1994 No. 28

PLANT HEALTH

Plant Health (Amendment) (Potatoes) Order (Northern Ireland) 1994

Made . . . . . *28th January 1994*

Coming into operation . . *1st March 1994*

The Department of Agriculture, in exercise of the powers conferred on it by sections 2(**a**), 3(1)(**b**), 3A(**c**), 3B(1)(**d**) and 4(1)(**e**) of the Plant Health Act (Northern Ireland) 1967(**f**) and of all powers enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Plant Health (Amendment) (Potatoes) Order (Northern Ireland) 1994 and shall come into operation on 1st March 1994.

Amendment of the Plant Health Order (Northern Ireland) 1993

2. The Plant Health Order (Northern Ireland) 1993(**g**) shall be amended as provided in Articles 3 to 5.

3. In Article 3(1) (Interpretation) after the definition of ''responsible person'' there shall be inserted the following definition—

''the ring rot Directive'' means Council Directive 93/85/EEC of 4th October 1993 on the control of potato ring rot(**h**);''.

4. For Articles 38 to 42 (Potato ring rot) there shall be substituted—

''*Special measures for the control of potato ring rot*

38.—(1) The provisions of—

(*a*) the ring rot Directive specified in paragraph (2); and

(*b*) the second paragraph of article 11 of and the Annexes to the ring rot Directive,

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(**a**) 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)
(**b**) As amended by S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Sch. 2
(**c**) Inserted by S.I. 1975/1038 (N.I. 8) Art. 11(2)
(**d**) Inserted by S.I. 1984/702 (N.I. 2) Art. 15(2)
(**e**) As amended by S.I. 1984/702 (N.I. 2) Art. 15(2)
(**f**) 1967 c. 28 (N.I.)
(**g**) S.R. 1993 No. 256
(**h**) O.J. L.259, 18.10.93, p. 1

shall have effect as if they were incorporated in this Order and this Order shall be construed and have effect accordingly.

(2) It shall be the duty of the Department to give effect to the requirements of paragraphs 1 and 2 of article 2, paragraph 1 of article 4 and articles 5 and 6 of the ring rot Directive.

39. A person who suspects the occurrence or actual presence of potato ring rot in growing potatoes or harvested, stored or marketed tubers shall immediately notify the Department or an inspector who shall determine whether any further investigation is necessary.

40. Subject to Article 41(2), a person shall not—

(*a*) hold or handle any plant or tuber affected with potato ring rot or any other object or material affected with it otherwise than in compliance with the provisions of Articles 39 to 42;

(*b*) plant any tuber or plant designated to be contaminated with potato ring rot under article 5(1)(*a*) of the ring rot Directive and a notice under paragraph (1)(*c*) or (2)(i) of Article 22 may require any such tuber or plant to be—

(i) destroyed; or

(ii) otherwise disposed of for the purposes set out in point 1 of Annex IV to the ring rot Directive but only if there is no identifiable risk of potato ring rot spreading;

(*c*) plant any plant or tuber determined as probably contaminated with potato ring rot under article 5(1)(*b*) of the ring rot Directive and a notice under paragraph (1)(*c*) or (2)(i) of Article 22 may require any such tuber or plant to be put to an appropriate use or disposed of in accordance with point 2 of Annex IV to the ring rot Directive but only if there is no identifiable risk of potato ring rot spreading.

41.—(1) Subject to paragraph (2), a notice under paragraph (1)(*c*) or 2(i) of Article 22 may require any machinery, vehicle, vessel, store, or units thereof and any other objects including packaging material designated as contaminated under article 5(1)(*a*) of the ring rot Directive or determined as probably contaminated under paragraph (1)(*b*) of that article to be—

(*a*) destroyed; or

(*b*) cleansed and disinfected using appropriate methods as specified in point 3 of Annex IV to the ring rot Directive, whereupon they shall not be treated as contaminated.

(2) The Department or an inspector may by notice in writing given to the person having possession of the plants or tubers authorise exemptions from the requirements of article 6 of the ring rot Directive as applied by Article 38(2) and of Article 40 and paragraphs (1) and (3) for experimental or scientific purposes or for work on varietal selection if it or he as the case may be is satisfied that any such exemption would not prejudice the control of potato ring rot or create a risk of its spread.