STATUTORY RULES OF NORTHERN IRELAND

# 1996 No. 524

# PLANT HEALTH

## The Potatoes Originating in the Netherlands (Notification) Regulations (Northern Ireland) 1996

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| *Made - - - -* | *7th November 1996* |
| *Coming into operation* | *16th December 1996* |

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) 1996 and shall come into operation on 16th December 1996.

### Revocation

**2.** The Potatoes Originating in the Netherlands (Notification) Order (Northern Ireland) 1995(**3**) is hereby revoked.

### Interpretation

**3.**—(1) In these Regulations—

"the 1993 Order" shall be construed in accordance with paragraph (2);

"originating in the Netherlands" in relation to any potatoes means grown in 1996 in the Netherlands.

(2) Other expressions have the same meaning as in the Plant Health Order (Northern Ireland) 1993(**4**) ('the 1993 Order').

(3) The Interpretation Act (Northern Ireland) 1954(**5**) 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.R. 1984 No. 253
(**3**) S.R. 1995 No. 438
(**4**) S.R. 1993 No. 256 as amended by S.R. 1995 No. 250
(**5**) 1954 c. 33 (N.I.)

**Notification of potatoes originating in the Netherlands**

**4.** 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.

**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) Subject to paragraph (2), 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 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) A fee shall not be payable under paragraph (1) in respect of any consignment of potatoes which are of the same variety, and which have been grown on the same holding by the same producer, as any other consignment of potatoes which has already been sampled under Article 25(*a*)(iii) of the 1993 Order for the purpose referred to in paragraph (1).

(3) 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 or the requirements of an inspector under regulation 5 without reasonable excuse, proof of which shall lie on him, shall be guilty of an offence.

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