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STATUTORY INSTRUMENTS

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**1987 No. 1758**

**The Plant Health (Great Britain) Order 1987**

**PART II**

**MEASURES TO PREVENT INTRODUCTION,  
SPREAD OR CONVEYANCE OF PLANT PESTS**

**Prohibition on the landing of plant pests, plants, etc.**

4.—(1) Subject to paragraph (2) of this article, the landing in Great Britain of the following is prohibited, namely—

- (a) any plant pest of a description specified in Part I of Schedule 1;
- (b) any plant, plant product, soil or growing medium carrying or infected with a plant pest of a description specified in Part I of Schedule 1;
- (c) any plant of a description specified in column 3 of Part II of Schedule 1 carrying or infected with a plant pest of a description specified in column 2 of that Part opposite the reference to such plant;
- (d) any plant, agricultural machinery, soil or growing medium of a description specified in column 2 of Schedule 2 which originates in a country (other than Northern Ireland, the Channel Islands or the Isle of Man) specified in column 3 of that Schedule opposite the reference to such plant, agricultural machinery, soil or growing medium;
- (e) any plant, soil or growing medium of a description specified in column 2 of Schedule 3 if any of the conditions specified in column 3 of that Schedule opposite the reference to such plant, soil or growing medium are not complied with;
- (f) any genetically manipulated material;
- (g) any plant pest not associated with a consignment of plants, plant products, agricultural machinery, soil or growing medium (except insofar as such plants, plant products, soil or growing medium are necessary to enable such plant pest to be landed or to sustain its life) being a plant pest which is not normally present in Great Britain and which is injurious to plants in Great Britain.

(2) Notwithstanding paragraph (1)(b) to (d) of this article, a person may land raw fruit, cut flowers and parts of plants for decoration if they are of a description specified in column 2 of Parts V and VII of Schedule 3 and the conditions specified in column 3 of those Parts opposite the reference to such raw fruit, cut flowers and parts of plants for decoration are complied with.

**Prohibition on the keeping etc. of plant pests, plants, etc.**

5.—(1) Subject to the provisions of this Order, no person shall—

- (a) knowingly keep, sell, plant, release, deliver, or otherwise dispose of, or knowingly cause or permit to be kept, sold, planted, released, delivered, or otherwise disposed of—

- (i) any plant pest of a description specified in Part I or column 2 of Part II of Schedule 1, except a pest of a description specified in Part III of that Schedule,
  - (ii) any plant, plant product, soil or growing medium carrying or infected with a plant pest of a description specified in Part I of Schedule 1, except a pest of a description specified in Part III of that Schedule,
  - (iii) any plant of a description specified in column 3 of Part II of Schedule 1 carrying or infected with a plant pest of a description specified in column 2 of that Part opposite the reference to such plant, except a pest of a description specified in Part III of that Schedule,
  - (iv) any plant, agricultural machinery, soil or growing medium landed in contravention of article 4(1)(d) or (e),
  - (v) any genetically manipulated material,
  - (vi) any plant pest not associated with plants, plant products, soil or growing medium (except insofar as such plants, plant products, soil or growing medium are necessary to sustain the life of such plant pest) being a plant pest which is not normally present in Great Britain and which is injurious to plants in Great Britain;
- (b) engage in any activity which involves genetic manipulation of a plant pest or engage in any activity which to his knowledge involves genetically manipulated material.

(2) Nothing in paragraph (1)(a) of this article shall prohibit the destruction, or the delivery to an inspector, of any such plant pest, genetically manipulated material, plant, plant product, agricultural machinery, soil or growing medium referred to in that paragraph.

#### **Phytosanitary certificates for imported plants etc.**

6.—(1) Subject to paragraphs (2) and (3) of this article, where by virtue of article 4 the landing of any plant, soil or growing medium is prohibited unless that plant, soil or growing medium is accompanied by a phytosanitary certificate, the phytosanitary certificate shall have been issued in the country in which that plant was grown, or that soil or growing medium originated.

