Black Scab in Potatoes (No. 2).

ORDER OF THE MINISTRY OF AGRICULTURE, NORTHERN IRELAND, UNDER THE DESTRUCTIVE INSECTS AND PESTS ACTS, 1877 AND 1907 (40 & 41 VICT., C. 68, AND 7 EDW. 7, C. 4).

1923. No. 68.

Restriction on Movement of Potatoes out of Scheduled Districts.

1.—(1) Excepting potatoes grown in District No. 1, described in the First Schedule to this Order, which are shipped for direct export from Ireland at Annalong, Ardglass, Ballyhalbert, Ballywalter, Dundrum, Greencastle, Kilkeel, Killough, Kirkcubbin, Newcastle, Newry, Portaferry, Portavogie, Rostrevor, Strangford, or Warrenpoint, potatoes shall not be moved out of the aforesaid districts otherwise than under and subject to the conditions of a licence under this Order authorising such movement.

(2) Potatoes grown in district No. 2, described in the First Schedule to this Order, shall not be moved out of the aforesaid districts otherwise than under and subject to the conditions of a licence under this Order authorising such movement.

(3) The foregoing provisions of this Article in regard to licences shall not apply to potatoes grown outside the districts described in the First Schedule to this Order (hereinafter referred to as the scheduled districts) which pass through any of the aforesaid districts in course of transit by railway but are not loaded or unloaded at any place within the aforesaid districts.

(4) Potatoes shall not be loaded, on any railway truck or railway wagon at any railway station, or other place within any of the scheduled districts, unless the person causing, directing, or permitting the potatoes to be so loaded shall have obtained a licence under this Order authorising such loading.

(5) Potatoes grown outside the scheduled districts shall not be loaded on any ship, boat or other vessel or craft, at any port or other place within any of the scheduled districts, unless the person causing, directing, or permitting the potatoes to be so loaded shall have obtained a licence authorising such loading, provided that this requirement shall not apply to potatoes which are moved in accordance with Article 3 and which remain in the custody of the Railway Company until shipped.

(6) Potatoes grown within any of the Scheduled districts shall not be loaded on any ship, boat, or other vessel or craft, at, or be shipped from, any port, or other place within any of the scheduled districts unless the person causing, directing, or permitting the potatoes to be so loaded, or the person causing, directing, or permitting the potatoes to be so shipped shall have obtained a certificate under this Order stating that the potatoes are of varieties immune to the disease known as Black Scab, Wart or Warty Disease, Cauliflower Disease, Potato Canker, or Potato Rosette (and caused by the fungus known as *Chrysophlyctis endobiotica* (Schilb) or *Synchitrium endobioticum* (Perc)).

Restriction on Planting, Digging, and Moving Potatoes within Prohibited Areas.

2. Within the area described in the Second Schedule to this Order (hereinafter referred to as the prohibited areas) potatoes shall not be

planted, dug or otherwise raised out of the ground or moved from any field, plot, pit, shed, outhouse or other place on or used in connection with any farm, garden, cottage plot or agricultural holding otherwise than under and in accordance with the conditions of a licence authorising the planting, digging or raising out of the ground, or movement of the said potatoes.

Restriction on Growing and Planting Potatoes within Prohibited Areas or Scheduled Districts.

3.—(1) Potatoes other than varieties approved by the Ministry shall not be grown, or supplied or used for planting within the prohibited areas or the scheduled districts.

A list of the varieties approved by the Ministry may be obtained from the Secretary, Ministry of Agriculture, for Northern Ireland Wellington Place, Belfast.

(2) Potatoes grown within the scheduled districts shall not be supplied or used for planting in Ireland elsewhere than in those districts.

Disposal of Potatoes Planted or Growing in Contravention of the Order.

