1972. No. 24 [NC]

PLANT HEALTH

Importation and Planting of Potatoes

ORDER, DATED 9TH FEBRUARY 1972, MADE BY THE MINISTRY OF AGRICULTURE UNDER THE PLANT HEALTH ACT (NORTHERN IRELAND) 1967.

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

Citation and commencement

1.—(1) This Order may be cited as the Importation and Planting of Potatoes Order (Northern Ireland) 1972.

(2) This Order shall come into operation on the 1st March 1972.

Revocation

2. The Importation and Planting of Potatoes Order (Northern Ireland) 1964(b); the Importation and Planting of Potatoes (Amendment) Order (Northern Ireland) 1968(c); the Importation and Planting of Potatoes (Amendment) Order (Northern Ireland) 1969(d) and the Importation and Planting of Potatoes (Amendment) Order (Northern Ireland) 1971(e) are hereby revoked.

Interpretation

3. In this Order—

"consignment" includes soil, packing materials, cases and containers;

"crop" includes a plant or any part thereof;

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

"inspector" means an officer of the Ministry of Agriculture authorised for the purposes of this Order;

"landed" means brought into Northern Ireland by any means whatsoever;

"new potatoes" means potatoes which have been dug immature for marketing without delay, the skins of which can be removed by rubbing with the fingers or show evidence of natural skinning at the time of landing;

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

"premises" includes any vehicle, vessel, aircraft, hovercraft or freight container;

"unhealthy" means carrying or affected with any bacterium fungus, mycoplasma, alga, virus or invertebrate animal destructive to agricultural or horticultural crops or to trees or bushes.

(a) 1967. c. 28 (N.I.).
(b) S.R. & O. (N.I.) 1964, No. 80.
(c) S.R. & O. (N.I.) 1968, No. 38.
(d) S.R. & O. (N.I.) 1969, No. 121.
(e) S.R. & O. (N.I.) 1971, No. 132.

Prohibition on the importation of potatoes

4.—(1) Save as otherwise provided in this Article or in Article 16 the landing of potatoes in Northern Ireland is prohibited.

(2) The prohibition contained in the preceding paragraph shall not apply to—

(*a*) new potatoes in respect of which the requirements set out in Articles 5 and 6 have been complied with;

(*b*) potatoes produced in the Irish Republic which are being moved through Northern Ireland to a place outside Northern Ireland provided they are moved direct from the point of entry to the point of exit and are not unloaded elsewhere in Northern Ireland.

Importation of new potatoes

5. New potatoes may be landed in Northern Ireland provided that—

(1) they were before importation into Northern Ireland landed in Great Britain from a country or part of a country referred to in the First Schedule and in accordance with the importation regulations governing such landing; or

(2) (*a*) they were produced in any of the countries or parts of countries referred to in Column 1 of the First Schedule and are landed in Northern Ireland in any period of a year other than a period, if any, set out in Column 2 thereof opposite the name of the country or part of a country in which they were grown; and

(*b*) they are accompanied by a phytosanitary certificate and, where appropriate, by one or more supplemental certificates, in accordance with Articles 7 to 9; and

(*c*) the conditions set out in the Second Schedule are complied with; or

(3) (*a*) they were produced in the Irish Republic in a district other than a prohibited district as described in the Fifth Schedule and are accompanied by a certificate in the form set out in the Sixth Schedule; and

(*b*) they are landed in Northern Ireland by a route approved by Her Majesty's Commissioners of Customs and Excise and between the hours specified by the said Commissioners for the importation of goods from the Irish Republic.

Provisions as to containers

6.—(1) All new potatoes landed in Northern Ireland shall be securely packed in new bags or other new containers clearly marked with the name of the country in which the potatoes were grown.

(2) New potatoes landed in Northern Ireland shall not be removed from the containers in which they were landed except for the purpose of sale by retail.

