The Importation of Plants

ORDER, DATED 25TH DAY OF APRIL, 1947, MADE BY THE MINISTRY OF AGRICULTURE UNDER THE DESTRUCTIVE INSECTS AND PESTS ACTS (NORTHERN IRELAND), 1877 TO 1934.

1947. No. 58

The Ministry of Agriculture for Northern Ireland by virtue and in exercise of the powers vested in it under the Destructive Insects and Pests Acts (Northern Ireland), 1877 to 1934, and of every other power enabling it in that behalf, orders and it is hereby ordered as follows :—

Short Title

1. This Order may be cited as the Importation of Plants (Northern Ireland) Order of 1947.

Definitions

2. In this Order, unless the context otherwise requires :—

"Importer" includes any person who, whether as owner, consignor or consignee, agent or broker, is in possession of, or in anywise entitled to the custody or control of, the article.

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

"Inspector" means an Inspector or other authorised officer of the Ministry of Agriculture for Northern Ireland.

"Plant" includes tree and shrub, and the fruit, seeds, tubers, bulbs, corms, rhizomes, roots, layers, cuttings and other parts of a plant.

"Raw Vegetables" includes raw tomatoes, raw aubergines and raw salads, but does not include potatoes, cucumbers, mushrooms, marrows or pumpkins.

"Unhealthy" means affected with any insect, fungus, bacteria, or other vegetable or animal organisms or any agent causative of a transmissible crop disease.

Application of Order

3. Saving for the restrictions applied to Chrysanthemum plants under Article 6 of this Order, nothing in this Order shall be deemed to prohibit or restrict the landing or transhipment in Northern Ireland of any plant, potatoes, raw vegetables or raw apples grown in Great Britain, Eire, the Isle of Man, or the Channel Islands.

Prohibition against landing and restriction on transhipment in Northern Ireland of certain Potatoes

4.—(1) The landing in Northern Ireland of any potatoes grown in the under-mentioned countries is prohibited :—

The United States of America, the Dominion of Canada, and European France.

(2) The transhipment in Northern Ireland of any of the potatoes specified in paragraph (1) of this Article is prohibited except under and in accordance with the conditions of a licence issued by the Ministry or by an Inspector.

(3) In this Article " potatoes " includes potato haulms, leaves and stalks.

Prohibition of Importation of Plants of Sugar Beet and Mangold

5. For the prevention of the introduction of virus diseases of sugar beet and mangold, the landing in Northern Ireland of any plant of sugar beet or mangold (of the species *Beta vulgaris* Linn.) (except the seeds thereof) is hereby prohibited except under and in accordance with the conditions of a licence issued by the Ministry or by an Inspector.

Prohibition of Importation of Chrysanthemum Plants

6. For the prevention of the introduction of the Chrysanthemum Midge (Diarthronomyia chrysanthemi AHLBERG) the landing in Northern Ireland of any Chrysanthemum plant (except the seeds thereof) from any country outside Ireland, is hereby prohibited except under and in accordance with the conditions of a licence issued by the Ministry or by an Inspector.

Restrictions on landing in Northern Ireland of certain Plants and Potatoes

7.—(1) The landing in Northern Ireland of any of the plants mentioned in the First Schedule to this Order and of potatoes is hereby prohibited, unless each consignment is accompanied by two copies of a certificate of a duly authorised official of the Phytopathological Service of the country in which the plants or potatoes were grown in the form prescribed in the Second Schedule to this Order. The inspection referred to in the certificate shall be carried out not more than fourteen days prior to the date of shipment. The original of the certificate shall be forwarded by post by the exporter to the Ministry of Agriculture for Northern Ireland, Stormont, Belfast, before the plants or potatoes are despatched. Except in the case of consignments imported through the post, a copy of the prescribed certificate shall be delivered to the proper Officer of Customs and Excise at the same time as and together with the entry relating to the consignment. In the case of consignments imported through the post, a copy of the prescribed certificate shall be affixed to each package.

