1982 No. 139

PLANT HEALTH

Vegetable Produce (Temporary Prohibition on Landing) Order (Northern Ireland) 1982

Made	*30th April 1982*
Coming into operation . . .	*1st May 1982*

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

Citation, commencement and duration

1. This Order, which may be cited as the Vegetable Produce (Temporary Prohibition on Landing) Order (Northern Ireland) 1982 shall come into operation on 1st May 1982, and shall cease to have effect on 30th June 1982.

Interpretation

2. In this Order—

"consignment" means the whole or any part of a consignment of the vegetable produce listed in the Schedule to this Order;

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

"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 wise entitled to the custody or control of the consignment;

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

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

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

Prohibition of landing

3. The landing of a consignment grown in Italy is hereby prohibited.

Examination and sampling

4. An inspector, upon production if so required of his appointment or authority, may:—

(*a*) enter any premises and examine and take samples of any consignment (including any soil or other growing medium, packing material and containers accompanying the consignment) landed or likely to be landed or suspected by him to have been landed or to be likely to be landed.

(a) Formerly Ministry: *see* 1973 c. 36 s. 40 and Sch. 5 para. 8(1)
(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(1)
(d) As amended by 1967 c. 29 (N.I.) s. 1(2) and Sch. Part II
(e) Inserted by S.I. 1975/1038 (N.I. 8) Art. 11(2)
(f) 1967 c. 28 (N.I.)
(g) 1979 c. 2

(*b*) for the purposes of such examination, open, 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.

(*c*) if and so far as is necessary for the purposes of such examination, prohibit entirely, or to the extent indicated by him, the movement of any consignment which has been landed or is suspected by him to have been landed.

Procedure when a consignment is landed in contravention of this Order

5.—(1) Without prejudice to the provisions of the Customs Act, if any consignment is landed in contravention of this Order, such consignment shall forthwith be destroyed by and at the expense of the importer unless it is immediately re-exported or disposed of in accordance with the terms of a licence granted by the Department.

(2) Any destruction required by paragraph (1) shall be carried out by the importer to the satisfaction of an inspector at a place designated by an inspector and, except with the written authority of an inspector, the consignment shall not be moved other than to such place.

(3) If an importer shall have failed to destroy the said consignment in accordance with paragraph (1) or if he shall have failed to dispose of such consignment in accordance with the terms of a licence granted as aforesaid, then, without prejudice to any proceedings under this Order consequent upon such failure, an inspector or a person acting on his instructions may enter any premises in which the consignment may be and may remove and destroy such consignment and the cost of taking such steps shall be recoverable by the Department from the importer as a civil debt.

(4) In this Article "consignment" includes soil or any other growing medium, packing materials and containers.

Information which may be required

6. Every person who has or has had in his possession or under his charge any consignment which the Department or an inspector knows or suspects to have been landed, and every person who as auctioneer, salesman or otherwise, has sold or offered for sale any such consignment shall, if so required by demand in writing by the Department or inspector, give to the Department or inspector within the time specified in that demand all such information as he possesses as to the persons who have or have had or are likely to have or have had the said consignment in their possession or under their custody or control:

Provided that any information given under this Article shall not be available as evidence against the person giving the same in any prosecution under this Order, except in respect of an alleged failure to comply with this Article.

Licences

7. Notwithstanding any provisions of this Order, any consignment may be landed under and in accordance with the conditions of a licence granted by the Department.

Offences

8.—(1) A person shall be guilty of an offence if he contravenes or fails to comply with a provision of this Order or a term or condition of a notice served or licence granted in accordance with the provisions of this Order.

(2) An offence against this Order shall be punishable on summary conviction by a fine of not more than £100 for a first offence or £200 for a second or subsequent offence.