STATUTORY INSTRUMENTS

1963 No. 1547 (S. 71)

PESTS

DESTRUCTIVE INSECTS AND PESTS

The Examination of Seed Potatoes (Scotland) Order 1963

Made - - - -	*6th September* 1963
Laid before Parliament	*17th September* 1963
Coming into Operation	*18th September* 1963

In exercise of the powers conferred upon me by section 2 of the Destructive Insects Act 1877(a), as extended by the Destructive Insects and Pests Act 1907(b) and amended by the Destructive Insects and Pests Act 1927(c), and of all other powers enabling me in that behalf, I hereby make the following order:—

Citation and Commencement

1. This order may be cited as the Examination of Seed Potatoes (Scotland) Order 1963 and shall come into operation on 18th September 1963.

Interpretation

2.—(1) In this order, unless the context otherwise requires—

"Certified (Scotch)" in relation to seed potatoes, means potatoes obtained from crops grown in Scotland, being crops which were certified under a scheme, for the time being in force, for the inspection of growing crops of potatoes and authorised by the Secretary of State for Scotland;

"inspector" means an inspector authorised by the Secretary of State for the purposes of this order;

"premises" means any land or building, other than a private dwelling-house, and includes any railway station, harbour or dock;

"ship" includes any boat or craft;

"specified diseases" means transmissible crop diseases caused by any of the insects or pests specified in Column 1 of Schedule 1 to this order;

"Uncertified (Scotch)" in relation to seed potatoes, means potatoes obtained from crops grown in Scotland and not falling within the definition Certified (Scotch).

(2) Any reference in this order to "seed potatoes to which this order applies" shall be construed as a reference to seed potatoes of the following classes, that is to say, Certified (Scotch) and Uncertified (Scotch).

(3) The Interpretation Act 1889(d) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

(a) 40 & 41 Vict. c. 68.
(b) 7 Edw. 7. c. 4.
(c) 17 & 18 Geo. 5. c. 32.
(d) 52 & 53 Vict. c. 63.

Information regarding Seed Potatoes

3. Every person who has or has had in his possession or under his charge any seed potatoes to which this order applies and every person who as auctioneer, salesman or otherwise has sold or offered for sale any such potatoes shall, if so required in writing by the Secretary of State or by an inspector, give to the Secretary of State or inspector, as the case may be, such information as he possesses as to the persons who have or have had the said potatoes in their possession or under their charge:

Provided that any information given by virtue of the provisions of this Article shall not be available as evidence against the person giving the same in any proceedings under this order, except in respect of an alleged failure to comply with this Article.

Powers of Entry, Examination etc.

4.—(1) An inspector, upon production, if so required, of his authority, may for the purposes of this order, enter any premises on which he has reason to believe seed potatoes to which this order applies are to be found and examine and take samples, in accordance with Schedule 2 to this order, of any such potatoes, including those loaded on any vehicle, railway waggon or ship, on or in such premises, as the case may be.

(2) For the purposes of paragraph (1) of this Article the power to take samples shall be deemed to include the power to remove examples of the potatoes for scientific examination.

Action to prevent movement of Diseased Seed Potatoes

5.—(1) Where, following an examination under this order, an inspector is satisfied that any seed potatoes to which this order applies are not substantially free from the specified diseases, the inspector may serve a notice on the person who has the said potatoes in his possession or charge informing him accordingly and such person shall not move the said potatoes or cause or permit them to be moved from the premises specified in the notice, except in accordance with the written consent of an inspector.

(2) For the purposes of paragraph (1) of this Article the expression "substantially free" means that on a sample of such potatoes, taken in accordance with Schedule 2 to this order, it is ascertained that the potatoes are not affected by—

(*a*) any of the specified diseases in excess of the tolerances respectively set out opposite each of said diseases in Column 2 of Schedule 1 to this order;

(*b*) a combination of any of the specified diseases set out in Group II of Column 1 of said Schedule 1 in excess of the tolerance set out opposite that Group in Column 3 of that Schedule;

(*c*) a combination of any of the specified diseases set out in Group III of Column 1 of said Schedule 1 in excess of the tolerance set out opposite that Group in Column 3 of that Schedule; and

(*d*) a combination of any of the specified diseases set out in Group II of Column 1 of said Schedule 1 with any of the specified diseases set out in Group III of Column 1 of that Schedule in excess of the tolerance set out opposite those Groups in Column 4 of such Schedule.

(3) For the purposes of paragraph (2) of this Article and in relation to the following specified diseases, that is to say, Skin Spot, Black Scurf, Common Scab and Powdery Scab, a potato shall be deemed to be affected by such one of said diseases as—

(*a*) has affected more than one quarter of its surface; or

(*b*) where less than one quarter of its surface has been so affected, has developed so as to prevent the emergence of sprouts from the potato.

Measures for control of specified diseases

6.—(1) Where, in respect of any seed potatoes to which this order applies, a notice has been served on any person under the immediately preceding Article, an inspector may serve a further notice on that person requiring him to carry out on the premises and within the time specified therein such measures for the control of the specified diseases present in the said potatoes, as the inspector considers appropriate and as are specified in the said further notice.

