SECOND SCHEDULE

By County Court Stamps

	s	d.
On each notice of appeal or application	2	6
On each copy for service	1	6
On each order of the Court	2	6
On each copy thereof	1	6
On each requisition, in respect of each case entered	1	0

DESTRUCTIVE INSECTS AND PESTS

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The Importation of Plants

ORDER DATED 15TH DAY OF MARCH, 1955, MADE BY THE MINISTRY OF AGRICULTURE UNDER THE DESTRUCTIVE INSECTS AND PESTS ACTS (NORTHERN IRELAND) 1877 TO 1934.

1955. No. 38 [NC]

The Ministry of Agriculture for Northern Ireland 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:—

Citation and Commencement

1.—(1) This Order may be cited as the Importation of Plants (Northern Ireland) Order, 1955 and, except as provided in paragraph (2) of this Article, shall come into operation on the first day of April, 1955.

(2) In so far as they relate to seeds the provisions of Articles 6 and 7 of this Order shall come into operation on the 1st day of July, 1956.

Revocation of Previous Orders

2.—(1) The Orders specified in the fourth Schedule to this Order are hereby revoked.

(2) Sub-section (2) of section twenty-eight of the Interpretation Act (Northern Ireland), 1954(b) shall apply as if the Orders revoked by this Order were an enactment repealed by an Act of the Parliament of Northern Ireland.

(a) 40 and 41 Vict. c. 68. 7 Edw. 7. c. 4 and 24 and 25 Geo. 5. c. 4.
(b) 2 and 3 Eliz. 2. c. 33.

Interpretation

3. In this Order, unless the context otherwise requires,

"authorised officer" means an officer of the Ministry of Agriculture for Northern Ireland authorised for the purposes of this Order.

"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 article.

"landing" includes importation into Northern Ireland by any method whatsoever.

"Ministry" means the Ministry of Agriculture for Northern Ireland.

"plants" means living plants and parts thereof and includes trees and shrubs, tubers, bulbs, corms, rhizomes, roots, layers, cuttings, scion and bud wood but does not include fruit, raw vegetables, seeds, potatoes and cut flowers.

"raw vegetables" does not include potatoes.

"unhealthy" means affected with any injurious insect, fungus, bacterium or other organism, or any agent causative of a transmissible crop disease.

Importation from Great Britain, the Irish Republic, the Isle of Man and the Channel Islands

4.—(1) Nothing in this Order excepting Articles 5(i), 9, 10, 11, 12, 13 and 14 shall apply to any plants, potatoes, seeds, fruit, vegetables or cut flowers grown in the Irish Republic.

(2) Nothing in this Order excepting Articles 5(g)(h)(i), 9, 10, 11, 12, 13 and 14 shall apply to any plants, potatoes, seeds, fruit, vegetables or cut flowers grown in Great Britain, the Isle of Man or the Channel Islands, and notwithstanding Article 5(h) cut Chrysanthemum flowers may be landed in Northern Ireland without a licence from Great Britain, the Isle of Man and the Channel Islands subject to the following conditions:—

(*a*) Each consignment shall be accompanied by a certificate issued by the appropriate Department of Agriculture to the effect that the nursery from which the cut flowers were obtained has been found during the current season to be free from Chrysanthemum Midge (Diarthronomyia chrysanthemi AHLBERG), and substantially free from other insect and allied pests of Chrysanthemums;

(*b*) The flowers must be examined by an authorised officer of the appropriate Department of Agriculture within 14 days prior to the date of despatch and he must certify that (I) there was no evidence of Chrysanthemum Midge and (II) the flowers were substantially free from other insect and allied pests of Chrysanthemums.

Prohibited Imports

5. The landing in Northern Ireland of the following potatoes or plants is prohibited, namely:—

(*a*) Potatoes for planting,
(*b*) Potatoes for any purpose whatsoever, from the American Continent or Australia,
(*c*) Annual and Biennial plants, from places outside Europe,
(*d*) All species of the genera *Fragaria* or *Rubus,* from North America,
(*e*) All species of the genus *Prunus* (including *Amygdalus, Armeniaca, Cerasus, Laurocerasus, Padus* and *Persica*) from places outside Europe,
(*f*) All species of the genus *Rosa,* from Australia, Italy or New Zealand,
(*g*) All Chrysanthemum plants,
(*h*) All cut Chrysanthemum flowers,
(*i*) All plants of the genus *Ulmus,*
(*j*) All plants of the genus *Quercus,*
(*k*) All plants of the genus *Castanea,*
(*l*) All plants of the genus *Populus,*
(*m*) All plants of the following genera of the Order *Pinaceae,* viz. *Abies, Larix, Picea, Pinus, Pseudotsuga, Sequoia, Thuja* and *Tsuga.*

In this Article, "potatoes" includes any part of the potato plant.

Certificates to accompany Consignments

6.—(1) (*a*) Subject to the prohibitions and restrictions contained in Articles 5 and 7 of this Order each consignment of plants or of potatoes landed in Northern Ireland shall be accompanied by a certificate in the form set out in the First Schedule to this Order.