(2) A phytosanitary certificate which relates to plants which are directly consigned to Great Britain from a Member State and are—

- (a) bulbs or corms for planting other than corms of gladiolus and bulbs of tulip and narcissus; or
- (b) raw fruit of a description specified in column 2 of Part VB of Schedule 3; or
- (c) of a description specified in column 2 of Part VIIB of Schedule 3 (certain cut flowers and parts of plants for decoration) other than cut flowers and parts of plants for decoration of *Protea* L. and *Limonium* Mill.;

shall have been issued

- (i) in the Member State from which they were so consigned, or
- (ii) where the plants to which it relates had been consigned from any other country before being consigned from that Member State to Great Britain, in that Member State or in one of the countries from which it had previously been consigned.

(3) Where any plant, soil or growing medium following its export from Great Britain is re-imported into Great Britain, the phytosanitary certificate shall have been issued in the country from which the plant, soil or growing medium was directly consigned to Great Britain.

### **Reforwarding phytosanitary certificates for imported plants etc.**

7.—(1) Where, after a phytosanitary certificate has been issued, the consignment to which that certificate relates has been stored, repacked or split up in a country other than that in which the certificate was issued, that certificate shall be accompanied by a reforwarding phytosanitary certificate issued in that other country.

(2) Where the address of the consignee shown on a phytosanitary certificate is not in Great Britain and, in the case of a consignment direct from a Member State, the consignment contains tubers of potato or raw vegetables with foliage of the following genera: *Apium* L., *Beta* L., *Brassica* L., *Cichorium* L., *Daucus* L., *Lactuca* L., *Petroselinum* L. or *Spinacia* L., that phytosanitary certificate shall be accompanied by a reforwarding phytosanitary certificate issued in each country from which it has been consigned subsequent to the issue of that phytosanitary certificate before being landed in Great Britain.

### **Exception from requirement of phytosanitary certification**

8. The requirements of article 4(1)(e) shall not apply to—

(a) any plants which—

- (i) are landed in Great Britain in the baggage of a passenger or other traveller, and
- (ii) are not intended for use in the course of a trade or business, and
- (iii) have been grown in the Euro-Mediterranean area or, in the case of citrus fruit, in the Euro-Mediterranean area or North America, and
- (iv) are not in any of the following categories, namely

- (A) plants intended for planting or propagation of *Beta* L.
  - (B) plants intended for planting or propagation, other than seeds, of the family Gramineae or of the genera *Cydonia* Mill., *Malus* Mill., *Prunus* L., *Pyrus* L. and *Vitis* L.
  - (C) potatoes
  - (D) cut flowers of gladiolus and plants of chrysanthemum, and
- (v) are in one of the following categories, not exceeding the stated quantities—
- (A) raw fruit and raw vegetables, together 2 kilograms
  - (B) cut flowers and any parts of plants together forming a single bouquet, 1 bouquet
  - (C) seeds, 5 retail packets, that is to say packets in which the seed in question is normally sold to the consumer (other than for use in the course of a trade or business) or packets of a similar size
  - (D) bulbs, corms, tubers and rhizomes, free of soil, together 2 kilograms
  - (E) other plants, 5 plants, or

(b) any plants, soil or growing medium which are directly consigned to Great Britain from Northern Ireland, the Channel Islands or the Isle of Man and which—

- (i) originate in any of those countries, or
- (ii) were landed in the country from which they are directly consigned to Great Britain in accordance with the plant health requirements of that country.

### **Official Statements in respect of imported plants etc.**

9. Any official statement required to be made in accordance with column 3 of Schedule 3 in respect of a plant, soil or growing medium shall, except where the said column 3 requires such a statement to appear on a phytosanitary certificate, be deemed to have been made by the issue of a phytosanitary certificate to accompany that plant, soil or growing medium in accordance with this Order.

