SCOTTISH STATUTORY INSTRUMENTS

2004 No. 255

PLANT HEALTH

The Potatoes Originating in Poland (Notification) (Scotland) Order 2004

Made - - - -	*1st June 2004*
Laid before the Scottish Parliament - - - -	*2nd June 2004*
Coming into force - -	*24th June 2004*

The Scottish Ministers, in exercise of the powers conferred by sections 2(1) and (2), 3(1), (2) and (4) and 4(1) of the Plant Health Act 1967(**1**), as read with section 20 of the Agriculture (Miscellaneous Provisions) Act 1972(**2**), and of all other powers enabling them in that behalf, hereby make the following Order:

Citation, commencement and extent

1.—(1) This Order may be cited as the Potatoes Originating in Poland (Notification) (Scotland) Order 2004 and shall come into force on 24th June 2004.

(2) This Order extends to Scotland only.

Interpretation

2.—(1) In this Order–

"inspector" means any person authorised by the Scottish Ministers to be an inspector for the purposes of the principal Order;

"Polish potatoes" means any potato which is imported and which the person importing it knows or has reasonable cause to suspect to have been grown in the Republic of Poland during the year 2003 or subsequently;

"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.;

"processing" means any industrial treatment, including grading, sorting, washing and packing, whether for retail sale or not;

(**1**) 1967 c. 8; sections 2(1), 3(1) and (2) were amended by the European Communities Act 1972 (c. 68), section 4(1), Schedule 4, paragraph 8; section 3(4) was substituted by section 42 of the Criminal Justice Act 1982 (c. 48); the functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(**2**) 1972 c. 62.

"seed potato" means any potato intended for planting; and

"the principal Order" means the Plant Health (Great Britain) Order 1993(**3**).

(2) A reference in this Order to anything done in writing or produced in written form, including the service of a notice by virtue of article 4 below in exercise of a power conferred by article 22(1) or (2) of the principal Order, includes a reference to an electronic communication, as defined in the Electronic Communications Act 2000(**4**) which has been recorded and is consequently capable of being reproduced.

(3) In this Order, where reference is made to provisions in the principal Order, those provisions shall be interpreted in accordance with article 2(1) of that Order.

Notification of imports

3.—(1) No person shall on or after 27th June 2004 import Polish potatoes into Scotland, unless that person has given written notification to an inspector, at least 48 hours prior to the intended date of introduction into Scotland of the potatoes, of that person's intention to import the potatoes and of–

(a) the proposed time, date and means of introduction;

(b) the proposed point of entry;

(c) the intended use of the potatoes;

(d) in the case of seed potatoes or potatoes intended for processing, the proposed destination of the potatoes;

(e) the variety of the potatoes;

(f) the quantity of potatoes; and

(g) the producer's identification number or the reference number of the lot.

(2) Any person who, on or after 30th April 2004 and before 27th June 2004, imports Polish potatoes into Scotland shall, no later than 8th July 2004, give written notification to an inspector of–

(a) the date the potatoes were imported;

(b) the point of entry;

(c) the intended use of the potatoes;

(d) in the case of seed potatoes or potatoes intended for processing, the destination or proposed destination of the potatoes;

(e) the variety of the potatoes;

(f) the quantity of potatoes; and

(g) the producer's identification number or the reference number of the lot.

Powers of an inspector

4.—(1) The provisions of this article are without prejudice to the circumstances in which an inspector may by virtue of the principal Order exercise the powers conferred by that Order.

(2) On having reasonable grounds for suspecting a contravention or likely contravention of article 3 above, an inspector may, for the purpose of this Order, exercise–

(a) the powers conferred by article 22(1) of the principal Order as read with article 24(1) to (3) of the principal Order, as if a Polish potato was a plant landed or likely to be landed in contravention of the principal Order; and

(**3**) S.I.1993/1320; relevant amending instruments are S.I. 1995/1358, 1998/2245 and S.S.I. 1999/22.
(**4**) 2000 c. 7.