(iii) any weekly payment by way of compensation under any enactment relating to workmen's compensation;

(iv) any payment by way of disablement benefit under section 12 of the Industrial Injuries Act.

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations increase the amount of certain items of income which may be disregarded in determining whether a person applying for a certificate of exception from liability to pay contributions under the National Insurance Act (Northern Ireland), 1946, is in receipt of an income exceeding one hundred and fifty-six pounds a year.

1959. No. 174 **[NC]**

BLACK SCAB IN POTATOES

ORDER, DATED 5TH NOVEMBER, 1959, 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 Black Scab in Potatoes (Northern Ireland) Order, 1959.

(2) This Order shall come into operation on the 9th day of November, 1959.

Interpretation

2. In this Order:—

"authorised officer" means an inspector or other person authorised by the Ministry and includes any member of the Royal Ulster Constabulary;

"cabbage plants" means plants of the Brassicae family (i.e. cabbage, cauliflower, broccoli, kale or similar plants);

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

"disease" means the disease affecting potatoes which is known as Wart Disease or Black Scab and is caused by the fungus Synchytrium endobioticum (Schilb.) Perc.;

"immune" means approved for the time being by the Ministry as being immune from Wart Disease;

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

"inspector" includes any person employed by the Ministry to act as an inspector for any of the purposes of the Destructive Insects and Pests Acts (Northern Ireland), 1877 to 1934;

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

"Ministry" means the Ministry of Agriculture;

"occupier" means any person using land for the purpose of, or in connection with, growing potatoes thereon whether he has an estate in said lands or not;

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

"packages" includes boxes, sacks and baskets;

"potatoes" includes tubers growing, or grown, in Northern Ireland, or obtained from any person or district outside of Northern Ireland, as well as the haulms of such tubers;

"prescribed" means prescribed by the Ministry;

"restricted areas" means the areas defined in the Second Schedule;

"scheduled districts" means the areas defined in the First Schedule.

Notification of Disease

3. Every person having in his possession, or in his charge, any potatoes diseased or suspected of being diseased, shall forthwith notify the fact to the Ministry. Where practicable a specimen tuber showing the disease, or suspected disease, shall accompany the notification.

Measures for the Prevention of the Spread of Disease

4.—(1) On receiving in any manner notification of the existence, or the suspected existence, of disease, or having reason to believe that disease may develop, the Ministry shall take such steps as may be necessary to determine whether the disease exists, the area over which the disease exists, and the area to which it is likely to spread, and may cause a Notice to be served on the occupier of any land requiring him to adopt such measures for the prevention of the spread of the disease as may be specified in the Notice. Where the Ministry is aware that the owner of the land is not also the occupier a copy of the Notice shall, where practicable, be served upon the owner.

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

(*a*) That all diseased tubers and all haulms on, or which have been removed from, any land to which the Notice relates, as well as all packing material and packages at any time used for the storing or conveying of potatoes on or from that land shall be immediately destroyed on the spot by burning or such other method as may be prescribed.

(*b*) That no person shall remove or authorise or permit the removal of any potatoes, or potato haulms, out of the area specified in the Notice except with, and subject to the conditions (if any), of a licence issued by the Ministry.

(*c*) That no potatoes save those of such immune varieties as may from time to time be specified by the Ministry shall be planted or grown in such area.

(*d*) That no soil on which potatoes have been grown or stored shall be removed from one part of a farm, garden, plot or agricultural holding in such area either to another part of the same farm, garden, plot or agricultural holding, or to another farm, garden, plot or agricultural holding.

(*e*) That the Ministry shall be notified immediately of any sale, transfer or letting of the land referred to 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.

(*f*) That any person on whom a Notice has been served shall forthwith notify the Ministry if he acquires, or becomes the occupier of, any land out of the area specified in the Notice.

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

Restriction on Movement of Potatoes

5.—(1) Potatoes shall not be moved from or through the districts described in the First Schedule, or from any area specified in any Notice, except under and subject to the conditions of a licence issued by the Ministry.

(2) Potatoes shall not be moved from the Administrative County of Londonderry to the Administrative County of Antrim, over the road bridge spanning the River Bann at Toome, other than under and subject to the conditions of a licence issued by the Ministry.

Restriction on Growing and Planting Potatoes

6.—(1) No potatoes save those of such immune varieties as may from time to time be specified by the Ministry shall be planted, or grown, within scheduled districts or restricted areas.

(2) Potatoes grown within a scheduled district shall not be supplied or used for planting in Northern Ireland elsewhere than in the scheduled district in which they were grown.

Disposal of Potatoes Planted or Grown in Contravention of the Order

7. If potatoes are planted or grown in contravention of this Order or if the Ministry has reason to believe that potatoes have been so planted or grown in contravention of this Order, or in contravention of the terms of a licence thereunder, the Ministry may serve a Notice on the occupier of the land requiring him to dig or otherwise raise out of the ground the said potatoes, and to dispose of the same in such manner and within such period as may be specified in the Notice.

