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STATUTORY INSTRUMENTS

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**1998 No. 201**

**PLANT HEALTH**

**The Potatoes Originating in Egypt Regulations 1998**

<i>Made</i>	- - - -	<i>29th January 1998</i>
<i>Laid before Parliament</i>		<i>30th January 1998</i>
<i>Coming into force</i>	- -	<i>1st February 1998</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the common agricultural policy of the European Community, acting jointly, in exercise of the powers conferred on them by the said section 2(2) and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Title, extent and commencement**

1. These Regulations may be cited as the Potatoes Originating in Egypt Regulations 1998, shall extend to Great Britain and shall come into force on 1st February 1998.

**Interpretation**

2. In these Regulations—

“the Decision” means Commission Decision [96/301/EC](#) authorising member States temporarily to take additional measures against the dissemination of *Pseudomonas solanacearum* (Smith) Smith as regards Egypt<sup>(3)</sup> as amended by the Commission Decision of 28th January 1998 authorising member States temporarily to take emergency measures against the dissemination of *Pseudomonas solanacearum* (Smith) Smith as regards Egypt<sup>(4)</sup>;

“inspector” means any person authorised to be an inspector for the purposes of the Order;

“the Minister” means in the application of these Regulations to England the Minister of Agriculture, Fisheries and Food, in their application to Scotland the Secretary of State for Scotland and in their application to Wales the Secretary of State for Wales;

“the Order” means the Plant Health (Great Britain) Order 1993<sup>(5)</sup>;

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(1) S.I. [1972/1811](#).

(2) [1972 c. 68](#).

(3) OJ No. L115, 9.5.96, p. 47.

(4) OJ No. L25, 31.1.98, p. 101.

(5) S.I. [1993/1320](#); as amended by S.I. [1993/3213](#), [1995/1358](#) and [2929](#), [1996/25](#), [1165](#) and [3242](#), [1997/1145](#) and [2907](#).

“originating in Egypt” means grown in Egypt;

“phytosanitary certificate” has the same meaning as in article 2(1) of the Order;

“potato” means any tuber or true seed of *Solanum tuberosum* L. or other tuber-forming species or hybrid of the genus *Solanum* L.

### **Imports of potatoes originating in Egypt**

3.—(1) No person shall import into Great Britain any potatoes which he knows or has reasonable cause to suspect originated in Egypt unless those potatoes are accompanied by a phytosanitary certificate issued in accordance with the requirements of paragraph 1 of the Annex to the Decision.

(2) The requirement imposed by point 25.8 of Section 1 of Part A of Schedule 4 to the Order (an official statement that potatoes originate in areas where *Pseudomonas solanacearum* (Smith) Smith is not known to occur) shall not apply to imports of potatoes originating in Egypt.

### **Approval of plants which process potatoes originating in Egypt**

4.—(1) No person shall process any potatoes originating in Egypt other than in a plant which has been approved by the Minister for that purpose.

(2) The Minister shall approve processing plants in writing and may suspend or revoke the approval in writing.

(3) In this regulation—

“excluded establishment” means a shop, restaurant, canteen, club, public house, school, hospital or similar establishment (including a vehicle or a fixed or mobile stall) where food is packed or prepared for delivery to the final consumer;

“plant” means any premises other than an excluded establishment; and

“process” means the carrying out, in the course of business, of any treatment, including washing.

### **Powers of an Inspector**

5.—(1) An inspector who has reasonable grounds for suspecting that any person has or will have in his possession potatoes originating in Egypt may exercise any of the powers conferred by articles 22 to 25 of the Order in respect of such potatoes.

(2) For the purposes of the Order (including article 33 (offences)), any power exercised by virtue of paragraph (1) above shall be treated as a power exercised under that Order.

### **Offences**

6.—(1) A person shall be guilty of an offence if, without reasonable excuse, proof of which shall lie on him, he contravenes or fails to comply with regulation 3 (imports of potatoes originating in Egypt) or 4 (approval of plants which process potatoes originating in Egypt) above.

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

29th January 1998

*Jeff Rooker*  
Minister of State, Ministry of Agriculture,  
Fisheries and Food

29th January 1998

*Sewel*  
Parliamentary Under Secretary of State, Scottish  
Office

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which extend to Great Britain, implement Commission Decision [96/301/EC](#) authorising member States temporarily to take additional measures against the dissemination of *Pseudomonas solanacearum* (Smith) Smith as regards Egypt (OJNo. L115, 9.5.96, p. 47) as amended by the Commission Decision of 28th January 1998 authorising member States temporarily to take emergency measures against the dissemination of *Pseudomonas solanacearum* (Smith) Smith as regards Egypt (OJ No. L25, 31.1.98, p. 101).

The Regulations prohibit the import into Great Britain of potatoes originating in Egypt unless those potatoes are accompanied by a phytosanitary certificate issued in accordance with the requirements of paragraph 1 of the Annex to the Commission Decision of 28th January (regulation 3).

The Regulations also require processing of potatoes originating in Egypt to be carried out only in plants approved for the purpose by the Minister (regulation 4).

The Regulations provide that an inspector who has reasonable grounds for suspecting that a person has or will have in his possession potatoes originating in Egypt may exercise the powers conferred by articles 22 to 25 of the Plant Health (Great Britain) Order 1993 in respect of such potatoes (regulation 5).

A person who contravenes or fails to comply with regulation 3 (imports) or 4 (processing) is liable on summary conviction to a fine not exceeding £5,000 (regulation 6).

A Regulatory Appraisal in relation to these Regulations has been placed in the libraries of both Houses of Parliament, and copies can be obtained from the Plant Health Division of the Ministry of Agriculture, Fisheries and Food, Foss House, Kings Pool, 1—2 Peasholme Green, York YO1 2PX.