(2) In the case of any of the plants mentioned in the First Schedule to this Order and of potatoes grown in any European country, the United States of America, or the Dominion of Canada, the certificate

required by paragraph (1) of this Article shall include a certificate of a duly authorised Official of the Phytopathological Service of the country in which the plants or potatoes were grown, which shall be, where the certificate relates to a plant in the Form A or the Form B set out in the Third Schedule to this Order, as the circumstances may require, and where the certificate relates to potatoes, in the said Form A.

(3) Paragraph (2) of this Article shall not apply to flower bulbs, corms, tubers or rhizomes.

(4) The certificate prescribed in this Article shall, except in the case of a consignment consisting wholly of potatoes, include a statement to the effect that the consignment does not contain any plant of sugar beet or mangold or any Chrysanthemum plant, or any plant of the genus Ulmus or of the undermentioned genera of the order Pinaceae, viz., Abies, Larix, Picea, Pinus, Pseudotsuga, Sequoia, Thuja and Tsuga (except the seeds thereof).

(5) In the case of any of the plants in the First Schedule to this Order and grown in the United States of America, the certificate prescribed in this Article shall be the certificate of an Official duly authorised by the United States Department of Agriculture.

(6) The reference in Article 3 of the Importation of Elm Trees and Conifers (Prohibition) (Northern Ireland) Order, 1933, to the certificates prescribed in Article 4 of the Importation of Plants Order (Northern Ireland), 1933, shall be read and have effect as a reference to the certificate prescribed in paragraph (1) of this Article.

(7) Nothing contained in this Article shall be deemed to permit :—

(i) the landing or transhipment in Northern Ireland of any potatoes of which the landing or transhipment is prohibited or restricted under Article 4 hereof.

(ii) the landing in Northern Ireland of any living plant of sugar beet or mangold of the species *Beta vulgaris* Linn. or of any Chrysanthemum plant of which the landing is prohibited or restricted under Articles 5 and 6 hereof.

Restrictions on the landing in Northern Ireland of Raw Vegetables and certain Raw Apples

8.—(1) The landing in Northern Ireland between the first day of April and the fifteenth day of October, in any year of any raw vegetables and of any cider apples grown in any European country, the United States of America or the Dominion of Canada is hereby prohibited unless each consignment is accompanied by a certificate of a duly authorised Official of the Phytopathological Service of the country in which the raw vegetables or the cider apples were grown in the Form A or the Form B set out in the Third Schedule to this Order.

(2) The landing in Northern Ireland between the first day of April and the fifteenth day of October in any year of any raw vegetables and of any cider apples grown elsewhere than in any European country, the United States of America or the Dominion of Canada is hereby prohibited unless each consignment is accompanied by a certificate of origin visé by a competent authority in the country of origin stating the country and place where the raw vegetables or the cider apples were grown.

(3) The landing in Northern Ireland between the seventh day of July and the fifteenth day of November in any year of any raw apples grown in the United States of America is hereby prohibited unless each consignment is accompanied by a certificate of a duly authorised Inspector of the United States Department of Agriculture in the form set out in the Fourth Schedule to this Order.

(4) The certificates prescribed in this Article shall be delivered to the proper Officer of Customs and Excise at the same time as and together with the entry relating to the consignment.

(5) Nothing contained in this Article shall be deemed to permit the landing or transhipment in Northern Ireland of any potatoes of which the landing or transhipment is prohibited or restricted under Article 4 hereof.

Procedure where Plants, Potatoes, Raw Apples or Raw Vegetables are landed in contravention of this Order.

9.—(1) If plants, potatoes, raw apples or raw vegetables are landed in Northern Ireland in contravention of this Order, they shall forthwith be destroyed or re-exported at the expense of the importer, unless they are otherwise disposed of in accordance with the terms of a licence issued by the Ministry or by an Inspector.

