
EXPLANATORY NOTE

(This note is not part of the Order.)

This Order, which comes into operation on 1st July 2004, places certain notification requirements upon persons importing potatoes from Poland, which have been grown during 2003 or later. The Order requires importers bringing such potatoes into Northern Ireland to give at least two days' notice in writing to a Plant Health inspector of the Department of Agriculture and Rural Development, providing specified details as to, among other things, the landing and intended use of the potatoes (Article 3(1)). It also requires importers of Polish potatoes which arrived in Northern Ireland after 30th April 2004 but before the coming into force of this Order to provide to an inspector specified information of a similar nature no later than 6th August 2004 (Article 3(2)).

This Order provides that an inspector who has reasonable grounds for suspecting a contravention of its provisions may exercise certain powers conferred by the Plant Health (Northern Ireland) Order 1993 (“the principal Order”), including powers of enforcement and powers to check compliance (Article 4(2) and (3)). Any notice served or power exercised under Article 4 of this Order, where the power to do so is conferred by the principal Order, has the same effect as if served or exercised under the relevant Article of the principal Order (Articles 4(4) and (5)) so that once a notice is served or other power exercised, the relevant consequential provisions of the principal Order take effect. Accordingly, a person shall be guilty of an offence if, without reasonable excuse, he contravenes or fails to comply with a provision of this Order.