### **General provisions relating to certificates**

10.—(1) Where a phytosanitary certificate or a reforwarding phytosanitary certificate is issued in a third country in a language other than English it shall incorporate or be accompanied by a translation into the English language, which translation, if it is a document separate from the certificate, shall be completed and signed by an authorised officer.

(2) Subject to paragraph (3) of this article, where a consignment of plants, soil or growing medium has been consigned between two or more countries before being consigned to Great Britain it may be accompanied in the place of any certificate required by this Order by a copy of such certificate issued in the country from which the consignment has been directly consigned to Great Britain and certified as a true copy of the original or a true copy of a certified copy of the original, as the case may be, by an authorised officer.

(3) Paragraph (2) of this article shall not apply in the case of a reforwarding phytosanitary certificate issued in the country from which the consignment was directly consigned to Great Britain, in which case the original reforwarding phytosanitary certificate issued in that country shall accompany the consignment.

(4) A certificate issued by or on behalf of a state, provincial or other regional or local government authority of part of a country, or by or on behalf of any department, service or other organ of such authority shall not be deemed to be a valid phytosanitary certificate or a valid reforwarding phytosanitary certificate for the purposes of this Order unless such authority is the only one empowered to issue, in relation to such part of the country, phytosanitary certificates or reforwarding phytosanitary certificates to accord with the requirements of this Order.

(5) Except in the case of consignments imported into Great Britain by post, any phytosanitary certificate and reforwarding phytosanitary certificate shall be delivered to the proper officer at the same time as, and together with, the entry relating to the consignment. In this paragraph the expression “proper officer” has the like meaning as in the Customs Act and the reference to the entry shall be construed as reference to the entry, delivery of which is to be made in accordance with the provisions of that Act.

(6) In the case of a consignment imported into Great Britain by post any phytosanitary certificate and reforwarding phytosanitary certificate shall be affixed to the outside of the package comprising the consignment or, if the consignment consists of more than one package, such certificate shall be affixed to the outside of one of the packages and copies thereof affixed to the outside of each of the remaining packages.

(7) All phytosanitary certificates and reforwarding phytosanitary certificates produced when plants, soil or growing medium are landed in Great Britain shall be stamped or otherwise endorsed by an officer of Customs and Excise showing the date on which the plant, soil or growing medium is cleared from Customs charge.

### **Period during which inspections are to be made and certificates issued**

11.—(1) Except for an inspection which is required to be carried out for the purposes of making an official statement in accordance with a condition referred to in column 3 of Schedule 3, an inspection carried out for the purposes of issuing a phytosanitary certificate or a reforwarding phytosanitary certificate shall be carried out not more than 14 days, and in the case of a phytosanitary certificate

accompanying a consignment of chrysanthemums (not being a consignment of chrysanthemum cut flowers) not more than 48 hours, before the date of the despatch of the consignment to which the inspection relates.

(2) A phytosanitary certificate or a reforwarding phytosanitary certificate shall not be valid for the purposes of this Order unless it has been completed and signed by an authorised officer not more than 14 days, and in the case of a phytosanitary certificate accompanying a consignment of chrysanthemums (not being a consignment of chrysanthemum cut flowers) not more than 48 hours, before the date of despatch of the consignment which it is to accompany and after the carrying out of any inspection referred to in paragraph (1) of this article which relates to that consignment.

### **Exports of plants etc. to Member States**

**12.**—(1) Subject to paragraph (6) of this article, no person shall export from Great Britain to a Member State any consignment of plants or growing medium of a description specified in column 2 of Part I of Schedule 4 unless the consignment is accompanied by—

- (a) a phytosanitary certificate issued by an authorised officer; or
- (b) in the case of a consignment to which this sub-paragraph applies (and without prejudice to paragraph (4) of this article), a reforwarding phytosanitary certificate issued by an authorised officer.