Phytosanitary certificates

7.—(1) Where it is required by Article 5(2)(*b*) that a phytosanitary certificate accompany a consignment of new potatoes landed in Northern Ireland, such certificate shall be in the form set out in the Third Schedule.

(2) The phytosanitary certificate shall have been duly completed and signed by or on behalf of an authorised officer of the Plant Protection Service of the country in which the potatoes were grown.

(3) If, in the description of the consignment in a phytosanitary certificate in the form set out in the Third Schedule, the address of the consignee is not in Northern Ireland, the certificate shall include an additional declaration by the said authorised officer to the effect that the consignment is believed to conform with the current phytosanitary regulations of Northern Ireland.

(4) The examination referred to in a phytosanitary certificate in the form set out in the Third Schedule shall have been carried out not more than 14 days prior to the date of despatch of the consignment.

(5) Where a consignment is accompanied by a supplemental certificate in accordance with Article 8, a facsimile copy of the phytosanitary certificate, endorsed by the Plant Protection Service of the country in which the potatoes were unloaded or landed as being a true copy, may accompany the consignment in place of the phytosanitary certificate itself.

Supplemental certificates

8.—(1) Where it is required by Article 5(2)(*b*) that a phytosanitary certificate accompany a consignment of new potatoes landed in Northern Ireland, and where the consignment before being so landed was unloaded or landed in a country or countries other than that in which they were grown and other than in England, Wales or Scotland, such certificate shall be accompanied by a supplemental certificate in the form set out in the Fourth Schedule.

(2) The supplemental certificate shall have been duly completed and signed by or on behalf of an authorised officer of the Plant Protection Service of the country in which the potatoes have been unloaded or landed.

(3) The supplemental certificate shall have been signed not more than 14 days prior to the date of despatch of the consignment.

Further provisions as to phytosanitary and supplemental certificates

9.—(1) Where a phytosanitary certificate or a supplemental certificate is issued in a country of which the language is other than English it shall incorporate or be accompanied by a translation into the language of that country, which translation, if it is in a document separate from the certificate, shall have been duly completed and signed by or on behalf of the officer by whom or on whose behalf the certificate was signed.

(2) Except in the case of consignments imported by post, phytosanitary certificates and supplemental certificates shall be delivered to the proper officer at the same time as, and together with, the entry relating to the consignment:

Provided that in this paragraph the expression "proper officer" has the like meaning as in the Customs and Excise Act 1952(f) and the reference to the entry shall be construed as a reference to the entry, delivery of which is to be made in accordance with the provisions of that Act.

(3) In the case of consignments imported by post such certificates shall be affixed to the package comprising the consignment or, if the consignment consists of more than one package, the certificate shall be affixed to one of the packages and copies thereof affixed to each of the remaining packages.

(4) No certificate issued by or on behalf of a state, provincial or other regional or local government authority of part of a country, or by or on behalf of any department, service or other organ of such authority shall be deemed to be a valid phytosanitary or supplemental certificate for the purposes of this Order unless such authority is the only one empowered to issue, in relation to such part of the country, phytosanitary or supplemental certificates to accord with the requirements of this Order.

(f) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 44.

Further provisions as to the importation of new potatoes from the Irish Republic

10.—(1) The certificate required under Article 5(3)(*a*) shall be dated not earlier than one month before the date of the landing in Northern Ireland of the potatoes referred to in the certificate.

(2) Article 9(2) and Article 9(3) shall apply to certificates prescribed in Article 5(3)(*a*) in relation to potatoes produced in the Irish Republic and landed in Northern Ireland in like manner as they do to phytosanitary certificates and supplemental certificates.

