1979 No. 138

PLANT HEALTH

Importation and Planting of Potatoes (Amendment) Order (Northern Ireland) 1979

Made . . . . . 19*th April* 1979

Coming into operation . . . . 21*st May* 1979

The Department(a) of Agriculture, in exercise of the powers conferred on it by sections 2 and 3A of the Plant Health Act (Northern Ireland) 1967(b) 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 (Amendment) Order (Northern Ireland) 1979, and shall come into operation on 21st May 1979.

Amendment of Order of 1972

2.—(1) In Article 3 (Interpretation) of the Importation and Planting of Potatoes Order (Northern Ireland) 1972(c) the definition of "importer" shall be amended to read:—

"in relation to any potatoes, includes any person who is in possession of or is in any way entitled to the custody or control of such potatoes or arranges for or takes part in their landing in Northern Ireland".

(2) For Article 12 (Procedure when potatoes are landed in contravention of this Order) of that Order there shall be substituted:—

"**12.**—(1) If any consignment or part of a consignment of potatoes is landed in Northern Ireland in contravention of this Order, such potatoes shall not be moved otherwise than in compliance with the terms of a notice served in accordance with paragraph (2) or a licence granted under paragraph (4).

(2) An inspector shall serve upon the importer a notice requiring him, within such time in such manner and at such place as may be specified in such notice and at his own expense and risk, to destroy the potatoes comprising the consignment or part of the consignment or such portion thereof as may be so specified in such notice.

(3) Any destruction of potatoes required by paragraph (2) shall be carried out by the importer to the satisfaction of an inspector.

(4) Where a notice under paragraph (2) has been served upon an importer, the Department or an inspector may grant a licence authorising at the importer's own expense and risk, in lieu of the destruction required by the notice, the treatment or re-export or disposal in some other manner of the potatoes comprising the consignment or part of the consignment or

(a) Formerly Ministry: *see* 1973 c. 36 s. 40 and Sch. 5 para. 8(1)
(b) 1967 c. 28 (N.I.) as amended by S.R. & O. (N.I.) 1972 No. 351 (p. 1740) Art. 3 and Sch. 2 and S.I. 1975/1038 (N.I. 8) Art. 11
(c) S.R. & O. (N.I.) 1972 No. 24 (p. 89)

such portion thereof as may be specified in the licence, within such time, in such manner and subject to such conditions as may be specified in such licence.

(5) If a notice served under paragraph (2) has been served upon an importer and has not been superseded by a licence granted under paragraph (4) and the importer shall have failed to comply fully with the terms of such notice or licence then, without prejudice to any proceedings under this Order consequent upon such failure, an inspector or a person authorised by him for the purpose may enter any premises in which the potatoes or any of them the subject of such notice or licence may be and may remove and destroy them and the cost of such removal and destruction shall be recoverable by the Department from the importer as a civil debt.

(6) For the purpose of this Article a notice shall be deemed to be served on the importer if it is delivered to him personally or left for him at his last known place of abode or business or sent by prepaid post to such address.

(7) In this Article "potatoes" includes soil, packing and packaging materials, cases, bags and other containers".

(3) For Article 17 (Offences) of that Order there shall be substituted:—

"Any person who contravenes this Order shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £100, or in respect of a second or subsequent offence to a fine not exceeding £200".

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 19th April 1979.

(L.S.) *D. J. Alexander*
Assistant Secretary

EXPLANATORY NOTE

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

This Order amends the Importation and Planting of Potatoes Order (Northern Ireland) 1972 which prohibits, with a number of exceptions, the importation of potatoes unless they are imported in accordance with the conditions of a licence.

This Order amends the definition of "importer" and the procedure to be adopted should potatoes be landed in contravention of the Order of 1972 as amended. It also makes offences against the Order punishable on summary conviction.