4. If an inspector or any authorised officer finds planted or growing on any land potatoes which are not in the opinion of such officer of an approved variety, or if he has reason to believe that potatoes planted on any land have been so planted in contravention of this Order or in contravention of the conditions inserted in a licence thereunder, he may serve a Notice on the occupier of the land requiring him to dig or otherwise raise out of the ground the said potatoes, and to dispose of the same in such manner and within such period of time as may be prescribed in the Notice by the Inspector or authorised Officer.

Destruction of "Ground" Potatoes.

5. The occupier of any land within the scheduled districts which is not cropped with potatoes for the time being, but which having been so cropped at a previous period contains potato tubers which were not removed from the ground when the crop was raised, shall prevent the growth of the said tubers by pulling or digging up the potato stalks as they appear above ground.

Disposal of Potatoes moved in Contravention of the Order.

6. If any potatoes are loaded or moved in contravention of this Order, the Ministry or any inspector or other authorised person may destroy, or cause to be destroyed, in such manner as the Ministry or the inspector or the authorised person, as the case may be, thinks fit, the aforesaid potatoes and any packages in which the aforesaid potatoes are or have been contained, or may remove or cause to be removed any of the aforesaid potatoes and packages to such place and in such manner as the Ministry or any inspector or other authorised person may think fit, and may serve a Notice on the consignee of, or on the person in charge of, or on the person in possession of, any of the aforesaid potatoes and packages, directing the aforesaid consignee or person on whom the Notice is served to destroy within such time and in such manner as may be specified in such Notice the aforesaid potatoes and packages, or to

remove them within such time and to such place as may be specified in such Notice.

Prohibition of use as Manure of Certain Substances within Scheduled Districts.

7. Within the scheduled districts it shall not be lawful to supply or to use as manure, or to spread on the land, or to put into or upon any manure heap, either alone or mixed with other material, any cleanings or any sweepings of potato houses or of potato stores or of potato pits.

Production of Licences and Certificates: Names and Addresses.

8.—(1) Any person in charge or in possession of potatoes which are being loaded, moved, supplied, used, planted, dug or otherwise raised out of the ground where, under this Order, a licence or certificate is necessary shall, on demand of a Justice of the Peace or of a constable or, of an inspector or of any authorised officer, or, in the case of potatoes to be moved by railway, of any officer or servant of the railway company, or in the case of potatoes to be shipped, of the master of the ship, boat or other vessel or craft, produce and show him the licence or certificate, and shall allow it to be read and a copy of, or extract from, it to be taken by the person to whom it is produced.

(2) Any person in charge or in possession of potatoes suspected by a Justice of the Peace or by a constable or by an inspector or by any authorised officer of being or having been loaded, moved, supplied, used, planted, dug or otherwise raised out of the ground, in contravention of this Order, shall, on demand as aforesaid, give his name and address and all the information in his possession as to the persons in whose charge or possession the potatoes have been and as to the place where the potatoes were grown or loaded.

Special Licences.

9. Notwithstanding anything in this Order contained, potatoes may be planted, moved, supplied, used or dealt with in any manner specified in any special licence granted under this Order.

Powers of Entry and Inspection.

10. Any justice, constable, inspector, or any authorised officer, upon production, if so required, of his appointment or authority, may, for the purpose of enforcing this Order or of detecting any violation of the provisions thereof, examine the contents of any package or of any conveyance suspected by him to contain potatoes, and may take samples of any potatoes therein, and may for the aforesaid purpose enter any premises or any ship, boat, or other vessel or craft.

Licences and Certificates.

11.—(1) Licences and certificates under this Order may be granted by the Ministry or by any inspector or by any authorised officer.

(2) Every licence and certificate issued under this Order shall be delivered up to the Ministry in the manner prescribed on said licence or certificate as soon as the purpose for which it was issued has been carried out or the time for which it is valid has elapsed.

(3) Any erasure or alteration made in a licence or certificate shall render it invalid.

(4) A licence or certificate under this Order obtained by means of any false statement or misrepresentation shall be invalid.

Offences and Penalties.

