1987 No. 9

PLANT HEALTH

Potatoes (Prohibition on Landing) Order (Northern Ireland) 1987

Made . . . . . *15th January 1987*

Coming into operation . . *16th February 1987*

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

Citation and commencement

1. This Order, which may be cited as the Potatoes (Prohibition on Landing) Order (Northern Ireland) 1987 shall come into operation on 16th February 1987.

Interpretation

2. In this Order—

"consignment" means the whole or any part of a consignment of potatoes including soil or any other growing medium, packaging material or containers enclosing or accompanying the potatoes;

"Customs Act" means the Customs and Excise Management Act 1979(**f**);

"importer" in relation to any consignment includes any person who, whether as owner, consignor or consignee, agent or broker, is in possession of or in any way entitled to the custody or control of the consignment;

"inspector" means an officer of the Department authorised in writing by the Department for the purposes of this Order;

"landing" means to bring into Northern Ireland by any means whatsoever;

"potato" means any plant or any part of a plant, including tubers and true seed, of *Solanum tuberosum* L. or other tuber forming species or hybrids of the genus *Solanum* L.;

"premises" includes any building (other than a private dwelling-house), land, vehicle, vessel, aircraft, hovercraft or freight container.

(**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**) Inserted by S.I. 1975/1038 (N.I. 8) Art. 11(2)
(**c**) Inserted by S.I. 1984/702 (N.I. 2) Art. 15(2)
(**d**) As amended by S.I. 1984/702 (N.I. 2) Art. 15(2)
(**e**) 1967 c. 28 (N.I.)
(**f**) 1979 c. 2

Prohibition on landing

3. Except as provided in Article 7 the landing of a consignment grown in, consigned from or which has passed through the Federal Republic of Germany is hereby prohibited.

Examination and sampling

4. An inspector, upon production if so required of his authority, may for the purposes of this Order:—

(*a*) enter any premises and examine and take samples of any consignment landed or likely to be landed or reasonably suspected by him to have been landed;

(*b*) take the following steps relating to the examination and sampling set out in paragraph (*a*)—

(i) open or authorise any person to open on his behalf or require the importer or the person in charge of the consignment to open any container, bundle or other package in the consignment;

(ii) prohibit, either entirely or to the extent indicated by him by notice in writing, the movement of the consignment.

Consignments landed in contravention of Order

5.—(1) If it appears to an inspector that a consignment is in the course of being landed or is likely to be landed and that if landed, such consignment would be landed in contravention of the provisions of this Order he may serve upon the importer or any person in control of the landing or unloading of that consignment from a vehicle, vessel, aircraft, hovercraft or freight container a notice prohibiting the landing or unloading of that consignment or requiring that, if landed or unloaded, the consignment be destroyed within such time and in such manner and at such place as may be set out in the notice.

(2) If it appears to an inspector at any time that a consignment has been landed and that such landing is in contravention of the provisions of this Order he may serve upon the importer a notice requiring him within such time and in such manner and at such place as may be set out in the notice to destroy the consignment or, if it is considered appropriate by the inspector, to re-export the consignment and take such other steps as may be set out in the notice to prevent the spread of Potato Ring Rot (*Corynebacterium michiganense* pv *sepedonicum* (Spieck. and Kotth.) Dye and Kemp).

(3) A notice served under paragraph (1) or (2) requiring the destruction of a consignment may postpone such destruction for such period and subject to such conditions, if any, as may be set out in that notice.

(4) Destruction required by a notice served under paragraph (1) or (2) shall be carried out to the satisfaction of an inspector by the person upon whom the notice is served and, except with the authority in writing of the Department or an inspector, the consignment shall not be moved otherwise than direct to the place designated in the notice.

(5) A notice served under paragraph (1) or (2) may be amended or withdrawn by the Department or an inspector by a further notice served upon the person upon whom the first notice was served.