Examination and sampling

11. An inspector, upon production if so required of the appointment or authority, may—

(*a*) enter any premises and examine and take samples of any consignment or part of a consignment of potatoes (including any soil or other growing medium, packing material and containers accompanying the produce) landed or likely to be landed or suspected by him to have been landed or to be likely to be landed in Northern Ireland, whether or not such consignment was or ought to have been accompanied by a certificate required by this Order;

(*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 produce to open any bag, container or other package in the consignment or part of a 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 or part of a consignment of potatoes which has been landed or is suspected by him to have been landed in Northern Ireland, and

(*d*) enter any premises and examine and take samples of any potatoes which have been landed or are suspected by him to have been landed in Northern Ireland during the previous twelve months or which have been derived or are suspected by him to have been derived from potatoes which have been so landed.

Procedure when potatoes are landed in contravention of this Order

12.—(1) If any consignment or part of a consignment of potatoes is landed in Northern Ireland in contravention of this Order, the potatoes comprising the consignment or part of a consignment as the case may be shall forthwith be destroyed by and at the expense of the importer unless they are immediately re-exported or are disposed of in accordance with the terms of a licence served on the importer by an inspector.

(2) Any destruction required by paragraph (1) of this Article shall be carried out by the importer to the satisfaction of an inspector at a place designated by him and, except with his written authority, none of the potatoes shall be moved other than to such place.

(3) If the importer shall have failed to destroy the potatoes in accordance with paragraph (1) of this Article or if he shall have failed to dispose of the potatoes 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 potatoes or any of them may be and may remove and destroy them and the cost of taking such steps shall be recoverable by the Ministry from the importer as a civil debt.

(4) In this Article "potatoes" includes soil, packing materials, bags and other containers.

Procedure in the case of landing of unhealthy potatoes

13.—(1) If it appears to an inspector that any potatoes in a consignment or part of a consignment likely to be landed in Northern Ireland are unhealthy, he may serve upon the importer or upon any person in control of the landing or unloading of the potatoes from a vessel, aircraft, vehicle, hovercraft or freight container a notice specifying the manner in which the landing or unloading is to be carried out and the precautions which are to be taken in the course thereof in order to prevent the spread of any pest or disease.

(2) If it appears to an inspector at any time that any potatoes in a consignment or part of a consignment landed in Northern Ireland are unhealthy, he may serve upon the importer a notice requiring him, within such time and in such manner as may be specified in the notice, to destroy the potatoes comprising the consignment or part of a consignment or such of them as may be so specified.

(3) Where a notice under paragraph (2) of this Article has been served upon an importer, the Ministry 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 the disposal in some other manner of the potatoes or of such of them as may be specified in the licence, within such time, in such manner and subject to such conditions as may be so specified.

(4) Any destruction required by a notice served under paragraph (2) of this Article shall be carried out by the importer upon whom the notice is served to the satisfaction of an inspector at a place designated by an inspector and, except with the written authority of the Ministry or an inspector, none of the potatoes shall be moved otherwise than to such place.

(5) If a notice under paragraph (2) of this Article has been served upon an importer and has not been superseded by a licence granted under paragraph (3) hereof and the importer shall have failed to destroy the potatoes as required in the said notice, or if an importer to whom a licence has been granted under paragraph (3) of this Article shall have failed fully to comply with the terms and requirements thereof, then, without prejudice to any proceedings under this Order consequent upon such failure, an inspector or a person authorised by him for the purpose may enter any premises in which the produce or any of it may be and may remove and destroy it and the cost of taking such steps shall be recoverable by the Ministry from the importer as a civil debt.

(6) This Article shall apply in relation to any potatoes which appear to an inspector to be unhealthy following an examination authorised by Article 11(*d*) of this Order and, in the application of this Article to any such potatoes, any reference to the importer shall be construed as including a reference to the person in charge of the potatoes.

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

Restriction on sale for planting or planting of imported potatoes

14.—(1) No person shall sell for planting or offer or expose for sale for planting, or plant or cause or permit to be planted in Northern Ireland any potatoes which have been grown in any place outside Northern Ireland or any potatoes which have been derived from potatoes grown as aforesaid, except under and in accordance with the conditions of a licence granted by the Ministry.