1964. No. 79 [C]

AGRICULTURE

Cattle—Breeding Herds

ORDER, DATED 26TH MAY, 1964, MADE BY THE MINISTER OF AGRICULTURE, WITH THE APPROVAL OF THE MINISTER OF FINANCE, UNDER ARTICLE 4(2)(*b*) OF THE CATTLE (BREEDING HERDS) SCHEME (NORTHERN IRELAND) 1962.

This Order, which fixes the rate of subsidy payment for 1964 in respect of breeding herds, being of temporary effect is not printed at length in this volume.

1964. No. 80 [NC]

DESTRUCTIVE INSECTS AND PESTS

Importation and Planting of Potatoes

ORDER, DATED 28TH MAY, 1964, MADE BY THE MINISTRY OF AGRICULTURE UNDER THE DESTRUCTIVE INSECTS AND PESTS ACTS (NORTHERN IRELAND) 1877 TO 1934.

The Ministry of Agriculture in exercise of the powers conferred on it by the Destructive Insects and Pests Acts (Northern Ireland) 1877 to 1934(**a**), 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 Order (Northern Ireland) 1964, and shall come into operation on the 1st day of June, 1964.

Revocation

2. The Potatoes Importation (Ireland) Order 1920(**b**), the Foreign Seed Potatoes (Northern Ireland) Order 1925(**c**), the Potatoes Importation (Northern Ireland) Order 1931(**d**) and the Importation of Potatoes (Northern Ireland) Order of 1940(**e**) are hereby revoked.

Amendment of the Importation of Plants (Northern Ireland) Order 1955(**f**)

3. The Importation of Plants (Northern Ireland) Order 1955 shall cease to apply to potatoes and that Order shall be amended in accordance with the amendments set out in the Fifth Schedule to this Order.

Interpretation

4.—(1) In this Order,

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

(**a**) 40 & 41 Vict. c. 68, 7 Edw. 7. c. 4 & 24 & 25 Geo. 5. c. 4 (N.I.).
(**b**) S.R. & O. 1920, No. 2075.
(**c**) S.R. & O. (N.I.) 1925, No. 15.
(**d**) S.R. & O. (N.I.) 1931, No. 6.
(**e**) S.R. & O. (N.I.) 1940, No. 32.
(**f**) S.R. & O. (N.I.) 1955, No. 38.

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

"importer" 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 potatoes;

"landing" in relation to the importation of potatoes means landing potatoes from a ship, vessel, aircraft or vehicle or otherwise introducing potatoes into Northern Ireland;

"Ministry" means the Ministry of Agriculture;

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

"new potatoes" are 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 importation;

"premises" includes any vehicle, vessel or aircraft;

"unhealthy" means carrying or affected with any insect, fungus, pest, bacterium or other vegetable or animal organism destructive to agricultural or horticultural crops or to trees or bushes or with any agent causative of a transmissible crop disease.

(2) The Interpretation Act (Northern Ireland) 1954(a) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

Prohibition on the Importation of Potatoes

5.—(1) Save as otherwise provided in this Article or in Article 19 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 6 and 7 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

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

(1) they were before importation into Northern Ireland landed in Great Britain 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 the First Column of the First Schedule and are landed in Northern Ireland in any year during the period set out in the Second Column of that Schedule 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 8 to 10 of this Order; and

(a) 1954. c. 33.

(*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 Sixth Schedule and are accompanied by a certificate in the form set out in the Seventh 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

7.—(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

8.—(1) Where it is required by Article 6(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 to this Order, except that, where a consignment is accompanied by a supplemental certificate in accordance with Article 9 of this Order, 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 potatoes in place of the phytosanitary certificate itself.

(2) The examination referred to in the phytosanitary certificate shall have been carried out not more than 14 days prior to the date of despatch of the consignment.

(3) 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.

(4) If, in the description of the consignment in the phytosanitary certificate, 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.

Supplemental Certificates

9.—(1) Where it is required by Article 6(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.

Further Provisions as to Phytosanitary and Supplemental Certificates

10.—(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(a) 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.

Further Provisions as to the Importation of New Potatoes from the Irish Republic

11.—(1) The certificate required under Article 6(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 10(2) and Article 10(3) shall apply to certificates prescribed in Article 6(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

12. 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 or part of a consignment of potatoes 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 potatoes to open any bag or other container in the consignment or part of a consignment, and

(*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.

Procedure when potatoes are landed in contravention of this Order

13.—(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

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

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 importation of unhealthy potatoes

14.—(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 or aircraft 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 who, within the time specified in the notice for the destruction of the potatoes, makes a request in writing to an inspector that the potatoes may be re-exported or treated at the importer's own expense and risk the inspector may grant a licence authorising, in lieu of the destruction required by the notice, the re-export or treatment 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) If a request is made in accordance with paragraph (3) of this Article the time specified in the notice served under paragraph (2) thereof shall be deemed to be extended until either a licence is granted under the said paragraph (3) or the inspector serves upon the importer notice of refusal to grant such a licence or until such later time as may be specified in writing by the inspector.

(5) Any destruction required by a notice served under paragraph (2) of this Article and any treatment authorised by a licence granted under paragraph (3) thereof shall be carried out by the importer upon whom the notice is served