

1986 No. 25

PLANT HEALTH

**Import and Export (Potatoes) (Plant Health) (Amendment) Order
(Northern Ireland) 1986**

Made 30th January 1986

Coming into operation 24th February 1986

The Department of Agriculture in exercise of the powers conferred on it by sections 2(a), 3(1)(a) and 3B(1)(b) of the Plant Health Act (Northern Ireland) 1967(c) 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 Import and Export (Potatoes) (Plant Health) (Amendment) Order (Northern Ireland) 1986 and shall come into operation on 24th February 1986.

Amendment of Import and Export (Potatoes) (Plant Health) Order (Northern Ireland) 1981

2. The Import and Export (Potatoes) (Plant Health) Order (Northern Ireland) 1981(d) shall be amended as follows—

- (a) in Article 3(1) the definition of “non-indigenous” shall be deleted;
- (b) in Article 4(1) the words “(c) a non-indigenous pest whether or not it is listed in Schedule 1;” shall be deleted;
- (c) in Article 13 for paragraphs (1), (2) and (3) there shall be substituted:

“13.—(1) If it appears to an inspector that a consignment of potatoes is in the course of being landed or is likely to be landed and that if landed, such a consignment of potatoes would be landed in contravention of the provisions of this Order he may serve upon the importer or any person in control of the landing of that consignment of potatoes from a vehicle, vessel, aircraft, hovercraft or freight container a notice:

- (a) prohibiting the landing of that consignment of potatoes; or
- (b) setting out the manner in which the landing of that consignment of potatoes is to be carried out and the precautions which are to be taken in the course thereof and the further precautions which are to be taken following upon such landing; or
- (c) requiring that if landed the consignment of potatoes or such part thereof as may be set out in such notice be destroyed within such time and in such manner and at such place as may be set out in such notice.

(2) If it appears to an inspector at any time that a consignment of potatoes has been landed and that—

- (a) such landing is in contravention of the provisions of this Order; or

(a) As amended by S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Sch. 2

(b) Inserted by S.I. 1984/702 (N.I. 2) Art. 15(2)

(c) 1967 c. 28 (N.I.)

(d) S.R. 1981 No. 36

- (b) such consignment is carrying or infected with any pest which is not normally present in Northern Ireland and in respect of which there is in the opinion of the inspector an imminent danger of its spreading or being spread in Northern Ireland,

he may serve upon the importer a notice:

- (i) requiring him within such time and in such manner and at such place as may be set out in the notice to destroy that consignment of potatoes or such part of that consignment of potatoes as may be set out in the notice and to take such other steps as may also be set out in the notice to prevent the spread of any such pest; or
- (ii) requiring that the consignment of potatoes or such part of the consignment of potatoes as may be set out in the notice shall not be removed from the premises set out in the notice.

(3) A notice served under paragraph (2) requiring the destruction of a consignment of potatoes or part of a consignment of potatoes may postpone such destruction for such period and subject to such conditions, if any, as may be set out in that notice."

Sealed with the Official Seal of the Department of Agriculture on 30th January 1986.

(L.S.)

B. R. Cummings

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order amends the Import and Export (Potatoes) (Plant Health) Order (Northern Ireland) 1981 ("the 1981 Order") by omitting the references to non-indigenous plant pests and diseases and certain other plant pests and diseases. It also restricts the powers of an inspector of the Department of Agriculture to take remedial action under Article 13 of the 1981 Order to a consignment of potatoes the landing of which is in contravention of the 1981 Order or to a consignment which is infected with any plant pest or disease which is not normally present in Northern Ireland and in respect of which there is in the opinion of an inspector an imminent danger of its spreading or being spread in Northern Ireland (Article 2)