(2) Without prejudice to the provisions of the immediately preceding paragraph, the measures specified in the said further notice may include one or more of the following, that is to say—

(*a*) the dressing or redressing of the said potatoes;

(*b*) the repacking of the said potatoes in new or different bags or other containers;

(*c*) the destruction of any bags or other containers which have been in contact with the said potatoes;

(*d*) the destruction of all of the said potatoes or such of them as are specified in the said further notice;

(*e*) the disinfection of the premises specified in the said further notice and of such vehicles, railway waggons or ships on or in such premises, as the case may be, as are so specified;

(*f*) the disinfection of such seed potatoes as are specified in the said further notice and as are on the said premises or on such vehicles, railway waggons or ships on or in such premises, as the case may be, as are so specified.

(3) The measures specified in a notice under this Article shall—

(*a*) not be departed from in any way, except in accordance with the written consent of an inspector;

(*b*) be completed within the time specified in the notice; and

(*c*) be carried out to the satisfaction of an inspector and by and at the expense of the person on whom the notice has been served.

Evidence and form of service of notices

7.—(1) In any proceedings under this order, no proof shall be required of the appointment or handwriting of an inspector.

(2) Every notice under this order shall be in writing.

(3) Any notice required or authorised by or under this order to be served on any person shall be duly served if it is delivered to him or left at his proper address or sent to him by post.

Offences and Penalties

8.—(1) Every person who wilfully obstructs or impedes an inspector in the exercise of his powers under this order or who does any act in contravention of this order or of any notice served thereunder, or who fails to do any act which he is required to do by this order or by any such notice or who fails to give information as required by Article 3 of this order shall be guilty of an offence against this order.

(2) A person guilty of an offence against this order shall be liable on conviction to a penalty not exceeding £10 or in respect of a second or subsequent offence to a penalty not exceeding £50.

Michael Noble,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
6th September 1963.

Articles 2(1) and 5(2)

SCHEDULE 1

SPECIFIED DISEASES AND TOLERANCES

Column 1	Column 2	Column 3	Column 4
Specified Diseases	Individual Tolerances	Group Tolerances	Collective Group Tolerances
Group I:			
Wart Disease (Synchytrium endobioticum)	Nil lbs. per cwt. ...	—	—
Tuber Rot Eelworm (Ditylenchus destructor)	Nil lbs. per cwt. ...	—	—
Potato Root Eelworm (Heterodera rostochiensis)	Nil lbs. per cwt. ...	—	—
Group II:			
Blight (Phytophthora infestans)	2 lbs. per cwt. ...	2 lbs. per cwt. ...	3 lbs. per cwt.
Blackleg (Pectobacterium carotovorum var. atrosepticum)	2 lbs. per cwt. ...		
Soft Rots (including (i) Watery Wound Rot (Pythium ultimum) ... (ii) Pink Rot (Phytophthora erythroseptica))	2 lbs. per cwt. ...		
" Pit " rot	2 lbs. per cwt. ...		
Dry Rot (Fusarium species)	2 lbs. per cwt. ...		
Gangrene (Phoma foveata and species)	2 lbs. per cwt. ...		
Skin Spot (Oospora pustulans)	2 lbs. per cwt. ...		
Group III:			
Black Scurf (Rhizoctonia solani)	3 lbs. per cwt. ...	3 lbs. per cwt. ...	
Common Scab (Streptomyces species)	3 lbs. per cwt. ...		
Powdery Scab (Spongospora subterranea)	3 lbs. per cwt. ...		

SCHEDULE 2 Articles 4(1) and 5(2)

SAMPLING

1. If the bulk consists of seed potatoes associated with more than one mark or certificate number, it shall be divided so that each mark or certificate number constitutes a separate lot and each lot shall be separately sampled.

2. Where the total quantity of the seed potatoes does not exceed 28 pounds all the potatoes shall be examined. Where the said total quantity exceeds 28 pounds all the seed potatoes in a sample shall be examined, the said sample being selected as follows:—

(a) *Seed potatoes packed in bags or other containers of* 1 *cwt, or less*

From lots not exceeding 5 tons, at least one bag or container in 20 shall be selected at random and in any case not less than 28 pounds. From lots exceeding 5 tons, at least 5 hundredweight shall be selected at random.

(b) *Seed potatoes unpacked or in containers of more than* 1 *cwt.*

From lots not exceeding 5 tons, at least one-twentieth of the weight of the lot, selected at random, but in any case not less than 28 pounds. From lots exceeding 5 tons, at least 5 hundredweight, selected at random.

EXPLANATORY NOTE

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

This order provides for check inspections to be made of seed potatoes on farms and other premises in Scotland and for control measures to be imposed on the subsequent movement of potatoes found unsatisfactory on inspection. The diseases from which the potatoes should be substantially free are specified and inspection standards and sampling procedure prescribed in schedules to the order.