STATUTORY RULES OF NORTHERN IRELAND

1998 No. 107

PLANT HEALTH

The Potatoes Originating in Egypt Regulations (Northern Ireland) 1998

Made - - - -	*16th March 1998*
Coming into operation	*17th March 1998*

The Department of Agriculture, being a Department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by the said section 2(2) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Potatoes Originating in Egypt Regulations (Northern Ireland) 1998 and shall come into operation on17th March 1998.

Interpretation

2.—(1) In these Regulations—

"the Decision" means Commission Decision 96/301/EC authorizing Member States temporarily to take additional measures against the dissemination of *Pseudomonas solanacearum* (Smith) Smith as regards Egypt(**3**) as amended by the Commission Decision of 28th January 1998 authorising Member States temporarily to take emergency measures against the dissemination of *Pseudomonas solanacearum* (Smith) Smith as regards Egypt(**4**);

"the 1993 Order" means the Plant Health Order (Northern Ireland) 1993(**5**);

"originating in Egypt" means grown in Egypt.

(2) Other expressions have the same meaning as in the 1993 Order.

(3) The Interpretation Act (Northern Ireland) 1954(**6**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(**1**) *See*S.I.1972/1811
(**2**) 1972 c. 68: section 2 is subject to Schedule 2 to that Act and is to be read with S.I. 1984/703 (N.I. 3) and S.I. 1994/2795 (N.I. 15)
(**3**) O.J. No. L.115, 9.5.96, p. 47
(**4**) O.J. No. L.25, 31.1.98, p. 101
(**5**) S.R. 1993 No. 256 as amended by S.R. 1994 No. 28, S.R. 1995 Nos. 164, 250 and 494, S.R. 1996 Nos. 204 and 249, S.R. 1997 Nos. 110 and 397, S.R. 1998 No. 16
(**6**) 1954 c. 33 (N.I.)

Landing of potatoes originating in Egypt

3.—(1) A person shall not land any potatoes which he knows or has reasonable cause to suspect originated in Egypt unless those potatoes are accompanied by a phytosanitary certificate issued in accordance with the requirements of paragraph 1 of the Annex to the Decision.

(2) The requirement imposed by point 35B of Section 1 of Part A of Schedule 4 to the 1993 Order (an official statement that potatoes originate in areas where *Pseudomonas solancearum* (Smith) is not known to occur) shall not apply to imports of potatoes originating in Egypt.

Approval of plants which process potatoes originating in Egypt

4.—(1) A person shall not process any potatoes originating in Egypt other than in a plant which has been approved by the Department for that purpose.

(2) The Department shall approve processing plants in writing and may suspend or revoke the approval in writing.

(3) In this regulation—

"excluded establishment" means a shop, restaurant, canteen, club, public house, school, hospital or similar establishment (including a vehicle or a fixed or mobile stall) where food is packed or prepared for delivery to the final consumer;

"plant" means any premises other than an excluded establishment; and

"process" means the carrying out, in the course of business, of any treatment, including washing.

Powers of an inspector

5.—(1) Without prejudice to the circumstances in which an inspector may exercise any powers under Articles 22 to 25 of the 1993 Order, an inspector who has reasonable grounds for suspecting that any person has or will have in his possession potatoes originating in Egypt may, in respect of such potatoes, exercise the powers set out in those provisions as if references in those provisions to the 1993 Order included these Regulations.

(2) For the purposes of the 1993 Order (including Article 47 (offences)), any power exercised by virtue of paragraph (1) shall be treated as a power exercised under that Order.

Offences

6.—(1) A person who contravenes the requirements of regulation 3 (landing of potatoes originating in Egypt) or 4 (person processing potatoes otherwise than in an approved plant) without reasonable excuse, proof of which shall lie on him, shall be guilty of an offence.

(2) A person who, for the purpose of procuring the issue of a phytosanitary certificate or any approval under regulation 4(1)—

(a) knowingly or recklessly makes a false statement; or

(b) intentionally fails to disclose any material particular, shall be guilty of an offence.

(3) A person guilty of an offence under paragraph (1) or (2) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.