STATUTORY RULES OF NORTHERN IRELAND

2005 No. 296

PLANT HEALTH

The Dutch Potatoes (Notification) Order (Northern Ireland) 2005

Made - - - -	*14th June 2005*
Coming into operation	*6th July 2005*

The Department of Agriculture and Rural Development(**1**) in exercise of the powers conferred by sections 2(**2**), 3(1)(**3**), 3B(1)(**4**) and 4(1)(**5**) of the Plant Health Act (Northern Ireland) 1967(**6**) and of all other powers enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Dutch Potatoes (Notification) Order (Northern Ireland) 2005 and shall come into operation on 6th July 2005.

Interpretation

2. In this Order –

"Dutch potato" means any potato which was grown in the Netherlands during 2004 or subsequently;

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

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

"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.;

"premises" has the same meaning as in the principal Order; and

(**1**) Formerly the Department of Agriculture for Northern Ireland; *see*S.I.1999/283 (N.I. 1), Art. 3(4)
(**2**) As amended by S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Sch. 2; 1979 c. 2, s. 177(1) and Sch. 4 Pt.II; and S.I. 1984/702 (N.I. 2) Art. 15(2)
(**3**) As amended by S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Sch. 2
(**4**) Inserted by S.I. 1984/702 (N.I. 2) Art. 15(2)
(**5**) As amended by S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Sch. 2 and S.I. 1984/702 (N.I. 2) Art. 15(2)
(**6**) 1967 c. 28 (N.I.)

"the principal Order" means the Plant Health Order (Northern Ireland) 1993(**7**).

Notification of imports

3.—(1) No person shall, in the course of business, import into Northern Ireland potatoes which he knows to be or has reasonable cause to suspect to be Dutch potatoes unless he has given written notification to an inspector, at least two days prior to the intended date of introduction into Northern Ireland of the potatoes, of his intention to import the potatoes and of –

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

(b) the proposed point of entry into Northern Ireland;

(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 1st September 2004 and before the coming into operation of this Order, imported, in the course of business, Dutch seed potatoes into Northern Ireland shall, so far is as reasonably practicable and no later than 20th July 2005, 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) 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.

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) If an inspector knows or has reasonable grounds for suspecting that any Dutch potatoes are likely to be, or have been, landed in Northern Ireland in contravention of Article 3(1), he may –

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

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

and on production of his authority 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 potatoes to any premises; or

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

(7) S.R. 1993 No. 256 as amended by S.R. 1994 No. 28, S.R. 1995 No. 164, No. 250 and No. 494, S.R. 1996 No. 204 and No. 249, S.R. 1997 No. 110 and No. 397, S.R. 1998 No. 16, No. 146 and No. 315, S.R. 1999 No. 24, S.R. 2000 No. 126, S.R. 2001 No. 188 and No. 437, S.R. 2002 No. 273, S.R. 2003 No. 235 and No. 458, and S.R. 2004 No. 415