1979 No. 138

PLANT HEALTH

Importation and Planting of Potatoes (Amendment) Order (Northern Ireland) 1979

Made . . . . . 19*th April* 1979

Coming into operation . . . . 21*st May* 1979

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

Citation and commencement

1. This Order may be cited as the Importation and Planting of Potatoes (Amendment) Order (Northern Ireland) 1979, and shall come into operation on 21st May 1979.

Amendment of Order of 1972

2.—(1) In Article 3 (Interpretation) of the Importation and Planting of Potatoes Order (Northern Ireland) 1972(c) the definition of "importer" shall be amended to read:—

"in relation to any potatoes, includes any person who is in possession of or is in any way entitled to the custody or control of such potatoes or arranges for or takes part in their landing in Northern Ireland".

(2) For Article 12 (Procedure when potatoes are landed in contravention of this Order) of that Order there shall be substituted:—

"**12.**—(1) If any consignment or part of a consignment of potatoes is landed in Northern Ireland in contravention of this Order, such potatoes shall not be moved otherwise than in compliance with the terms of a notice served in accordance with paragraph (2) or a licence granted under paragraph (4).

(2) An inspector shall serve upon the importer a notice requiring him, within such time in such manner and at such place as may be specified in such notice and at his own expense and risk, to destroy the potatoes comprising the consignment or part of the consignment or such portion thereof as may be so specified in such notice.

(3) Any destruction of potatoes required by paragraph (2) shall be carried out by the importer to the satisfaction of an inspector.

(4) Where a notice under paragraph (2) has been served upon an importer, the Department or an inspector may grant a licence authorising at the importer's own expense and risk, in lieu of the destruction required by the notice, the treatment or re-export or disposal in some other manner of the potatoes comprising the consignment or part of the consignment or

(a) Formerly Ministry: *see* 1973 c. 36 s. 40 and Sch. 5 para. 8(1)
(b) 1967 c. 28 (N.I.) as amended by S.R. & O. (N.I.) 1972 No. 351 (p. 1740) Art. 3 and Sch. 2 and S.I. 1975/1038 (N.I. 8) Art. 11
(c) S.R. & O. (N.I.) 1972 No. 24 (p. 89)