EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order comes into operation on 10th March, 1960. The First Schedule sets out the statutory minimum remuneration payable in substitution for that fixed by the First Schedule to the Aerated Waters Wages Council (Northern Ireland) Wages Regulation Order, 1957 (Order N.I.A. (50)), as amended by the Aerated Waters Wages Council (Northern Ireland) Wages Regulation (Amendment) Order, 1958 (Order N.I.A. (54)).

The amendment to the Aerated Waters Wages Council (Northern Ireland) Wages Regulation (Holidays) Order, 1949 (Order N.I.A. (32)), set out in the Second Schedule to this Order, was contained in the Second Schedule to Order N.I.A. (50), and is repeated without alteration.

New provisions in the First Schedule are printed in italics.

Order N.I.A. (50) and Order N.I.A. (54) are revoked.

1960. No. 27 [NC]

DESTRUCTIVE INSECTS AND PESTS

Potato Root Eelworm

ORDER, DATED 29TH FEBRUARY, 1960, MADE BY THE MINISTRY OF AGRICULTURE UNDER THE DESTRUCTIVE INSECTS AND PESTS ACTS (NORTHERN IRELAND), 1877 TO 1934.

The Ministry of Agriculture, by virtue and in exercise of the powers vested in it under the Destructive Insects and Pests Acts (Northern Ireland), 1877 to 1934(a), and of every other power enabling it in that behalf, orders, and it is hereby ordered as follows:—

Short Title and Commencement

1.—(1) This Order may be cited as The Potato Root Eelworm Order (Northern Ireland), 1960.

(2) This Order shall come into operation on 1st day of March, 1960.

Interpretation

2. 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;

"land" includes land whether built on or not, and any building or buildings;

"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 lands or not;

(a) 40 & 41 Vict. c. 68; 7 Edw. 7. c. 4; and 24 & 25 Geo. 5. c. 4 (N.I.).

"owner" when not also 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;

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

PART I

MEASURES FOR THE PREVENTION OF INFECTION

Restriction on Planting

3.—(1) Potatoes shall not be planted or grown or permitted to be planted or grown more often than twice in any period of eight years in the same land within the districts specified in the Schedule 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 has taken place.

Service of Directions

4. If an Inspector finds potatoes planted or growing in any land in contravention of Article 3(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

5. Every occupier who knows or suspects that any land, of which he is in occupation or in charge, 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

6. 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

7.—(1) If, as a result of an examination or test as aforesaid, the Ministry is satisfied of the existence of Potato Root Eelworm therein, the Ministry shall cause a Notice to be served upon the occupier of the 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.

(2) Without prejudice to the generality of Article 7(1) a Notice served under this Article may direct:—

(*a*) That potatoes or tomato plants or plant propagating material shall not again during the currency of the Notice be planted or grown in or moved on to, or be permitted to be planted or grown in or moved on to any land specified in the Notice otherwise than in accordance with the conditions of a Licence issued by the Ministry.

(*b*) That potatoes or tomato plants or plant propagating material which have been grown or are growing in any land specified in the Notice

(i) shall not again be planted or be permitted to be planted or grown;

(ii) shall not be sold or otherwise disposed of for the purpose of being planted or grown; and

(iii) shall not be moved or be permitted to be moved from the said land;

otherwise than in accordance with the conditions of a Licence issued by the Ministry, except that if the land specified in the Notice is a garden immediately adjoining a dwelling house, the produce of the garden may be moved to the said dwelling house for use by the occupants thereof.

(*c*) That no soil, whether loose or adhering to the roots of plants or to implements or to other objects, shall be moved or permitted to be moved from any land specified in the Notice to any other land either on the farm or garden or allotment of which the said land forms a part or on another farm or garden or allotment otherwise than in accordance with the conditions of a Licence issued by the Ministry.

(*d*) That cabbage plants or other plant propagating material which have been grown or are growing in any land specified in the Notice shall be destroyed by such method as may be prescribed.

(*e*) That the Ministry shall be notified immediately of any sale or other transfer or letting of any land specified in the Notice or any part thereof and shall at the same time be furnished with the name and address of the new owner or occupier.

(3) Every such Notice shall remain in force until altered or withdrawn by the Ministry.

Disposal of Potatoes or Tomato Plants or Plant Propagating Material Planted or Grown in Contravention of a Notice or Licence

8. If potatoes or tomato plants or plant propagating material have been planted or are growing in contravention of this Order or if the Ministry has