12. If any person—

(*a*) moves any potatoes, or causes, directs or permits the same to be moved, in contravention of this Order or in contravention of the conditions inserted in any licence thereunder ; or

(*b*) loads any potatoes on any railway truck or waggon, or on any ship, boat or other vessel or craft, or causes, directs or permits the same to be so loaded, in contravention of this Order or in contravention of the conditions inserted in any licence thereunder ; or

(*c*) plants any potatoes or digs or raises any potatoes out of the ground, or causes, directs or permits the same to be planted, dug or raised in contravention of this Order or in contravention of the conditions inserted in any licence thereunder ; or

(*d*) refuses or neglects to comply with any direction contained in a Notice served on him under the provisions of this Order ; or

(*e*) purchases, takes delivery or permits delivery to be taken of any potatoes grown or moved in contravention of this Order ; or

(*f*) moves, causes, directs or permits to be moved, any potatoes grown in contravention of this Order ; or

(*g*) refuses or neglects to prevent in the manner prescribed in Article 4 or Article 5 of this Order the growth of potatoes in contravention of this Order or in contravention of the conditions inserted in any licence thereunder ; or

(*h*) supplies or uses as manure, or puts into or upon any manure heap, or spreads on any land, any of the substances mentioned in Article 7 of this Order, or causes, directs or permits the same to be supplied, or used as aforesaid in contravention of this Order, or in contravention of the conditions inserted in any licence thereunder ; or

(*i*) obtains or attempts to obtain a licence or certificate under this Order by means of any false statement or misrepresentation ; or

(*j*) refuses or neglects to produce and show any licence or certificate or refuses to allow it to be read and a copy of, or extract from, it to be taken as required by this Order when called upon to do so by any of the persons set out in Article 8 of this Order ; or

(*k*) refuses or neglects to give his true name and address or gives a false name or address to any of the persons set out in Article 8 of this Order ; or

(*l*) refuses or neglects to give to any of the persons set out in Article 8 of this Order or to the Ministry when required to do so the information required by said Article ; or

(*m*) obstructs or impedes any inspector or any authorised officer in discharge of his duty under this Order ; or

(*n*) refuses or neglects to deliver up any licence or certificate
B in contravention of Article 11 of this Order ; or

(*o*) is guilty of any other act or default (not hereinbefore specified in this Article) in contravention of the provisions of this Order ; or

(*p*) Attempts to do anything by this Order declared to be an offence, he shall be guilty of an offence, and shall be liable on conviction to a penalty of ten pounds for each such offence.

Execution of the Order.

13. For the purposes of this Order a Notice shall be deemed to be served on a person if it is delivered to him personally or left for him at his last-known place of abode, or at his office or place of business, or sent through the post in a letter addressed to him at either of such addresses, and a notice or other document purporting to be signed by an inspector or any authorised officer shall be *prima facie* evidence that it was signed by such inspector or such authorised officer, as the case may be, and duly authorised.

Definitions.

14. In this Order—

" The Ministry " means the Ministry of Agriculture for Northern Ireland.

" Inspector " means an Inspector of the Ministry.

" Authorised Officer " means any person authorised by the Ministry.

" Premises " means land, or a building or buildings, or land with a building or buildings thereon.

" Occupier " means any person using land for the purpose of or in connection with growing potatoes thereon, whether he has an estate in said lands or not.

" Prescribed " means prescribed by the Ministry.

" Approved " means approved for the time being by the Ministry for planting within the scheduled districts and prohibited areas on account of immunity from disease or for any reason appearing to the Ministry sufficient.

References to potatoes as planted or growing shall include the plants at all stages of maturity.

Commencement.

15. This Order shall come into operation on the twenty-second day of November, nineteen hundred and twenty-three.

Short title.

16. This Order may be cited as the Black Scab in Potatoes (Northern Ireland) No. 2 Order, 1923.

Revocation of Previous Orders.

