1987 No. 84

AGRICULTURE

Potatoes (Protection of Guarantees) Order (Northern Ireland) 1987

Made . . . . . *27th February 1987*

Coming into operation . . *1st April 1987*

The Department of Agriculture, in exercise of the powers conferred on it by Articles 5 and 19(1) of the Agriculture and Fisheries (Financial Assistance) (Northern Ireland) Order 1987(a) 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 Potatoes (Protection of Guarantees) Order (Northern Ireland) 1987 and shall come into operation on 1st April 1987.

Interpretation

2. In this Order—

"authorised officer" means a person authorised by the Department for the purposes of this Order;

"direct sale" means a sale of any of the following classes, namely:—

(*a*) sales of potatoes to a retailer;

(*b*) sales of potatoes to any Government Department or local authority, or to any hospital, nursing home, school, children's home, hotel, canteen or other similar institution;

(*c*) sales of potatoes to caterers, restaurant or cafe proprietors or to any other person for the purpose of their being sold by him in a cooked state or supplied by him as part of a meal;

"potatoes" means potatoes grown in Northern Ireland;

"registered grower-salesman" and "registered merchant" mean respectively a grower-salesman of potatoes and a potato merchant registered pursuant to this Order;

"sale by retail" means any sale to a person buying otherwise than for the purpose of re-sale but does not include a direct sale or a sale to a manufacturer for the purposes of his manufacturing business;

"week" means the period of seven days commencing with Sunday, 5th April 1987, and each succeeding period of seven days.

(a) S.I. 1987/166 (N.I. 1)

Records of transactions

3.—(1) Every registered grower-salesman shall keep or cause to be kept an accurate record showing—

(*a*) in relation to each sale (other than any sale by retail) of potatoes grown by him—

(i) the date of sale and the date of delivery of potatoes,

(ii) the name and address of the purchaser except where the sale is for cash in a market established by virtue of Crown grant, prescription or statute or in any other recognised market,

(iii) the net weight of the potatoes sold where the sale is by weight,

(iv) whether the potatoes are sold for human consumption,

(v) the price;

(*b*) the total net weight of potatoes grown by him which he sells by retail during each week.

(2) Every registered merchant shall keep or cause to be kept in respect of transactions in potatoes (other than sales by retail) an accurate record showing—

(*a*) the date of each purchase by him of potatoes and the date of their delivery;

(*b*) the date of each sale by him;

(*c*) the name and address of each person from whom he buys and to whom he sells potatoes except where the transaction is for cash in a market established by virtue of Crown grant, prescription or statute or in any other recognised market;

(*d*) the net weight of potatoes bought or sold by him in each transaction where the purchase or sale is by weight;

(*e*) whether the potatoes bought or sold by him are for human consumption;

(*f*) the price or prices on each purchase and sale.

(3) Every registered merchant, or registered grower-salesman shall retain each record required to be kept by him by this Article for two years from the date of the transaction to which it relates and shall produce the same on demand by any authorised officer of the Department.

(4) For the purposes of this Article the retention of an invoice or receipt or a copy of an invoice or receipt shall, as regards the particulars mentioned therein, be sufficient compliance with the provisions of this Article.

Department's power to demand information

4. Every registered merchant and registered grower-salesman shall—

(*a*) when so required by a notice in writing served on him by or on behalf of the Department furnish to such person as may be specified in the said notice such information relating to the purchase or sale of potatoes as may be specified in the said notice, and such notice may require the information to be furnished at such times, in such manner and for such purposes as may be specified in that notice; and

(*b*) produce on demand to any authorised officer of the Department such books, accounts or records as may be necessary to verify such information.

Registration of grower-salesmen and merchants

5. (*a*) Every grower-salesman who sells potatoes by direct sale or to a manufacturer for the purposes of his manufacturing business, and

(*b*) every merchant who buys potatoes from a grower for re-sale,

shall register with the Department before undertaking any such sales or purchases.

Power of entry

6. Any authorised officer may at all reasonable times enter upon land used for the production, storage, grading, packing or sale of potatoes and may require the occupier or person in charge of that land to produce books, accounts and records relating to the purchase and sale of any such potatoes and may inspect and take samples of any potatoes found upon land so used.

Prohibition of sale or use of stockfeed potatoes for unauthorised purposes

7. A person shall not—

(*a*) sell or use for human consumption (including use in the preparation of food for human consumption), or

(*b*) sell or use for planting

any potatoes purchased in pursuance of Article 4 of either the Potatoes (Assured Markets) Order 1985(**a**) or the Potatoes (Assured Markets) Order (Northern Ireland) 1987(**b**) and sold as stockfeed.

Transitional provision

8. For the purposes of this Order, any grower-salesman or merchant registered pursuant to, any record kept and any other thing done under the Potatoes (Protection of Guarantees) Order 1985(**c**), shall be deemed to be registered pursuant to or kept or done under (as the case may be) this Order.

Sealed with the Official Seal of the Department of Agriculture on 27th February 1987.

(L.S.) *D. A. J. Hirrell*
Assistant Secretary

(**a**) S.I. 1985/63
(**b**) S.R. 1987 No. 83
(**c**) S.I. 1985/64

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order supports the guarantee arrangements for home-produced potatoes made under Article 3 of the Agriculture and Fisheries (Financial Assistance) (Northern Ireland) Order 1987. It re-enacts the Potatoes (Protection of Guarantees) Order 1985 (which applied throughout the United Kingdom) with amendments to transfer the responsibility for such arrangements in Northern Ireland from the Ministry of Agriculture, Fisheries and Food to the Department of Agriculture for Northern Ireland.

The Order—

(1) requires grower-salesmen and merchants dealing in potatoes to keep records relating to their trade in potatoes and if required by a notice in writing by the Department to furnish information relating to such a request;

(2) enables authorised officers to enter on land used for the production, storage or sale of potatoes, to require the production of books, accounts and records relating to the purchase and sale of potatoes; and may inspect and take samples of any potatoes found upon land so used;

(3) prohibits the sale or use of stockfeed potatoes for unauthorised purposes;

(4) requires grower-salesmen and merchants to register with the Department of Agriculture before undertaking sales or purchases of potatoes.

Penalties for contraventions of this Order are provided for in Article 6 of the Agriculture and Fisheries (Financial Assistance) (Northern Ireland) Order 1987. If any person obstructs an authorised officer he is liable on summary conviction to a fine not exceeding £400 or to imprisonment for a term not exceeding one month or both. For contravention of Articles 3 (other than the obstruction of an authorised officer), 4, 5 and 7, i.e., those relating to the keeping of records, the furnishing of information to the Department, the registration of grower salesmen and merchants and the prohibition of sale or use of stockfeed potatoes for unauthorised purposes, a person is liable on summary conviction to a fine not exceeding £400 or to imprisonment for a term not exceeding three months or both.