(2) No phytosanitary certificate shall be issued for the purposes of paragraph (1)(a) of this article unless the entire consignment or a representative sample taken from it, its packaging (and, where necessary, the vehicle in which it is carried) have been examined by an inspector in order to ensure that the consignment complies with such requirements of the Member State concerned as are adopted in accordance with the provisions of Directive [77/93/EEC](#).

(3) Paragraph (1)(b) of this article applies to a consignment which—

- (a) is imported from a Member State or a third country;
- (b) is to be re-exported to a Member State; and
- (c) when imported, was accompanied by a phytosanitary certificate.

(4) No person shall export from Great Britain to a Member State any consignment of plants or growing medium which—

- (a) is of a description specified in Schedule 4, and
- (b) originated in another Member State or a third country

unless the consignment is accompanied by a phytosanitary certificate issued in the country of origin or by a certified copy of that certificate.

(5) Applications for phytosanitary certificates or reforwarding phytosanitary certificates shall be made to the appropriate Minister in such form and manner, and giving such information, as he may require.

(6) Paragraph (1) of this article does not apply to the export from Great Britain of any consignment of plants or growing medium which is imported from a Member State or third country and re-exported to a Member State without being stored, repacked or split up in Great Britain.

### **Notification of the presence or suspected presence of certain plant pests**

**13.**—(1) The occupier or other person in charge of any premises who knows or suspects that any plant pest to which this article applies or any genetically manipulated material is present on the premises or any other person who, in the course of his duties or business, becomes aware or suspicious of the presence of such plant pest or genetically manipulated material on any premises, shall immediately give notice to the appropriate Minister of the presence or suspected presence of

such plant pest or genetically manipulated material and shall as soon as reasonably practicable after giving such notice confirm it in writing.

- (2) This article applies to any plant pest—
- (a) which is of a description specified in Part I or column 2 of Part II of Schedule 1 other than a plant pest of a description specified in Part III of that Schedule; or
  - (b) which is mentioned in column 3 of Schedule 3; or
  - (c) which is not normally present in Great Britain and which is injurious to plants in Great Britain.

#### **Notification of the likely entry into, or presence in, a free zone of plant pests, plants etc.**

**14.**—(1) The responsible authority for a free zone who knows or suspects that any plant pest, genetically manipulated material, plant, soil or growing medium to which this article applies is likely to enter, or is present in, the free zone for which he is the responsible authority, shall immediately give notice of that fact to the appropriate Minister and shall as soon as reasonably practicable after giving such notice confirm it in writing.

- (2) This article applies to any—
- (a) plant pests;
  - (b) genetically manipulated material;
  - (c) plants, planted or intended for planting other than tubers of potato and seeds;
  - (d) seeds of a description specified in column 2 of Schedule 2 or in column 2 of Part IV of Schedule 3;
  - (e) tubers of potato;
  - (f) cut flowers;
  - (g) raw fruit and raw vegetables; and
  - (h) soil and growing medium

which have been, or are likely to be, landed in Great Britain, and have not been cleared from Customs charge.

(3) In this article “the responsible authority” and “free zone” have the same meaning as in the Customs Act<sup>(1)</sup>.

#### **Actions which may be taken by an inspector**

**15.**—(1) If an inspector has reasonable grounds for suspecting that any plant pest, genetically manipulated material, plant, plant product, agricultural machinery, soil or growing medium is likely to be, or has been, landed in Great Britain in contravention of this Order, he may by notice in writing served on the importer or any person in charge of the vessel, aircraft, vehicle, hovercraft or freight container from which such plant pest, genetically manipulated material, plant, plant product, agricultural machinery, soil or growing medium is likely to be, or has been landed—

- (i) prohibit the landing;
- (ii) specify the manner in which the landing is to be carried out and the precautions which are to be taken during and subsequent to the landing;
- (iii) require the plant pest, genetically manipulated material, plant, plant product, agricultural machinery, soil or growing medium to be treated, re-exported, destroyed or otherwise disposed of in such manner and within such reasonable time as may be specified in the notice;

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(1) See section 100A of the Customs Act which was inserted by the Finance Act 1984 (c. 43), section 8 and Schedule 4, Part I.