17. The Order described in the Third Schedule to this Order is hereby revoked as from the twenty-second day of November, nineteen hundred and twenty-three, provided that such revocation shall not—

(i) affect the previous operation of that Order, or anything duly done or suffered thereunder ; or

(ii) affect any right, privilege, obligation, or liability acquired, accrued, or incurred thereunder ; or

(iii) affect any penalty incurred in respect of any offence committed against that Order ; or

(iv) affect any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, or

penalty as aforesaid ; and any such investigation, legal proceeding, or remedy may be instituted, continued or enforced, and any such penalty may be imposed, as if this Order had not been made.

In witness whereof the Official Seal of the Ministry of Agriculture for Northern Ireland is hereunto affixed, this twenty-second day of November, nineteen hundred and twenty-three.

(Signed)

James S. Gordon,
Secretary.

(L.S.)

FIRST SCHEDULE.

SCHEDULED DISTRICTS.

DISTRICT No. 1.

A district comprising—

The Townlands of Aghnamoira, Ballincurry, Ballindoalty, Ballyedmond, Ballyneddon, Ballinran, Ballintur, Ballymoney, Clonallan Glebe, Dromore, Drumsesk, Kilfeaghan, Kilfeaghan Upper, Levallyclanone, Moygannon, Narrow Water, Ringmacilroy, Rostrevor, Rostrevor Upper, Tamnyveagh, The Point Park and the Urban District of Warrenpoint, all in the Barony of Iveagh Upper, Upper Half, in the Administrative County of Down ; and the townlands of Aghyoghill, Attical, Aughnahoory, Aughnaloopy, Aughrim, Ballaghanery, Ballaghanery Upper, Ballinran, Ballinran Upper, Ballyardel, Ballygowan, Ballykeel, Ballymadeerfy, Ballymagart, Ballymageogh, Ballymartin, Ballynahatton, Ballyveagh Beg, Ballyveagh Beg Upper, Ballyveagh More, Ballyveagh More Upper, Benagh Lower, Benagh Upper, Brackenagh East, Brackenagh East Upper, Brackenagh West, Brackenagh West Upper, Carrigenagh, Carrigenagh Upper, Cocreaghan, Cranfield, Derryoge, Drumcro, Drumindoney, Drummanlane, Drummanmore, Dunnaman (or Donavan), Dunnaval, Glasdrumman, Glenloughan, Glenloughan Upper, Grange, Greencastle, Guineways, Guineways Upper, Kilkeel (including Kilkeel Town), Leitrim, Leitrim Upper, Lisnacree, Lisnacree Upper, Lurganconary, Lurganreagh, Magheramurphy, Maghereagh, Maghery, Moneydorragh Beg, Moneydorragh More Upper, Moneydorragh More (including the town of Annalong), Mourne Mountains West, Mourne Mountains Middle, Mourne Park (or Ballyrogan), Moyad, Moyad Upper, Mullartown, Tullyframe, all in the barony of Mourne, in the administrative County of Down ; Aghacullion, Ardaghy, Ballaghabeg, Ballyginny, Ballyhafry, Ballyloughlin, Ballymagreehan, Ballymoney, Burrenbane, Burrenreagh, Carnacavill, Castlewellan (including the town of Castlewellan), Clarkhill, Clonachullion Cross, Drumee, Drumena, Dundrinne, Fofannybane, Fofannyreagh, Letalian, Moneyscalp, Moyad, Murlough Upper, Slievenalargy, Tollymore, Tollymore Park, Tullybranigan, Tullyree, and the Urban District of Newcastle, all in the barony of Iveagh Upper, Lower Half, in the Administrative County of Down ; and the townlands of Aghlisnafin, Ardmeen, Audley's Acre, Ballybannan, Ballycam, Ballydargan, Ballydonety, Ballydonnell, Ballydugan, Ballygallum, Ballygilbert, Ballykeel, Ballykilbeg, Ballykinler Lower, Ballykinler Middle, Ballykinler Upper, Ballylig, Ballylough, Ballylucas, Ballymote Middle, Ballymote Lower, Ballymote Upper, Ballynagallagh, Ballynewport, Ballynoe, Ballyplunt, Ballyrolly, Ballystrew, Ballyvange, Ballyvaston, Ballyviggis, Ballywarren, Bonecastle, Bright, Cargagh, Carrickanab, Carrowbane, Carrowdressex, Castleskreen, Clanmaghery, Commons of Clanmaghery, Clogher, Commonreagh, Coniamstown, Corbally, Crolly's Quarter, Demesne of Down, Dundrum, Erenagh, Glebe, Glovet, Grangewalls, Grangicam, Hollymount, Islandbane, Jordan's Acre, Kilbride, Killavees, Killough (including the town of Killough), Legamaddy, Lisnamaul, Lisoid, Magheralagan, Magherasaul, Marshallstown, Moneycarragh, Moneylane, Murlough Lower, Quarter Cormick, Rathmullan Lower, Rathmullan Upper, Ringreagh, Rossglass, Russell's Quarter, Saint John's Point, Saul Quarter, Strand, Struell, Tobercorran, Tobermoney, Tullinespick, Tullymurry, Tyrella North, Tyrella South, Wateresk, Whigamstown, Woodgrange, and the Urban District of Downpatrick, all in the barony of Lecale Upper, in the Administrative County of Down, and the townlands of Annadorn, Ardilea, Ardtanagh, Castlenavan, Claragh, Cloghram, Clough, Creeghduff, Cumran, Dumanaghan (or Drumulcaw), Drumanakelly, Drumcaw, Drumgooland, Dunnanew, Farranfad, Knocksticken, Naghan, Seaforde Demesne, Tannaghmore, all in the barony of Kinearlty, in the Adminis-

