

1987 No. 19

PLANT HEALTH

The Potatoes (Prohibition on Landing) (Great Britain)
Order 1987

<i>Made - - - -</i>	<i>14th January 1987</i>
<i>Laid before Parliament</i>	<i>16th January 1987</i>
<i>Coming into force</i>	<i>6th February 1987</i>

The Minister of Agriculture, Fisheries and Food in relation to England, the Secretary of State for Scotland in relation to Scotland and the Secretary of State for Wales in relation to Wales, in exercise of the powers conferred by sections 2 and 3(1) and (2) of the Plant Health Act 1967(a), as read with section 20 of the Agriculture (Miscellaneous Provisions) Act 1972(b), and now vested in them (c), and of all other powers enabling them in that behalf, hereby make the following Order:—

Title, extent, commencement and interpretation

1.—(1) This Order may be cited as the Potatoes (Prohibition on Landing) (Great Britain) Order 1987, shall apply to Great Britain and shall come into force on 6th February 1987.

(2) In this Order “potato” means any plant or any part of a plant, including tubers and true seed, of *Solanum tuberosum* L. or other tuber-forming species or hybrids of the genus *Solanum* L.

Prohibition on landing

2. The landing in Great Britain of:—

- (a) any potatoes grown in the Federal Republic of Germany whether consigned from the Federal Republic of Germany or from any other country, and
- (b) any potatoes consigned from the Federal Republic of Germany

is hereby prohibited.

Application of the Import and Export (Plant Health) (Great Britain) Order 1980

3. The provisions of Articles 12 (examination, sampling and marking), 13 and 15 (action when plants are, or are likely to be, landed), 16 (powers of an officer of Customs and Excise), 17 (licences) and 19 (service of notices) of the Import and Export (Plant Health) (Great Britain) Order 1980(d) shall apply to the prohibition contained in Article 2 of this Order.

(a) 1967 c.8; sections 2(1), 3(1) and (2) were amended by the European Communities Act 1972 (c.68), section 4(1) and Schedule 4, paragraph 8. (b) 1972 c.62. (c) In the case of Secretary of State for Wales by virtue of S.I. 1978/272. (d) S.I. 1980/420, to which there are amendments not relevant to this Order.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 13th January 1987.

(L.S.)

Michael Jopling
Minister of Agriculture, Fisheries and Food

John J. Mackay
Parliamentary Under-Secretary of State,
Scottish Office

13th January 1987

Nicholas Edwards
Secretary of State for Wales

14th January 1987

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prohibits the landing in Great Britain of potatoes grown in or consigned from the Federal Republic of Germany from 6th February 1987.

The following provisions of the Import and Export (Plant Health) (Great Britain) Order 1980 apply to the prohibition on landing contained in Article 2:—

- (a) an officer of the appropriate Minister authorised for the purposes of that Order has the powers of entry; examination and sampling and powers to enable remedial action to be taken when plants or flowers are landed or are likely to be landed in contravention of this order (Articles 12 and 13 of that Order);
- (b) officers of Customs and Excise may detain plants and flowers for examination (Article 16 of that Order);
- (c) the landing of a plant or flower which is prohibited by this Order may be authorised by licence (Article 17 of that Order).

Any person who lands potatoes in contravention of this order with intent to evade the prohibition contained in it is guilty of an offence under section 50(2) of the Customs and Excise Management Act 1979 (c.2) and may be detained. A person guilty of such offence is liable, on summary conviction, to a penalty of £2,000 or of three times the value of the goods, whichever is the greater, or to imprisonment for a term not exceeding 6 months, or to both, and, on conviction on indictment, to a penalty of any amount, or to imprisonment for a term not exceeding 2 years, or to both.

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