The Importation of Plants

ORDER, DATED 25TH DAY OF APRIL, 1947, MADE BY THE MINISTRY OF AGRICULTURE UNDER THE DESTRUCTIVE INSECTS AND PESTS ACTS (NORTHERN IRELAND), 1877 TO 1934.

1947. No. 58

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, and of every other power enabling it in that behalf, orders and it is hereby ordered as follows :—

Short Title

1. This Order may be cited as the Importation of Plants (Northern Ireland) Order of 1947.

Definitions

2. In this Order, unless the context otherwise requires :—

"Importer" includes any person who, whether as owner, consignor or consignee, agent or broker, is in possession of, or in anywise entitled to the custody or control of, the article.

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

"Inspector" means an Inspector or other authorised officer of the Ministry of Agriculture for Northern Ireland.

"Plant" includes tree and shrub, and the fruit, seeds, tubers, bulbs, corms, rhizomes, roots, layers, cuttings and other parts of a plant.

"Raw Vegetables" includes raw tomatoes, raw aubergines and raw salads, but does not include potatoes, cucumbers, mushrooms, marrows or pumpkins.

"Unhealthy" means affected with any insect, fungus, bacteria, or other vegetable or animal organisms or any agent causative of a transmissible crop disease.

Application of Order

3. Saving for the restrictions applied to Chrysanthemum plants under Article 6 of this Order, nothing in this Order shall be deemed to prohibit or restrict the landing or transhipment in Northern Ireland of any plant, potatoes, raw vegetables or raw apples grown in Great Britain, Eire, the Isle of Man, or the Channel Islands.

Prohibition against landing and restriction on transhipment in Northern Ireland of certain Potatoes

4.—(1) The landing in Northern Ireland of any potatoes grown in the under-mentioned countries is prohibited :—

The United States of America, the Dominion of Canada, and European France.

(2) The transhipment in Northern Ireland of any of the potatoes specified in paragraph (1) of this Article is prohibited except under and in accordance with the conditions of a licence issued by the Ministry or by an Inspector.

(3) In this Article " potatoes " includes potato haulms, leaves and stalks.

Prohibition of Importation of Plants of Sugar Beet and Mangold

5. For the prevention of the introduction of virus diseases of sugar beet and mangold, the landing in Northern Ireland of any plant of sugar beet or mangold (of the species *Beta vulgaris* Linn.) (except the seeds thereof) is hereby prohibited except under and in accordance with the conditions of a licence issued by the Ministry or by an Inspector.

Prohibition of Importation of Chrysanthemum Plants

6. For the prevention of the introduction of the Chrysanthemum Midge (Diarthronomyia chrysanthemi AHLBERG) the landing in Northern Ireland of any Chrysanthemum plant (except the seeds thereof) from any country outside Ireland, is hereby prohibited except under and in accordance with the conditions of a licence issued by the Ministry or by an Inspector.

Restrictions on landing in Northern Ireland of certain Plants and Potatoes

7.—(1) The landing in Northern Ireland of any of the plants mentioned in the First Schedule to this Order and of potatoes is hereby prohibited, unless each consignment is accompanied by two copies of a certificate of a duly authorised official of the Phytopathological Service of the country in which the plants or potatoes were grown in the form prescribed in the Second Schedule to this Order. The inspection referred to in the certificate shall be carried out not more than fourteen days prior to the date of shipment. The original of the certificate shall be forwarded by post by the exporter to the Ministry of Agriculture for Northern Ireland, Stormont, Belfast, before the plants or potatoes are despatched. Except in the case of consignments imported through the post, a copy of the prescribed certificate shall be delivered to the proper Officer of Customs and Excise at the same time as and together with the entry relating to the consignment. In the case of consignments imported through the post, a copy of the prescribed certificate shall be affixed to each package.

(2) In the case of any of the plants mentioned in the First Schedule to this Order and of potatoes grown in any European country, the United States of America, or the Dominion of Canada, the certificate

required by paragraph (1) of this Article shall include a certificate of a duly authorised Official of the Phytopathological Service of the country in which the plants or potatoes were grown, which shall be, where the certificate relates to a plant in the Form A or the Form B set out in the Third Schedule to this Order, as the circumstances may require, and where the certificate relates to potatoes, in the said Form A.