trative County of Down ; and the townlands of Acre M'Cricket, Ardglass (including the town of Ardglass), Ardtole, Audleystown, Ballinarry, Ballintlieve, Ballintogher, Ballyalton, Ballybeg, Ballybrannagh Lower, Ballybrannagh Upper, Ballyclander Lower, Ballyclander Upper, Ballycruttle, Ballyculter Lower, Ballyculter Upper, Ballyedock Lower, Ballyedock Upper, Ballyhornan, Ballyhosset, Ballyhosset Miltown, Ballylenagh, Ballymenagh, Ballymurry, Ballynagarrick, Ballynagross Lower, Ballynagross Upper, Ballyorgan, Ballyrenan, Ballysallagh, Ballystokes, Ballysugagh, Ballytrustan, Ballywalter, Ballywoodan, Bishopscourt, Cargagh, Carrintaggart, Carrowbaghran, Carrowcarlin, Carrownacaw, Carrowvanny, Castle Island, Castlemahon, Castleward, Church Ballee, Cloghy, Coney Island, Corbally, Dillin, Dunsfort, Ferryquarter, Glebe, Isle M'Cricket, Jordan's Crew, Kilclief, Kildare's Crew, Killard Upper, Killard Lower, Lagnagoppoge, Lisbane, Lisboy, Lismore, Loughkeelan, Loughmoney, Portloughan, Quoile, Raholp, Ringawaddy, Ringbane, Ringfad, Ross, Russell's Quarter South, Russell's Quarter North, Saul, Sheepland Beg, Sheepland More, Slievenagriddle, Spittle Ballee, Spittle Quarter, Strangford Lower, Strangford Upper, Tollumgrange Lower, Tollumgrange Upper, Tullycarnan, Tullyfoyle Lower, Tullyfoyle Upper, Tullynaskeagh, Tullyratty, Walshestown, Whitehills, all in the barony of Lecale Lower, in the Administrative County of Down ; and the townlands of Ardgeehan, Ardkeen, Ardminnan, Ardquin, Balligan, Ballyadam, Ballyblack, Ballybrannigan, Ballycam, Ballycran Beg, Ballycran More, Ballyedock or Carstown, Ballyesborough, Ballyfinragh, Ballyfounder, Ballyfrench, Ballygalget, Ballygarvan, Ballygarvigan, Ballygelagh, Ballygraffan, Ballyhalbert, Ballyhemlin, Ballyhenry, Ballyherly, Ballylimp, Ballymacnamee, Ballymarter, Ballyminnish, Ballymurphy, Ballynichol, Ballyobegan, Ballyphilip, Ballyquintin, Ballyridley, Ballyrusley, Ballyspurge, Ballytrustan, Ballywadden, Ballywallon, Ballywalter, Ballyward, Ballywhite, Ballywhollart, Ballyweird, Broom Quarter, Castleboy, Cloghy, Cookstown, Corrog, Craigaroddan, Demesne, Derry, Dooey, Drumardan, Drumardan Quarter, Dunevly, Echlinville, Fish Quarter, Glastry, Granagh, Gransha, Inishargy, Kearney, Keentagh, Killydressy, Kircubbin, Kirkistown, Knockinelder, Lisbane, Loughdoo, Marlfield, Newcastle, Nuns-quarter, Parson Hall, Portavogie, Priest-town, Ratallagh, Roddans, Rowreagh, Slanes, Springvale, Tara, Thomastown, Tieveshilly, Tullyboard, Tullycarnan, Tullycross, Tullynacrew, Tullymally, Tullytramon, and that portion of the townland of Ballyatwood, which lies south of the main road from Greyabbey to Ballywalter, all in the barony of Ards Upper, in the Administrative County of Down ; and the townlands of Ballybryan, Bootown, Killyvolgan, Rosemount, and those parts of the townlands of Ballyboghilbo, and of Black Abbey which lie south of the main road from Greyabbey to Ballywalter, all in the barony of Ards Lower in the Administrative County of Down ; the townlands of Ballynacraig, Commons and Greenan and the Urban District of Newry, in the lordship of Newry in the Administrative County of Down ; the townlands of Ballinlare, Carnagat, Cloghoge, Derry Beg, Drumalane, Fathom Upper and Fathom Lower, Lisdrumgullion, Lisdrumliska, in the barony of Orior Upper, in the Adminstrative County of Armagh.

