PESTS

DESTRUCTIVE INSECTS AND PESTS

1960 No. 2147

The Beet Eelworm Order, 1960

Made - - - -	21*st November*, 1960
Laid before Parliament	28*th November*, 1960
Coming into Operation	29*th November*, 1960

The Minister of Agriculture, Fisheries and Food by virtue and in exercise of the powers vested in him by section 2 of the Destructive Insects Act, 1877(**a**), as amended by section 1 of the Destructive Insects and Pests Act, 1907(**b**), and section 1 of the Destructive Insects and Pests Act, 1927(**c**), respectively, and of all other powers enabling him in that behalf, hereby makes the following Order :—

Citation and Commencement

1. This Order may be cited as the Beet Eelworm Order, 1960, and shall come into operation on the 29th day of November, 1960.

Revocation

2. The Sugar Beet Eelworm Order, 1952(**d**) is hereby revoked, but without prejudice to any right, privilege, obligation or liability acquired, accrued or incurred before the date of the said revocation and in particular any notice or licence served or given under that Order and which is in force immediately before the coming into operation of this Order shall continue in force and have effect as if it had been served or given under the corresponding provision of this Order.

Interpretation

3.—(1) In this Order, unless the context otherwise requires,

"allotment garden" means an allotment not exceeding forty poles in extent which is wholly or mainly cultivated by the occupier for the production of vegetable or fruit crops for consumption by himself or his family,

"authorised officer" means an officer of the Ministry of Agriculture, Fisheries and Food authorised by the Minister or by the Committee for the purposes of this Order,

"beet eelworm" means *Heterodera schachtii* Schmidt, restricted to the species or race that attacks plants of the Families Chenopodiaceae and Cruciferae,

"Committee" means the County Agricultural Executive Committee established by the Minister under the provisions of subsection (1) of section 71 of the Agriculture Act, 1947(**e**), for the County within which is situated the land in relation to which any action pursuant to this Order is contemplated or is or has been taken,

(**a**) 40 & 41 Vict. c. 68. (**b**) 7 Edw. 7. c. 4. (**c**) 17 & 18 Geo. 5. c. 32.
(**d**) S.I. 1952/341 (1952 II, p. 2431). (**e**) 10 & 11 Geo. 6. c. 48.

" Infested Area " means an area described in the Schedule hereto,

" infested land " means land declared to be infested land for the purposes of this Order by a notice served in pursuance of Article 5 of this Order,

" Minister " means the Minister of Agriculture, Fisheries and Food.

(2) The Interpretation Act, 1889(a) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Application

4. Nothing in this Order shall apply to any allotment garden or private garden or to any crop which is growing or has been grown thereon except in a case where—

(*a*) an allotment garden forms part of a field not entirely divided into allotment gardens, or

(*b*) an allotment garden or private garden is used for growing plants for sale for planting elsewhere.

Declaration of Infested Land

5.—(1) If it appears to the Committee that any land is infested with beet eelworm, the Committee may by notice in writing served upon the occupier or other person in charge of the said land declare the said land to be infested land for the purposes of this Order.

(2) A notice served under paragraph (1) of this Article shall define by reference to a map or plan or otherwise the extent of the area declared to be infested land.

(3) A notice served under paragraph (1) of this Article may be amended or withdrawn by the Committee by a further notice in writing served upon the occupier or other person in charge of the land referred to therein.

Restrictions on Planting

6.—(1) Except under and in accordance with the provisions of a licence issued by the Committee no person shall sow or plant or cause or permit to be sown or planted any seed or plant of the Families Chenopodiaceae and Cruciferae including sugar beet, fodder beet, mangold, red beet, spinach, spinach beet, cabbage, kale, cauliflower, broccoli, brussels sprout, turnip, swede, rape or coleseed (including turnip rape and swede rape), mustard, cress, radish or kohl-rabi—

(*a*) on any land declared to be infested land by a notice served in pursuance of Article 5 of this Order,

(*b*) on any land situated within an Infested Area on which any of the crops aforementioned have been grown during the preceding twenty-four months.

(2) The Committee may by notice in writing served on the occupier or other person in charge of any land on which any crop is being grown in contravention of paragraph (1) of this Article require him to destroy or remove and dispose of the said crop in such manner and within such time as may be specified in the notice.

(3) Except under and in accordance with the provisions of a licence issued by the Committee no person shall sell or offer for sale for planting or plant or cause or permit to be planted elsewhere than on the farm or holding on which they were grown any plants or potatoes which have been grown on any infested land.

(a) 52 & 53 Vict. c. 63.

Preventive Measures

7. The Committee may by notice in writing served on the occupier or other person in charge of any infested land require him to adopt such measures to prevent the spread of beet eelworm as may be specified in the notice within such time as may also be specified therein.

Service of Notices

8. For the purposes of this Order a notice shall be deemed to be served on any person if it is delivered to him personally or left for him at his last known place of abode or business or sent through the post in a letter addressed to him there.

Powers of Entry

9. An authorised officer may, for the purposes of this Order, upon production if so required of his authority, enter upon any land and examine and take samples of any crop or plants growing thereon and take samples of the soil.

Information to be Given

10. The occupier or other person in charge of any land situated within an Infested Area or in which beet eelworm is known or is suspected by an authorised officer to exist shall if so required in writing by an authorised officer or by the Committee give within such time and in such manner as may be specified such information in his possession as may be required for the purposes of this Order concerning the crops grown on such land at any time: provided that any information given under this Article shall not be available, as evidence against the person giving it, in any prosecution under this Order other than a prosecution in respect of an alleged failure to comply with this Article.

