WELSH STATUTORY INSTRUMENTS

2005 No. 1162 (W.77)

PLANT HEALTH, WALES

The Potatoes Originating in the Netherlands (Notification) (Wales) Order 2005

Made - - - -	*13 April 2005*
Coming into force - -	*15 April 2005*

The National Assembly for Wales, in exercise of the powers conferred by sections 2, 3(1), (2)(b) and (4) and 4(1)(b) of the Plant Health Act 1967(**1**), and now vested in it (**2**), makes the following Order:

Title, commencement and application

1.—(1) The title of this Order is the Potatoes Originating in the Netherlands (Notification) (Wales) Order 2005.

(2) This Order comes into force on 15 April 2005 and applies in relation to Wales.

Interpretation

2. In this Order—

"inspector" ("*arolygydd*") means any person authorised by the National Assembly for Wales to be an inspector for the purposes of the principal Order;

"potato" ("*taten*") 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.;

"premises" ("*mangre*") has the same meaning as in the principal Order;

"the principal Order" ("*y prif Orchymyn*") means the Plant Health (Great Britain) Order 1993(**3**);

(**1**) 1967 c. 8; section 1(2) of the Plant Health Act 1967 defines "competent authorities" for the purposes of the Act. 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**) Under the Transfer of Functions (Wales) (No.1) Order 1978 (S.I.1978/272), article 2(1) and Schedule 1, the functions of the Minister of Agriculture, Fisheries and Food under the Plant Health Act 1967 were, so far as they are exercisable in relation to Wales, transferred to the Secretary of State; and under the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2 and Schedule 1, the functions transferred to the Secretary of State by the 1978 Order were transferred to the National Assembly for Wales.

(**3**) S.I. 1993/1320; amended by S.I. 1993/3213, 1995/1358 and 2929, 1996/25, 1165 and 3242, 1997/1145 and 2907, 1998/349, 1121 and 2245 and 1999/2126 and 2726, 2001/2343, 2002/1067, 2003/1157 and 2004/2365.

"relevant potato" ("*taten berthnasol*") means any potato which was grown in the Netherlands during 2004 or subsequently;

"relevant seed potato" ("*taten hadyd berthnasol*") means any relevant potato intended for planting.

Notification of imports

3.—(1) No person is permitted, in the course of business, to import into Wales, potatoes which he or she knows to be or has reasonable cause to suspect to be, relevant potatoes, unless he or she has given written notification to an inspector, at least two days prior to the intended date of importation into Wales, of his or her intention to import the potatoes in question and of—

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

(b) the proposed point of entry into Wales;

(c) the intended use of the potatoes;

(d) the proposed destination of the potatoes;

(e) the variety of the potatoes;

(f) the quantity of potatoes; and

(g) the producer's identification number.

(2) Any person who, after 1 September 2004 and before the coming into force of this Order, imported, into Wales in the course of business, relevant seed potatoes, must give, by no later than 3 May 2005, in respect of such potatoes, written notification to an inspector of—

(a) their date of importation;

(b) their point of entry into Wales;

(c) their intended use;

(d) their destination or proposed destination;

(e) their variety;

(f) the quantity imported; and

(g) the producer's identification number.

Powers of an inspector

4.—(1) The provisions of this article are to apply without prejudice to the exercise, by an inspector, of the powers conferred upon him or her by the principal Order.

(2) If an inspector knows or has reasonable grounds for suspecting that any relevant potatoes are likely to be, or have been, landed in Wales in contravention of article 3(1), he or she may—

(a) for the purpose of checking compliance with the principal Order; or

(b) for the purpose of exercising any of his or her powers under paragraph (4),

and on production of his or her authority to act if so required, take the steps in paragraph (3).

(3) The steps referred to in paragraph (2) are—

(a) to require any person, including any person in charge of the vessel, aircraft, vehicle, hovercraft or freight container from which the potatoes are likely to be landed or have been landed, to move the relevant potatoes or suspected relevant potatoes to any premises;

(b) to prohibit any such person from moving, treating or destroying the relevant potatoes or suspected relevant potatoes or any container or package.