Disposal of Potatoes Moved in Contravention of the Order

8. If any potatoes are loaded, moved or delivered in contravention of this Order or in contravention of any Notice or licence issued by the Ministry, the Ministry may dispose of them or cause them to be disposed of, together with any packages in which they are, or have been contained, in such manner as the Ministry shall think fit, and for that purpose the Ministry may remove or cause such potatoes with such packages to be removed to such place and in such manner as may be thought fit, or, in the alternative, may by Notice require the consignee or other person in charge of or in possession thereof to remove and to dispose of the said potatoes and such packages in such manner and within such period of time as the Notice shall specify.

Use as Manure of Certain Substances

9. Within the scheduled districts or within any area specified in any Notice it shall not be lawful to supply or to use as manure, or to spread on the land, or to put into or upon any manure heap, either alone or mixed with other material, any potatoes, any cleanings or any sweepings of potato houses or of potato stores or of potato pits.

Production of Licences and Giving of Names and Addresses

10.—(1) Any person in charge of, or in possession of potatoes which are being loaded, or moved, or delivered, or sold, or supplied, or used, or planted, or dug, or otherwise raised out of the ground in circumstances where, under this Order, a licence is necessary, shall, on demand of an authorised officer, or of any owner of a conveyance or his servant, or of the master of a ship, boat or other vessel or craft, produce the licence and shall allow it to be read, and a copy of, or extract from, it to be taken by the person to whom it is produced.

(2) Any person in charge of, or in possession of potatoes suspected by an authorised officer of being loaded, or moved, or delivered, or sold, or supplied, or used, or planted, or dug, or otherwise raised out of the ground, in contravention of this Order, or of the conditions of any licence issued thereunder or any person deemed by an authorised officer to be in possession of any information as to such potatoes, shall, on demand, give his name and address and all the information within his knowledge relative to such potatoes as may be demanded by such officer.

Powers of Entry, Inspection and Disposal

11.—(1) An Inspector may enter on any land—

(*a*) for the purpose of determining whether the disease exists.

(*b*) on which potatoes are stored, or are kept, or are exposed for sale, for the purpose of examination and inquiry into the existence of disease therein, and may direct that any diseased potatoes shall be so disposed of as to eliminate all danger of the spread of disease therefrom and may also require that the packages in which the diseased potatoes have been found or conveyed shall be immediately destroyed by burning and may break bulk where necessary for the purpose of such examination and inquiry.

(2) (*a*) An authorised officer may examine the contents of any package or of any conveyance suspected by him to contain potatoes, and may break bulk and take samples of any potatoes therein or thereon and may, for any purpose connected with his duties under this Order, enter any such conveyance.

(*b*) The person in charge of or in possession of any potatoes or conveyance or land shall give all reasonable facilities for the examination of potatoes and for the taking of samples thereof, and where potatoes are found in any conveyance shall bring the conveyance to any place that may be designated by an authorised officer for the purposes of examination, and shall, if required, unload the potatoes at that place.

Licences

12.—(1) Every licence issued under this Order shall be delivered up to the Ministry in the manner prescribed in the said licence as soon as the purpose for which it was issued has been carried out or the time for which it is valid has lapsed,

(2) Any erasure or alteration made in a licence shall render it void unless such erasure or alteration has been made and initialled by an authorised officer.

(3) A licence under this Order obtained by means of any false statement or misrepresentation shall be void.

Offences and Penalties

13. Any person who—

(*a*) acts in contravention of any of the provisions of this Order or of any licence issued or Notice served thereunder, shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding ten pounds for a first offence, and not exceeding fifty pounds for a second or subsequent offence.

(*b*) obstructs or impedes an Inspector or an Authorised Officer in the exercise of any of the powers exercisable under this Order shall be liable on summary conviction to a fine not exceeding ten pounds for a first offence and not exceeding fifty pounds for a second or subsequent offence.

Provisions as to Cabbage Plants

14. The provisions of this Order shall have effect in relation to cabbage plants as they have effect in relation to potatoes of a specified immune variety.

Special Licences

15. Notwithstanding anything in this Order contained, potatoes or cabbage plants may be planted or moved or supplied or used or dealt with in any manner specified by the Ministry.

Revocation of Previous Orders

16. The Orders described in the Third Schedule are hereby revoked.

Sealed with the Official Seal of the Ministry of Agriculture for Northern Ireland this 5th day of November, nineteen hundred and fifty-nine, in the presence of

(L.S.) *W. Howe Elliott,*
Assistant Secretary.

FIRST SCHEDULE

Scheduled Districts

DISTRICT NO. 1 (COUNTY DOWN-ARMAGH)

A district comprising the townlands of (and all towns and villages included therein):—

(*a*) *All Ards Peninsula (south of main road from Grey Abbey to Ballywalter)*

Ballyboghilbo (that portion lying south of the main road from Grey Abbey to Ballywalter), Ballybryan, Black Abbey (that portion lying south of the main road from Grey Abbey to Ballywalter), Bootown (E.D. Grey Abbey), Killyvolgan, Rosemount, all in the barony of Ballywalter, in the Administrative County of Down;