1995 No. 438

PLANT HEALTH

The Potatoes Originating in the Netherlands (Notification) Order (Northern Ireland) 1995

Made . . . . . *27th November 1995*

Coming into operation . . *29th November 1995*

The Department of Agriculture in exercise of the powers conferred on it by sections 2(**a**), 3(1)(**b**), 3B(1)(**c**) and 4(1)(**d**) of the Plant Health Act (Northern Ireland) 1967(**e**) 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 Originating in the Netherlands (Notification) Order (Northern Ireland) 1995 and shall come into operation on 29th November 1995.

Interpretation

2.—(1) In this Order—

"the 1993 Order" shall be construed in accordance with paragraph (2);

"originating in the Netherlands" means grown and harvested after 1994 in the Netherlands;

(2) Other expressions have the same meaning as in the Plant Health Order (Northern Ireland) 1993(**f**) ('the 1993 Order').

Notification of potatoes originating in the Netherlands

3. A person shall not land any potatoes which he knows or has reasonable cause to suspect have originated in the Netherlands unless, at least two days prior to the date of the landing, he has given written notification to an inspector of his intention to do so, and of—

(*a*) the proposed means of landing;

(*b*) the proposed point and date of landing;

(*c*) the intended use of the potatoes concerned;

(**a**) As amended by S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Sch. 2; 1979 c. 2, s. 177(1) and Sch. 4 Pt. II; and S.I. 1984/702 (N.I. 2) Art. 15(2)
(**b**) As amended by S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Sch. 2
(**c**) Inserted by S.I. 1984/702 (N.I. 2) Art. 15(2)
(**d**) As amended by S.I. 1984/702 (N.I. 2) Art. 15(2)
(**e**) 1967 c. 28 (N.I.)
(**f**) S.R. 1993 No. 256 as amended by S.R. 1995 No. 250

(*d*) the quantity and variety of those potatoes; and

(*e*) the proposed destination of those potatoes.

Actions which may be required by an inspector

4. Without prejudice to the circumstances in which an inspector may exercise any powers under Articles 22 or 23 of the 1993 Order, an inspector who has reasonable grounds for suspecting that any person has or will have in his possession potatoes originating in the Netherlands may in respect of such potatoes exercise the powers set out in those provisions as if references in those provisions in the 1993 Order were included in this Order.

Offences

5.—(1) A person who contravenes the requirements for notification under Article 3 or with the requirements of an inspector under Article 4 without reasonable excuse, proof of which shall lie on him, shall be guilty of an offence.

(2) A person guilty of an offence under paragraph (1) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Sealed with the Official Seal of the Department of Agriculture on 27th November 1995.

(L.S.) *L. G. McKibben*
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order, which comes into force on 29th November 1995, imposes certain requirements in respect of potatoes grown and harvested after 1994 in the Netherlands in order to prevent the introduction into and the spread within Northern Ireland by such potatoes of a plant pest, *Pseudomonas solanacearum* (Smith) Smith.

The Order requires a person intending to land in Northern Ireland potatoes grown and harvested after 1994 in the Netherlands ('potatoes originating in the Netherlands') to give to an inspector, at least two days prior notification of that intention and to provide specified information about those potatoes (Article 3).

The Order provides that contravention of the requirements for notification under Article 3 or the requirements of an inspector under Article 4 shall be an offence punishable by a fine not exceeding £5,000 (Article 5).

The Order also provides that an inspector who has reasonable grounds for suspecting that a person has or will have in his possession potatoes originating in the Netherlands may exercise the powers contained in Articles 22 and 23 of the Plant Health Order (Northern Ireland) 1993 in relation to such potatoes.