- (iv) prohibit the removal of the plant pest, genetically manipulated material, plant, plant product, agricultural machinery, soil or growing medium from premises specified in the notice;
- (v) require the removal of the plant pest, genetically manipulated material, plant, plant product, agricultural machinery, soil or growing medium to premises specified in the notice in such manner and within such reasonable time as may be so specified;
- (vi) require the taking of such other steps, specified in the notice, as appear to the inspector to be necessary to prevent the introduction or spread of any plant pest or genetically manipulated material in such manner and within such reasonable time as may be specified in the notice.

(2) If an inspector has reasonable grounds for suspecting that there is present or there is likely to be present on any premises—

- (a) any plant, plant product, soil, hop pole or hop picking machine as a consequence of the contravention of articles 21, 26, 29 to 32, 34 or 36 to 41;
- (b) any plant pest of a description specified in Part I or column 2 of Part II of Schedule 1 (other than a plant pest of a description specified in Part III of that Schedule) or which is mentioned in column 3 of Schedule 3;
- (c) any plant pest which is not normally present in Great Britain and in respect of which there is in the opinion of an inspector an imminent danger of its spreading or being spread in Great Britain;
- (d) any plant, plant product, soil or growing medium which is carrying or infected with, or which may be carrying or infected with, a plant pest mentioned in sub-paragraphs (b) or (c) of this paragraph;
- (e) any genetically manipulated material;

he may by notice in writing served on the occupier or other person in charge of the premises or of any of the things mentioned in sub-paragraph (a) to (e) of this paragraph—

- (i) require any of the things so mentioned to be treated, destroyed or otherwise disposed of in such manner and within such reasonable time as may be specified in the notice;
- (ii) prohibit the removal of those things or impose such other prohibitions as appear to the inspector to be necessary to prevent the spread of any plant pest or genetically manipulated material;
- (iii) require the removal of those things to premises specified in the notice in such manner and within such reasonable time as may be so specified;
- (iv) require the taking of such other steps, specified in the notice, as appear to the inspector to be necessary to prevent the spread of any plant pest or genetically manipulated material in such manner and within such reasonable time as may be specified in the notice.

(3) If an inspector has reasonable grounds for believing that it is necessary for the purpose of preventing the spread of any plant pest or genetically manipulated material from the premises mentioned in paragraph (2) of this article, he may by notice in writing served on the occupier or other person in charge of any other premises impose such prohibitions and require the taking of such reasonable steps, specified in the notice, as appear to him to be necessary for that purpose, such steps to be taken in such manner and within such reasonable time as may be specified in the notice.

(4) If an inspector has reasonable grounds for suspecting that any plant pest of a description specified in Schedule 8 other than potato cyst nematode is present on any premises, or if, in consequence of the examination of a sample of soil taken from any premises for the purpose of preventing the spread of potato cyst nematode or for any other purpose of this Order, it appears to an inspector that those premises are infected with potato cyst nematode, he may by notice in writing served on the occupier or other person in charge of such premises declare the premises infected with the appropriate plant pest for the purposes of Part III of this Order, the provisions of which shall be without prejudice to the provisions of this article.

(5) An inspector may serve on the occupier or other person in charge of premises which surround, adjoin or are in close proximity to premises declared infected with wart disease of potatoes a notice declaring the first mentioned premises to be a safety zone.

(6) Any notice served under paragraph (4) or (5) of this article may define by reference to a map or plan or otherwise the extent of the premises declared in the notice to be infected, or to be a safety zone, as the case may be.

### **Miscellaneous provisions as to notices**

**16.**—(1) A notice served under paragraph (1) or (2) of article 15 may specify one or more requirements or alternative requirements.