(2) Such licence may provide for the examination of any such plants, potatoes, raw apples, or raw vegetables, and after examination thereof, the Inspector shall give a certificate stating whether the plants, potatoes, raw apples or raw vegetables or any of them are unhealthy or not. Such plants, potatoes, raw apples, or raw vegetables as are so certified to be unhealthy shall be dealt with in accordance with Article 11 hereof as the Ministry or the Inspector may direct.

(3) The importer shall pay for the said certificate such fee as the Ministry may determine, not exceeding five pounds.

Powers of Inspector in respect of consignments of plants, potatoes, raw apples or raw vegetables

10. An inspector, upon production if so required of his appointment or authority, may enter any premises and examine and take samples of any consignment or part of a consignment of plants, potatoes, raw apples, or raw vegetables landed or suspected of having been landed in

Northern Ireland whether such consignment was accompanied by such certificates as are required by this Order or not. For the purpose of any examination under this Article, an Inspector may open, or require the importer to open, any package in the consignment.

Procedure in the case of unhealthy consignments of plants, potatoes, raw apples or raw vegetables

11.—(1) If it appears to an Inspector at any time that any plants, potatoes, raw apples, or raw vegetables in any consignment or part of a consignment landed in Northern Ireland, are unhealthy, he may serve upon the importer a notice stating that such plants, potatoes, raw apples or raw vegetables have been found by him to be unhealthy, and requiring the importer, within such time as may be specified in the notice, to carry out such measures of disinfection or treatment as may be specified in the notice, or to destroy or re-export the whole or any part of the consignment.

(2) Any measure of disinfection or treatment required by a notice under this Article shall be carried out by the importer upon whom the notice is served, under the supervision of an Inspector at a suitable place designated by the Inspector, and no part of the consignment shall be moved from the place designated without the written authority of the Ministry or the Inspector.

(3) Charges for or in connection with the removal, storage, disinfection, treatment, destruction or re-exportation, required by any such notice, shall be paid by the importer on whom the notice is served.

(4) In this Article " consignment " includes packing materials, cases and containers.

Licences

12. Notwithstanding any provisions of this Order, any plants, potatoes, raw apples, or raw vegetables may be landed in Northern Ireland under and in accordance with the conditions of a licence issued by the Ministry or by an Inspector.

Service of Notices, etc.

13. For the purpose 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 ; and a notice purporting to be signed by an Inspector shall be *prima facie* evidence that it was signed by him.

Information to be given as to plants, potatoes, raw apples or raw vegetables landed in Northern Ireland

14. Every person who has or has had in his possession or under his charge any plants, potatoes, raw apples or raw vegetables landed in Northern Ireland, and every person who as auctioneer, salesman or

otherwise, has sold or offered for sale any such plants, potatoes, raw apples or raw vegetables shall, if so required in writing by the Ministry or an Inspector, give to the Ministry or Inspector all such information as he possesses as to the persons who have or have had in their possession or under their charge such plants, potatoes, raw apples, or raw vegetables, provided that any information given under this Article shall not be available as evidence against the person giving the same in any prosecution under this Order, except in respect of an alleged failure to comply with this Article.

Offences

15. Every person 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 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 the terms or conditions of any notice or licence served or issued thereunder, or fails to do any act which he is required to do by this Order or any such notice or licence.

This Article does not apply to the landing or attempted landing of anything in contravention of this Order, the penalty for which is provided by Section 1 of the Destructive Insects Act, 1877, as amended by the Destructive Insects and Pests Act, 1907, and the Destructive Insects and Pests Act (Northern Ireland), 1934.

Revocation of Orders

16. The Orders specified in the Fifth Schedule to this Order are hereby revoked.

Provided that the revocation shall not—

(i) affect the previous operation of such Orders or anything duly done or suffered under such Orders ; or

(ii) affect any right, privilege, obligation or liability acquired, accrued or incurred under such Orders ; or

(iii) affect any penalty incurred in respect of any offence committed against such Orders ; 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.

