1968. No. 258 **[NC]**

PLANT HEALTH

Potato Root Eelworm

ORDER, DATED 25TH NOVEMBER 1968, 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 3 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 Potato Root Eelworm Order (Northern Ireland) 1968.

(2) This Order shall come into operation on 1st January 1969.

Revocation

2. The Potato Root Eelworm Order (Northern Ireland) 1960(**b**), and the Potato Root Eelworm (Amendment) Order (Northern Ireland) 1964(**c**) are hereby revoked.

Interpretation

3.—(1) In this Order:—

"conveyance" includes any vehicle, ship, boat, vessel or craft;

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

"Ministry" means the Ministry of Agriculture;

"occupier" means any person in occupation of or in charge of any land, whether he has an estate in said land or not;

"owner" when not also the occupier, means the person from whom the occupier holds the land;

"packages" includes boxes, sacks, baskets and other containers;

"plant propagating material" means plants or parts thereof (except seeds) for planting, sowing or propagation;

"potatoes" includes tubers planted or growing or grown, as well as the roots and haulms of such tubers;

"potato root eelworm" means the nematode, *Heterodera rostochiensis* Wollenweber;

"prescribed" means prescribed by the Ministry;

"tomato plants" includes seeds, roots, stems and leaves of any species of tomato growing or grown.

(**a**) 1967. c. 28 (N.I.).
(**b**) S.R. & O. (N.I.) 1960, No. 27.
(**c**) S.R. & O. (N.I.) 1964, No. 108.

PART I

MEASURES FOR THE PREVENTION OF INFECTION

Restriction on Planting

4.—(1) Potatoes shall not be planted or grown or permitted to be planted or grown more often than once in any period of five years in the same land in any part of Northern Ireland except:—

(*a*) under the authority of a Licence issued by the Ministry, or

(*b*) in a garden immediately adjoining a dwelling house where all the produce from the garden is retained for the use of the occupants of the said dwelling house.

(2) An Inspector may, for the purpose of ascertaining whether potatoes have been planted or are growing or have been grown in any land, enter upon any land and take such steps as may be necessary to determine whether potatoes have been so planted or are growing or have been grown and the area over which such planting or growing is taking or has taken place.

Service of Directions

5. If an Inspector finds potatoes planted or growing in any land in contravention of Article 4(1) or in contravention of a Licence granted thereunder or has reason to believe that potatoes have been so planted or are growing he or the Ministry may serve a Direction on the occupier of such land requiring him, within such period as may be specified, to dig or otherwise raise out of the ground the said potatoes and to dispose of the same in such manner as may be prescribed in the Direction.

Notification of Infection

6. Every occupier who knows or suspects that any land is infected with Potato Root Eelworm shall forthwith notify the fact to the Ministry.

PART II

MEASURES FOR THE PREVENTION OF THE SPREAD OF INFECTION

Taking of Samples

7. An Inspector on receiving in any manner notification of the existence or suspected existence or having himself reason to suspect the existence of Potato Root Eelworm in any land in which potatoes or tomato plants or any plant propagating material are growing or have been grown, or for the purpose of ascertaining whether Potato Root Eelworm exists in any land, may enter upon any land, and take such steps as may be necessary, and take a sample or samples of soil, plants, or parts of plants for testing or examination by the Ministry in order to determine whether Potato Root Eelworm exists therein.

Service of Notices

8.—(1) If, as a result of an examination or test as aforesaid, the Ministry is satisfied of the existence of Potato Root Eelworm in any land, the Ministry shall cause a Notice to be served upon the occupier of such land requiring him to adopt such measures for the prevention of the spread of Potato Root Eelworm as may be specified in the Notice. Where the person using the land at the time of the discovery of Potato Root Eelworm therein is not also the owner, such person shall on request disclose to the Ministry the name and address of the owner and a Notice shall also be served upon the owner.