STATUTORY RULES OF NORTHERN IRELAND

2004 No. 289

PLANT HEALTH

The Potatoes Originating in Poland (Notification) Order (Northern Ireland) 2004

Made - - - -	*1st July 2004*
Coming into operation	*23rd July 2004*

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

Citation and commencement

1. This Order may be cited as the Potatoes Originating in Poland (Notification) Order (Northern Ireland) 2004, and shall come into operation on 23rd July 2004.

Interpretation

2. In this Order –

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

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

"Polish potatoes" means potatoes which have originated in Poland;

"originated in Poland" means grown in 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.; and

"seed potato" means any potato intended for planting.

(**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.)
(**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

Notification of potatoes originating in Poland

3.—(1) A person shall not land any potatoes in Northern Ireland which he knows or has reasonable cause to suspect have originated in Poland unless, at least two days prior to the date of landing, he has given written notification to an inspector of his intention to do so and of –

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

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

(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, after 30th April 2004 and before the commencement of this Order, landed in Northern Ireland any potatoes which he knew or had reasonable cause to suspect to have originated in Poland shall, no later than 6th August 2004 give written notification to an inspector of –

(a) the date the potatoes were landed;

(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.

(3) In this Article, "processing" means any industrial treatment, including grading, sorting, washing and packing, whether for retail sale or not.

(4) The requirements at paragraphs (1) and (2) shall apply to all potatoes originating in Poland which are landed in Northern Ireland from Great Britain.

Actions which may be taken by 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, 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 were a plant landed or likely to be landed in contravention of the principal Order; and

(b) the power conferred by Article 22(2) of the principal Order as read with Article 24(1) to (3) of the principal Order, as if a Polish potato kept on or moved from the premises in contravention of the principal Order.

(3) An inspector may, for the purposes of checking compliance with this Order, exercise the powers conferred by Article 25 and 28(1) of the principal Order.

(4) Any notice served by virtue of this Article in exercise of a power conferred by Article 22(1) or (2) of the principal Order shall have effect as if served under Article 22(1) or (2) of the principal Order, and Articles 24(3), 26 to 28, 32 and 47 of the principal Order shall apply accordingly.