Commencement

17. This Order shall come into operation on the first day of May, Nineteen hundred and forty-seven.

In witness whereof the Official Seal of the Ministry of Agriculture for Northern Ireland is hereunto affixed this 25th day of April, Nineteen hundred and forty-seven.

(L.S.) (Signed) *J. Pimlott*,
Assistant Secretary.

FIRST SCHEDULE

All living plants and parts thereof, except seeds, for planting.

SECOND SCHEDULE

This is to certify that { the living plants, / a representative sample of the living plants, } (Strike out the words not applicable) included in the consignment of which particulars are given below, { were / was } thoroughly examined on the.....(date) by..... (name), a duly authorised Official of the....., and found to be healthy, no evidence of the presence of any insects, fungus or pest destructive to agricultural or horticultural crops having been found in them.

This additional statement must be given for all consignments except those consisting wholly of potatoes.

It is further certified that the consignment does not contain any plant of the genus Ulmus or of the genera of the order Pinaceae, Abies, Larix, Picea, Pinus, Pseudotsuga, Sequoia, Thuja and Tsuga, or any plant of sugar beet or mangold (*Beta vulgaris* Linn.) or any chrysanthemum plant.

This additional certificate must be given for all potatoes :

It is further certified that no case of the disease known as " wart disease " or " black scab " of potatoes (*Synchytrium endobioticum*) has occurred at any time on the farm or holding where the potatoes included in the consignment were grown, nor within two kilometres thereof.

(Signed) .....

(Official status).....

Date.....

Number and description of packages.....

Distinguishing marks .....

Description of contents .....

.....

.....

SECOND SCHEDULE—*Continued.*

Stated to be grown at .....

Exported by .....

Name and Address of consignee .....

.....

Name of vessel .....

Date of shipment .....

Port of Landing in Northern Ireland .....

THIRD SCHEDULE

FORM A.

This is to certify that during the twelve months preceding the date of this certificate there has been no outbreak of the Colorado Beetle in .....
(here insert name of country)
within a distance of 50 kilometres from the place where the living plants, potatoes, raw vegetables or cider apples (strike out words not applicable) included in the package or consignment described below were grown :—

(Signed).....

(Official status).....

Date.....

Number and description of packages.....

Distinguishing marks .....

Description of contents .....

.....

.....

Stated to be grown at .....

Exported by .....

Name and Address of consignee .....

.....

Name of vessel .....

Date of shipment .....

Port of Landing in Northern Ireland .....

FORM B.

In accordance with the authorisation contained in the General Licence No..... of the Ministry of Agriculture for Northern Ireland, this is to certify that the plants

THIRD SCHEDULE—*Continued.*

or raw vegetables included in the package or consignment described below have been examined and have been found to be of the following species or kind :— .....

.....

and that the conditions prescribed in the above General Licence have been complied with.

(Signed).....

(Official status).....

Date.....

Number and description of packages.....

Distinguishing marks .....

Description of contents .....

.....

Stated to be grown at .....

Exported by .....

Name and Address of consignee .....

.....

Name of vessel .....

Date of shipment .....

Port of Landing in Northern Ireland .....

FOURTH SCHEDULE

This is to certify that the raw apples included in the package or consignment described below are of one of the following grades as recognised by the Department of Agriculture of the United States of America.

" U.S. Fancy." " Extra Fancy."
" U.S. (No. 1)." " Fancy."

(Signed).....

(Official status).....

Date.....

Description of Consignment.

Number and nature of packages .....

Distinguishing marks .....

.....

Variety of apples .....

Name and Address of consignee .....

.....

Name of vessel .....

Date of shipment .....

Port of shipment .....

FIFTH SCHEDULE

The Importation of Plants (Northern Ireland) Order of 1939 (No. 2).
The Importation of Plants (Northern Ireland) (Amendment) Order of 1945.