Offences

11. Any person who fails to comply with or who acts in contravention of this Order or the requirements, terms or conditions of any notice served or licence issued thereunder, or who wilfully obstructs an authorised officer in the exercise of his powers under this Order, or who wilfully or recklessly makes any statement for the purposes of this Order which is false in any material particular shall be liable on conviction to a penalty not exceeding ten pounds or in respect of a second or subsequent offence to a penalty not exceeding fifty pounds.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed this twenty-first day of November, nineteen hundred and sixty.

(L.S.) *Christopher Soames,*
Minister of Agriculture, Fisheries and Food.

SCHEDULE

1. Those parts of the counties of Cambridge, Huntingdon, Isle of Ely, Norfolk and Suffolk West which lie within the following boundaries:—

South

From the level crossing at Fordham station, along road B1102 to Burwell station, then westward along the road to Reach. Along Reach Lode to the River Cam, north along the River Cam to the point where it meets road B1085.

Westwards along the road to Stretham, Haddenham, Earith and Somersham then along the railway via Warboys to Ramsey then along the road via Upwood and Great Raveley to Wood Walton.

West

From Wood Walton along the railway to Holme station then westward by the road leading to Glatton to the point where this road intersects the Great North Road thence along the Great North Road to Norman Cross, thence by the road B1091 through Yaxley and Farcet to Stanground then east by road towards Whittlesey to the point where the road crosses the railway line.

North

Along the railway line via Whittlesey to March and continuing in a south-easterly direction to where the line meets the Old Course of the River Nene and along this to the junction of Popham's Eau, along Popham's Eau to the junction of the Middle Level Main Drain, along the Middle Level Main Drain north-eastwards to a point where it is crossed by the railway, thence east along the railway to a point where it crosses the River Ouse.

East

Southwards along the River Ouse to Downham Market Bridge then along the road through Downham Market, Crimplesham, Wereham, Stoke Ferry, Methwold and Feltwell in the direction of Hockwold-cum-Wilton to the point about 700 yards beyond the Feltwell-Hockwold parish boundary where it meets the road to Chalkhall Farm; thence eastwards along that road to the junction with Mill Drift, southwards along Mill Drift to the main road from Hockwold to Weeting and eastwards along that road to the Hockwold-Weeting parish boundary known as Devil's Dyke, and south along Devil's Dyke to the Little Ouse River; thence westwards along the Little Ouse River to Wilton Bridge on the Hockwold to Lakenheath road, southwards along that road towards Lakenheath to the point where it meets the Calledge Drain (about one mile south of Lakenheath Station), thence eastwards as far as the Wangford Drain and southwards along this until it meets the west boundary of Lakenheath Aerodrome. Thence in a south-westerly direction to the old Lakenheath to Brandon Road and along this westward as far as Broom Road. Along Broom Road in a south-westerly direction crossing the Lakenheath to Eriswell Road and continuing along the road through Beck Row and West Row to the point where the road crosses the River Lark, along the River Lark to its junction with the River Kennet, southwards along the River Kennet to the railway, westwards along the railway to the level crossing at Fordham station.

2. Those parts of the administrative county of the Soke of Peterborough which lie within the following boundary:—

From the point where Cat's Water intersects the road from Thorney to Eye, south-westwards along this road through Eye to Hodney Row, thence by the road leading north-west to the point where the said road intersects Car Dyke, thence westwards along Car Dyke to the point where it joins Folly River, thence along Folly River to the point where it crosses the road from Peakirk to Crowland and along this road, towards Crowland to the point where it meets the boundary of the administrative county of Lincoln (Parts of Holland), thence along the county boundary to its intersection with Wright's Drove and along Wright's Drove in an easterly direction to where it meets the county boundary and along the county boundary to its intersection with the Cat's Water and south along the Cat's Water to the point where it intersects the road from Thorney to Eye.

3. The whole farm occupied by the Norwich Corporation and known as the Norwich Corporation Sewage Farm situated in the parish of Witlingham in the administrative county of Norfolk.

4. The whole of the lands known as and forming the Bury St. Edmunds Corporation Sewage Farm situated in the parish of West Stow in the administrative county of West Suffolk.

5. The whole farm occupied by the corporation and known as the Wisbech Sewage Farm situated in the parish of Walpole St. Peter in the administrative county of Norfolk and the parish of Central Wingland in the administrative county of Lincoln (Parts of Holland).

6. The whole of the lands occupied by the Grantham Corporation and known as the Grantham Sewage Farm, situated in the parishes of Marston and Barkston, in the administrative county of Lincoln (Parts of Kesteven).

7. The whole of the lands occupied by the Lincoln Corporation and known as the Lincoln Sewage Farm situated in the parish of Canwick, in the administrative county of Lincoln (Parts of Kesteven).

EXPLANATORY NOTE

(This note is not part of the Order but is intended to indicate its general purport.)

This Order supersedes the Sugar Beet Eelworm Order, 1952. The Schedule to the Order describes certain areas which are designated "Infested Areas" and County Agricultural Executive Committees may by notice served on the occupier declare other land to be infested land for the purposes of the Order.

Restrictions are placed on the growing of crops of the beet and cabbage families within an Infested Area or on infested land and the sale for planting of plants or potatoes grown on any infested land is prohibited. A Committee may by licence relax these provisions as regards land within its area.

A Committee may prescribe preventive measures in regard to infested land. Officers authorised by the Minister or by a Committee are given power to enter land and examine crops, and occupiers may be required to give information regarding the cropping of their land. There are penalties for breach of the requirements of the Order or of the terms and conditions of notices or licences given under it.

The provisions of the Order do not apply, with certain exceptions, to allotment gardens and private gardens.