(3) Paragraph (2) of this Article shall not apply to flower bulbs, corms, tubers or rhizomes.

(4) The certificate prescribed in this Article shall, except in the case of a consignment consisting wholly of potatoes, include a statement to the effect that the consignment does not contain any plant of sugar beet or mangold or any Chrysanthemum plant, or any plant of the genus Ulmus or of the undermentioned genera of the order Pinaceae, viz., Abies, Larix, Picea, Pinus, Pseudotsuga, Sequoia, Thuja and Tsuga (except the seeds thereof).

(5) In the case of any of the plants in the First Schedule to this Order and grown in the United States of America, the certificate prescribed in this Article shall be the certificate of an Official duly authorised by the United States Department of Agriculture.

(6) The reference in Article 3 of the Importation of Elm Trees and Conifers (Prohibition) (Northern Ireland) Order, 1933, to the certificates prescribed in Article 4 of the Importation of Plants Order (Northern Ireland), 1933, shall be read and have effect as a reference to the certificate prescribed in paragraph (1) of this Article.

(7) Nothing contained in this Article shall be deemed to permit :—

(i) the landing or transhipment in Northern Ireland of any potatoes of which the landing or transhipment is prohibited or restricted under Article 4 hereof.

(ii) the landing in Northern Ireland of any living plant of sugar beet or mangold of the species *Beta vulgaris* Linn. or of any Chrysanthemum plant of which the landing is prohibited or restricted under Articles 5 and 6 hereof.

Restrictions on the landing in Northern Ireland of Raw Vegetables and certain Raw Apples

8.—(1) The landing in Northern Ireland between the first day of April and the fifteenth day of October, in any year of any raw vegetables and of any cider apples grown in any European country, the United States of America or the Dominion of Canada is hereby prohibited unless each consignment is accompanied by a certificate of a duly authorised Official of the Phytopathological Service of the country in which the raw vegetables or the cider apples were grown in the Form A or the Form B set out in the Third Schedule to this Order.

(2) The landing in Northern Ireland between the first day of April and the fifteenth day of October in any year of any raw vegetables and of any cider apples grown elsewhere than in any European country, the United States of America or the Dominion of Canada is hereby prohibited unless each consignment is accompanied by a certificate of origin visé by a competent authority in the country of origin stating the country and place where the raw vegetables or the cider apples were grown.

(3) The landing in Northern Ireland between the seventh day of July and the fifteenth day of November in any year of any raw apples grown in the United States of America is hereby prohibited unless each consignment is accompanied by a certificate of a duly authorised Inspector of the United States Department of Agriculture in the form set out in the Fourth Schedule to this Order.

(4) The certificates prescribed in this Article shall be delivered to the proper Officer of Customs and Excise at the same time as and together with the entry relating to the consignment.

(5) Nothing contained in this Article shall be deemed to permit the landing or transhipment in Northern Ireland of any potatoes of which the landing or transhipment is prohibited or restricted under Article 4 hereof.

Procedure where Plants, Potatoes, Raw Apples or Raw Vegetables are landed in contravention of this Order.

9.—(1) If plants, potatoes, raw apples or raw vegetables are landed in Northern Ireland in contravention of this Order, they shall forthwith be destroyed or re-exported at the expense of the importer, unless they are otherwise disposed of in accordance with the terms of a licence issued by the Ministry or by an Inspector.

(2) Such licence may provide for the examination of any such plants, potatoes, raw apples, or raw vegetables, and after examination thereof, the Inspector shall give a certificate stating whether the plants, potatoes, raw apples or raw vegetables or any of them are unhealthy or not. Such plants, potatoes, raw apples, or raw vegetables as are so certified to be unhealthy shall be dealt with in accordance with Article 11 hereof as the Ministry or the Inspector may direct.

(3) The importer shall pay for the said certificate such fee as the Ministry may determine, not exceeding five pounds.

Powers of Inspector in respect of consignments of plants, potatoes, raw apples or raw vegetables

10. An inspector, upon production if so required of his appointment or authority, may enter any premises and examine and take samples of any consignment or part of a consignment of plants, potatoes, raw apples, or raw vegetables landed or suspected of having been landed in