“potato” means any tuber or true seed or any other plant of *Solanum tuberosum* L. or other tuber-forming species or hybrid of the genus *Solanum* L..

Notification of imports of potatoes originating in the Netherlands

3.—(1) No person shall import into Great Britain any potatoes which he knows or has reasonable cause to suspect to have originated in the Netherlands unless he has given written notification to an inspector, at least two days prior to the intended date of introduction into Great Britain of the potatoes, of his intention to import the potatoes and of—

(1) 1967 c. 8; sections 2(1) and 3(1) and (2) were 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).
(2) In the case of the Secretary of State for Wales by virtue of S.I.1978/272.
(3) S.I. 1993/1320; the relevant amending instrument is S.I. 1995/1358.

- (a) the proposed means of introduction;
- (b) the proposed point of entry;
- (c) the intended use of the potatoes;
- (d) in the case of potatoes intended for planting or processing, the proposed destination of the potatoes;
- (e) the variety of the potatoes; and
- (f) the quantity of potatoes.

(2) Any notification given by a person under paragraph (1) above in respect of any potatoes shall be deemed to satisfy the requirements placed on that person by the Seed Potatoes originating in the Netherlands (Notification) (Scotland) Order 1995(4) in respect of those potatoes.

(3) In this article, “processing” means any industrial treatment including washing but excluding packing for retail sale.

Powers of an inspector

4.—(1) Without prejudice to the circumstances in which an inspector may be virtue of the Plant Health (Great Britain) Order 1993 exercise the powers conferred by articles 22 and 23 of that Order, an inspector who has reasonable grounds for suspecting that any person has or will have in his possession potatoes originating in the Netherlands may exercise any of those powers in respect of such potatoes.

(2) Any power exercised by virtue of paragraph (1) above shall be treated for the purposes of the Plant Health (Great Britain) Order 1993 as a power exercised under that Order.

22nd November 1995

Tim Boswell
Parliamentary Secretary, Ministry of Agriculture,
Fisheries and Food

22nd November 1995

Lindsay
Parliamentary Under Secretary of State, Scottish
Office

Signed by authority of the Secretary of State for Wales

22nd November 1995

Gwilym Jones
Parliamentary Under Secretary of State, Welsh
Office

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which comes into force on 23rd November 1995, imposes certain requirements in respect of potatoes grown and harvested in 1995 in the Netherlands in order to provide safeguards against the introduction into and the spread within Great Britain of a plant pest, *Pseudomonas solanacearum* (Smith) Smith.

The Order requires a person intending to import into Great Britain potatoes originating in the Netherlands to give an inspector two days' prior notification in writing of that intention and to provide specified information (article 3(1)). A person who gives notification of his intention to import potatoes under this Order shall be deemed to satisfy the requirements of the Seed Potatoes originating in the Netherlands (Notification) (Scotland) Order 1995 in respect of those potatoes (article 3(2)).

The Order provides that an inspector who has reasonable grounds for suspecting that a person has or will have in his possession potatoes originating in the Netherlands may exercise the powers conferred by articles 22 and 23 of the Plant Health (Great Britain) Order 1995 in respect of such potatoes (article 4).