(*b*) Each consignment of seeds of lettuce or tomato, pea seed for sowing, fruit or raw vegetables which are subject to the restrictions imposed by Article 7 of this Order when landed in Northern Ireland shall be accompanied by a certificate in the form set out in the Second Schedule to this Order; provided that this requirement shall not apply to root vegetables free from foliage, or to asparagus, aubergines, capsicums, cucumbers, green beans, green peas, marrows, mushrooms, onions and shallots, pimentos, pumpkins, tomatoes and witloof chicory.

(2) The certificates prescribed in this Article shall be duly completed and signed by or on behalf of an authorised officer of the Phytopathological Service of the country in which the produce was grown and shall, where the language of the country in which the certificate is given is other than English, include a translation thereof in the language of that country, which translation, if it is in a document separate from the certificate, shall also be duly completed and signed by or on behalf of the said authorised officer.

(3) The examination referred to in the certificate set out in the First Schedule to this Order shall have been carried out not more than 14 days prior to the date of despatch of the consignment.

(4) Except in the case of consignments imported through the post the certificates prescribed in this Article shall be delivered to the appropriate officer of Her Majesty's Customs and Excise at the port of landing in the United Kingdom at the same time as, and together with, the entry relating to the consignment.

In the case of consignments imported through the post the certificate shall be affixed to the package comprising the consignment, or, if there is more than one package comprising the consignment, the certificate shall be affixed to one of the packages and a copy thereof affixed to each of the remaining packages.

Restrictions on Importation of Certain Produce

7. Subject to the prohibitions and requirements contained or referred to in Articles 5 and 6 of this Order the landing in Northern Ireland of any of the following plants, potatoes, seeds, fruit and vegetables shall be subject also to the following conditions:—

(1) PLANTS

The landing of plants is prohibited unless

(*a*) they have been examined during the growing season preceding the date of despatch by an authorised officer of the Phytopathological Service of the country where the plants were grown and found by him to be substantially free from injurious pests and diseases, including virus diseases,

(*b*) they have been grown at a distance of at least 2 kilometres from any place where the disease known as Wart Disease or Black Scab of potatoes (*Synchytrium endobioticum* (Schilb.) Perc.) has occurred during the ten years preceding the date of the signing of the prescribed certificate,

(*c*) in the case of any plants specified in the Third Schedule to this Order they have been grown at a distance of at least 20 kilometres from any place where the pest known as San José scale (*Quadraspidiotus perniciosus* Comst.) has occurred during the two years preceding the date of the signing of the prescribed certificate and, if that pest has occurred during the said two years in any part of the country in which the plants were grown, they have, before despatch, been fumigated with hydrocyanic acid gas at a concentration of not less than 5 grams per cubic metre for at least 30 minutes at a temperature of not less than 7° centigrade, and

(*d*) either Colorado beetle (*Leptinotarsa decemlineata* Say.) is not known to be established within a distance of 25 kilometres from the place where they have been grown or, if Colorado beetle is know to be so established, there is in operation an intensive system of control thereof,

(2) POTATOES

The landing of potatoes is prohibited unless:—

(*a*) they have been grown at a distance of at least 2 kilometres from any place where the disease known as Wart Disease or Black Scab of potatoes (*Synchytrium endobioticum* (Schilb.) Perc.) or the disease known as Ring Rot (*Corynebacterium sepedonicum* (Spieck. and Kotth.) Skaptason and Burkholder) has occurred at any time, and

(*b*) during the twelve months preceding the date of the signing of the prescribed certificate there has been no outbreak of Colorado beetle (*Leptinotarsa decemlineata* Say.) within a distance of 25 kilometres of the place where the potatoes were grown.

(3) LETTUCE SEED

The landing of lettuce seed is prohibited unless the crops from which the seed was derived have been examined during the growing season by an authorised officer of the Phytopathological Service of the country where the crops were grown and found by him to be free from the disease known as Lettuce Mosaic.

(4) TOMATO SEED

The landing of tomato seed is prohibited unless the crops from which the seed was derived have been examined during the growing season by an authorised officer of the Phytopathological Service of the country where the crops were grown and found by him to be free from the disease known as Bacterial Canker (*Corynebacterium michiganense* (E.F.Sm.) Jensen), or have been grown in a region where this disease does not occur.

(5) PEA SEED FOR SOWING

The landing of pea seed for sowing is prohibited unless the crops from which the seed was derived have been examined during the growing season by an authorised officer of the Phytopathological Service of the country where the crops were grown and found by him to be free from the disease known as Bacterial Blight (*Pseudomonas pisi* Sackett), or have been grown in a region where this disease does not occur.

(6) APPLES

The landing of apples grown in the United States of America is prohibited during the period from the 7th day of July to the 15th day of November (both dates inclusive) in any year unless they are of one or more of the following grades as recognised by the Department of Agriculture of the United States of America, namely " U.S. Fancy," " U.S. No. 1," " Extra Fancy " and " Fancy."

(7) LETTUCE

The landing, during the period from the 1st day of March to the 15th day of October (both dates inclusive) in any year, of lettuce grown in Europe south of latitude 46 degrees North and the landing, during the period from the 1st day of April to the 15th day of October (both dates inclusive) in any year, of lettuce grown in Europe north of latitude 46 degrees north, is