
STATUTORY RULES OF NORTHERN IRELAND

2012 No. 185

**The Potatoes Originating in Egypt (Amendment)
Regulations (Northern Ireland) 2012**

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as The Potatoes Originating in Egypt (Amendment) Regulations (Northern Ireland) 2012 and shall come into operation on 11th June 2012.

(2) The Interpretation Act (Northern Ireland) 1954(1) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment to The Potatoes Originating in Egypt Regulations (Northern Ireland) 2004

2. The Potatoes Originating in Egypt Regulations (Northern Ireland) 2004(2) are amended as follows—

(1) In regulation 2(2) (interpretation)—

for the definition of “the Decision”, substitute ““the Decision” means Commission Implementing Decision 2011/787/EU of 29 November 2011 authorising member States temporarily to take emergency measures against the dissemination of *Ralstonia solanacearum* (Smith) Yabuuchi et al as regards Egypt and references in these Regulations to “the Decision” are references to that Decision as amended from time to time.”;

for the definition of “the Order” substitute ““the Order” means the Plant Health Order (Northern Ireland) 2006.”;

for the definition of “phytosanitary certificate” substitute ““phytosanitary certificate” has the same meaning as in article 2(1) of the Order.”.

(2) In regulation 3 (importation of potatoes originating in Egypt)—

(a) in paragraph (1), for “paragraph 1(b)(xi) of the Annex to the Decision” substitute “paragraph 2.2(c) of the Annex to the Decision”;

(b) in paragraph (2), for “point 35B of Section 1 of Part A of Schedule 4 to the Order”, substitute “point 36 of Part A of Schedule 4 to the Order”.

(3) For regulation 5 (powers of an inspector), substitute the following—

“Powers of an inspector

5.—(1) The provisions of this regulation are without prejudice to the circumstances in which an inspector may exercise the powers conferred by the Order.

(2) On having reasonable grounds for suspecting a contravention or likely contravention of regulation 3, an inspector may, for the purpose of these Regulations, exercise—

- (a) the power conferred by Article 32(1), (2) and (3) of the Order as read with Article 34 of the Order, as if a potato originating in Egypt were a plant landed or likely to be landed in contravention of that Order; and
 - (b) the power conferred by Article 32(4), (5) and (6) of the Order as read with Article 34 of that Order, as if a potato originating in Egypt kept on or moved from premises, or likely to be so, was a plant kept of moved in contravention of that Order.
- (3) On having reasonable grounds for suspecting a contravention or likely contravention of regulation 4, an inspector may, for the purpose of these Regulations, exercise the powers conferred by Article 32(4), (5) and (6) of the Order as read with Article 34 of that Order, as if a potato originating in Egypt kept on or moved in contravention of that Order.
- (4) Any notice served by virtue of this regulation in exercise of a power conferred by Article 32 of the Order shall have effect as if served under Article 32 of that Order, and Articles 31(7), 33(4), 34(3) and (4), 36, 37, 43, 44(1)(a) and (c) and 45, shall apply accordingly.
- (5) An inspector may, for the purposes of checking compliance with these Regulations, exercise the powers conferred by Article 31 of the Order, as if checking compliance with that Order.
- (6) Any power conferred by Article 31 of the Order which is exercised by virtue of this regulation shall be treated as if that power has been exercised under the Order, and the provisions of that Order (including Article 44(1)(a) and (c) and 45) shall apply accordingly.”
- (4) In paragraph (1) of regulation 6 (charges in respect of the sampling of imports of potatoes)—
- (a) for “Article 25(a)(iii) of the Order” substitute “Article 31(2)(b) of the Order”; and
 - (b) for “paragraphs 2 and 3 of the Annex to the Decision”, substitute “paragraphs 4 and 5 of the Annex to the Decision”.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 10th May 2012.



Keith Morrison
A senior officer of the Department of Agriculture
and Rural Development