STATUTORY RULES OF NORTHERN IRELAND

1997 No. 478

PLANT HEALTH

Potatoes Originating in the Netherlands (Notification) Regulations (Northern Ireland) 1997

Made - - - -	*4th November 1997*
Coming into operation	*8th December 1997*

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 the Netherlands (Notification) Regulations (Northern Ireland) 1997 and shall come into operation on 8th December 1997.

Revocation

2. The Potatoes Originating in the Netherlands (Notification) Regulations (Northern Ireland) 1996(**3**) are hereby revoked.

Interpretation

3.—(1) In these Regulations—

"Decision 95/506/EC" means Commission Decision 95/506/EC authorising Member States temporarily to take additional measures against the dissemination of *Pseudomonas solanacearum* (Smith) Smith as regards the Kingdom of the Netherlands(**4**);

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

"originating in the Netherlands" in relation to any potatoes means grown in 1997 in the Netherlands.

(**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**) S.R. 1996 No. 524
(**4**) O.J. No. L.291, 6.12.95, p. 48 as last amended by Commission Decision 97/649/EC (O.J. No. L.274, 7.10.97, p. 14)
(**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

(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.

Notification of Potatoes originating in the Netherlands

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

(a) the proposed means of landing;

(b) the proposed point and time and date of landing;

(c) the intended use of the potatoes concerned;

(d) the quantity and variety of those potatoes;

(e) the proposed destination of those potatoes; and

(f) the producer's identification number or the reference number of the lot to which the potatoes belong.

(2) Any person who, before the commencement of these Regulations, landed in Northern Ireland any potatoes which he knew or had reasonable cause to suspect to have originated in the Netherlands shall, no later than 23rd December 1997, give written notification to an inspector of—

(a) the date the potatoes were landed;

(b) the point of landing;

(c) the intended use of the potatoes concerned;

(d) the destination of those potatoes;

(e) the quantity and variety of those potatoes; and

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

Actions which may be required by an inspector

5. 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 the Netherlands 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.

Fees in respect of the sampling of seed potatoes landed in Northern Ireland

6.—(1) Where the power to take samples conferred by Article 25(*a*)(iii) of the 1993 Order is exercised by an inspector in respect of a consignment of seed potatoes originating in the Netherlands for the purpose of ascertaining whether, for the purposes of article 2 of the Decision 95/506/EC, those potatoes are infected with *Pseudomonas solanacearum* (Smith) Smith, there shall be payable by the person required to give notification under regulation 4 in respect of those potatoes a fee of £116.

(2) The fee prescribed by paragraph (1) shall be payable to the Department on demand.

Offences

7.—(1) A person who contravenes the requirements for notification under regulation 4 without reasonable excuse, proof of which shall lie on him, shall be guilty of an offence.

(**6**) 1954 c. 33 (N.I.)