(2) A notice served under paragraph (1)(iii) or paragraph (2)(i) of article 15 requiring any plant pest, genetically manipulated material, plant, plant product, soil or growing medium to be destroyed or otherwise disposed of, may contain provisions deferring the destruction or disposal for such period and subject to such conditions, if any, as may be specified in the notice.

(3) Where the destruction or disposal of any plant pest, genetically manipulated material, plant, plant product, soil or growing medium has been deferred under paragraph (2) of this article, the person on whom the notice is served shall be permitted, within the period specified in the notice, to destroy or dispose of the plant pest, genetically manipulated material, plant, plant product, soil or growing medium. If the person on whom the notice is served fails to destroy or dispose of the plant pest, genetically manipulated material, plant, plant product, soil or growing medium within the period specified in the notice to the satisfaction of an inspector, the destruction or disposal required by the notice shall be carried out by that person within two days following the expiry of the period specified in the notice or within such shorter or longer period as may be specified in writing by an inspector.

(4) Any treatment, re-exportation, destruction or disposal required by a notice served under article 15 shall be carried out by the person on whom the notice is served to the satisfaction of an inspector from or at a place designated by an inspector and, except with the written authority of an inspector or any other officer of the appropriate Minister, none of the plant pests, genetically manipulated material, plants, plant products, agricultural machinery, soil, growing medium, hop poles or hop picking machines shall be moved otherwise than directly to such a place.

(5) An inspector may amend or withdraw a notice served by an inspector under this Order or having effect as if so served by a further notice served on the person on whom the original notice was served or on the person who is the occupier or in charge of the premises in respect of which the further notice is intended to be served. The amendment or withdrawal of a notice may be subject to such conditions, if any, as the inspector considers expedient to impose for the purpose of preventing the introduction or spread of any plant pest or re-infection with the plant pest to which the original notice relates.

- (a) (6) (a) A notice under this Order may be served on any person either—
  - (i) by delivering it to him personally, or
  - (ii) by leaving it for him at his last known place of abode or business, or
  - (iii) by sending it through the post addressed to him at his last known place of abode or business.
- (b) A notice may—
  - (i) in the case of a body corporate, be served on the secretary or clerk of that body at the address of the registered or principal office of that body,
  - (ii) in the case of a partnership, be served on a partner or person having the control or management of the partnership business or in Scotland, the firm at the principal office of the partnership.



### **Examination, sampling and marking**

17.—(1) Subject to article 20, an inspector may, on production if so required of his authority—

- (a) at all reasonable times for the purpose of ascertaining whether any plant pest of a description specified in Part I or column 2 of Part II of Schedule 1, or which is mentioned in column 3 of Schedule 3 or in Schedule 8, or a plant pest which is not normally present in Great Britain and which is injurious to plants in Great Britain, exists on any premises, or for any other purpose of this Order, enter any premises and examine and mark any part of the premises or any objects on the premises and examine, take samples of and mark any plant pests, genetically manipulated material, plants, plant products, soil or growing medium and any container or other package which has been or may have been in contact therewith;
- (b) for the purposes of the examinations referred to in paragraph (a) of this article, open or authorise any person to open on his behalf or require the importer or any person in charge of any such container or other package to open, in such manner as the inspector may specify, that container or other package;
- (c) if and insofar as is necessary for the purposes of the examinations referred to in paragraph (1)(a) of this article, prohibit entirely, or to such extent as he may indicate, the movement of any plant pests, genetically manipulated material, plants, plant products, soil, growing medium, container, or other package or of any material or object by means of which in his opinion a plant pest may spread.

(2) An inspector entering any premises under paragraph (1) of this article may take with him such persons, equipment and vehicles as are necessary for the purpose of facilitating the exercise of his powers under that paragraph.

### **Information as to compliance with notices**

18.—(1) The person on whom a notice has been served under this Order, or under an Order revoked by this Order, shall, if so required by an inspector, immediately inform the inspector whether the requirements of the notice have been complied with and, if they have been complied with, of the details of the steps taken in order to comply with those requirements.