DISTRICT No. 2.—An area comprising the townlands of Ballycarn, Ballygowan, Ballylessan, Ballymullan, Ballynahatty, Ballyskeagh, Drumbeg, Drumbo (that portion north of the road from Shaw's Bridge to Lisburn), Edenderry, Largymore, Lisnatrunk (Parish of Blaris), Lisnatrunk (Parish of Lambeg), and Tullynacross, in the barony of Castlereagh Upper, in the Administrative County of Down : the townlands of Lambeg South, Lisnagarvey, Old Warren, and Tonagh, in the barony of Massereene Upper, in the Administrative County of Antrim, and the Urban District of Lisburn, in the baronies of Massereene Upper and Castlereagh Upper in the Administrative County of Antrim, the townlands of Ballyfinaghy, Derryaghy, Dunmurry, Killeaton, Kilmakee, Lambeg North, Malone Upper and Old Forge, in the barony of Belfast Upper in the Administrative County of Antrim.

SECOND SCHEDULE.

PROHIBITED AREAS.

Any farm, garden, cottage plot or agricultural holding on any portion of which the disease of potatoes known as Black Scab, Wart or Warty Disease, Cauliflower Disease, Potato Canker or Potato Rosette (and caused by the fungus known as *Chrysophlyctis endobiotica* (Schilb) or *Synchitrium endobioticum* (Perc.) exists or has at any time existed.

THIRD SCHEDULE.

ORDER REVOKED.

The Black Scab in Potatoes (Northern Ireland) No. 3 Order, 1922.