(2) Any information given under this article shall not be used as evidence against the person giving the information in any prosecution, except in respect of an alleged failure to comply with this article.

### **Failure to comply with a notice**

19.—(1) Subject to article 20, if any person fails to comply with the requirements of a notice served, or having effect as if served, under this Order then, without prejudice to any proceedings consequent upon such failure, an inspector may, on production if so required of his authority, at all reasonable times for the purposes of this Order enter any premises on which the plant pest, genetically manipulated material, plant, plant product, agricultural machinery, soil, growing medium, hop pole or hop picking machine to which the notice relates may be present or in respect of which a notice under article 28 has been served and take or cause to be taken such steps as appear to him to be necessary either to ensure compliance with the requirements of the notice or to remedy the consequences of the failure to carry them out, and all reasonable costs of taking such steps shall be recoverable by the appropriate Minister as a civil debt from the person on whom the notice was served.

(2) An inspector entering any premises under paragraph (1) of this article may take with him such persons, equipment and vehicles as are necessary for the purpose of facilitating the exercise of his powers under that paragraph.

### **Power to enter premises used wholly or mainly as a dwelling**

**20.**—(1) The power to enter premises conferred by articles 17, 19 and 27 of this Order may be exercised by an inspector to enter premises used wholly or mainly as a dwelling only if he has been granted a warrant by—

- (a) in England and Wales, a justice of the peace; or
- (b) in Scotland, a sheriff or a justice of the peace.

(2) A justice of the peace or sheriff may grant a warrant under paragraph (1) of this article only if he is satisfied—

- (a) that admission to any premises has been refused, or is likely to be refused, or that the case is one of urgency, or that a request for admission might prejudice the purpose of the entry; and
- (b) that there is reasonable ground for entry under articles 17, 19 or 27, as the case may be.

(3) A warrant granted under paragraph (1) of this article shall remain in force—

- (a) for one month; or
- (b) until the purpose for which the warrant is granted has been fulfilled,

whichever period is the shorter.

### **Restriction on the planting of imported potatoes**

**21.**—(1) Without prejudice to article 22, no person shall plant or knowingly cause or permit to be planted in Great Britain any potatoes which have been grown in any place outside Great Britain, Northern Ireland, the Channel Islands, the Isle of Man, a Member State (other than Denmark or the Federal Republic of Germany), Austria or Switzerland.

(2) Potatoes referred to in paragraph (1) of this article shall include any potatoes which have been derived from such potatoes.

(3) This article shall not apply to any potatoes which have been landed in Great Britain under and in accordance with the conditions of a licence granted under article 42 or which have been derived from potatoes which have been so landed.

### **Restriction on the movement to and planting of potatoes in the protected region**

**22.**—(1) For the purposes of this article “the protected region” means the whole of Scotland and the following parts of England, namely, the county of Northumberland excluding the district of Blyth Valley and Wansbeck, and the county of Cumbria excluding the districts of Barrow-in-Furness and South Lakeland.

(2) The provisions of this article shall have effect for the purpose of preventing the spread of plant pests to or in the protected region.

(3) No person shall plant or knowingly cause or permit to be planted in the protected region any potatoes which have been grown in any place outside that region and no person shall bring or knowingly cause to be brought into the protected region any such potatoes for planting in that region.

(4) Where the appropriate Minister has reason to believe that potatoes have been planted in or brought into the protected region contrary to the provisions of paragraph (3) of this article, he may by notice in writing served on any person who appears to him to be in charge of or in possession of such potatoes or of any potatoes derived from such potatoes prohibit the planting thereof in that region or the removal thereof from any premises specified in the notice otherwise than in accordance with such conditions as may be so specified and may by such notice require the treatment or destruction thereof or the removal thereof to any other place so specified, by such person in such manner and in

accordance with such conditions and within such reasonable time as may be specified in the notice and to the satisfaction of an inspector.