1959 No. 1589 (S. 90)

The Importation of Plants (Scotland) Amendment Order, 1959

Made - - - -	*9th September*, 1959
Laid before Parliament	*17th September*, 1959
Coming into Operation	*18th September*, 1959

In exercise of the powers conferred upon me by sections 1 and 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), and of all other powers enabling me in that behalf, and with the consent of the Treasury, I hereby make the following Order:—

Citation and Commencement

1.—(1) This Order may be cited as the Importation of Plants (Scotland) Amendment Order, 1959, and it and the Importation of Plants (Scotland) Order, 1955(d) (hereinafter referred to as the "principal Order") may be cited together as the Importation of Plants (Scotland) Orders, 1955 and 1959.

(2) This Order shall come into operation on the 18th day of September, 1959.

(3) The Interpretation Act, 1889(e), applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Revocations

2. The following provisions of the principal Order are hereby revoked:—

In Article 5 heads (*a*) and (*b*), and the words "In this Article 'potatoes' includes any part of the potato plant";

In sub-paragraph (*a*) of paragraph 1 of Article 6 the words "or of potatoes"; and

In Article 7 in head (1) the word "potatoes" and head (2).

3. After Article 5 of the principal Order the following Article shall be inserted:—

"5A.—(1) Subject to the provisions of the next succeeding paragraph, no person shall land or cause to be landed in Scotland any potatoes from any ship or aircraft.

(2) Subject to and in accordance with the provisions of the Fourth Schedule to this Order, it shall be lawful for a person to land or cause to be landed from a ship or aircraft in Scotland—

(*a*) new potatoes produced in a country mentioned in Part I of the Fifth Schedule to this Order, or a part of a country so mentioned, during the period set out in the second column of the said Part opposite the name of that country or part;

(a) 40 & 41 Vict. c. 68. (b) 7 Edw. 7. c. 4. (c) 17 & 18 Geo. 5. c. 32.
(d) S.I. 1955/405 (1955 II, p. 1850). (e) 52 & 53 Vict. c. 63.

(*b*) any other potatoes produced in a country mentioned in Part II of the said Fifth Schedule or a part of a country so mentioned.

(3) No potatoes landed in Scotland under this paragraph shall be planted in Scotland.

(4) In this Article "potatoes" includes any part of the potato plant."

4. In paragraph (5) of Article 10 of the principal Order the word "bags" shall be inserted after the word "cases".

5. In paragraph (2) of Article 14 of the principal Order, for the words from "section 1 of" to the end of the paragraph there shall be substituted the words "Section 45 of the Customs and Excise Act, 1952"(a).

6. After the Third Schedule to the principal Order the following Schedule shall be inserted—

"FOURTH SCHEDULE

PART I

1. Potatoes may be landed in Scotland by virtue of paragraph (2) of Article 5A of this Order, if

(*a*) they are accompanied by a Phytosanitary Certificate given in relation to them in accordance with the provisions of sub-paragraph (1) of paragraph 2 of this Schedule;

(*b*) being potatoes in bags or containers which have been opened in a country, other than Great Britain or the country in which they were produced, or potatoes which have in any way been exposed to risk of infestation in any such other country, they are accompanied by a supplementary Phytosanitary Certificate given in accordance with the provisions of sub-paragraph (2) of paragraph 2 of this Schedule;

(*c*) they are securely packed in new bags, or, in the case of new potatoes, in new containers;

(*d*) they were grown in soil in which the diseases known as Wart Disease or Black Scab of potatoes (*Synchytrium endobioticum* (Schilb.) Perc.) and Ring Rot (*Corynebacterium sepedonicum* (Spieck & Kotth.) Skaptason & Burkholder), have not occurred at any time and in a place situated at a distance of at least 2 kilometres from any place where either of these diseases has occurred at any time;

(*e*) (1) they were grown either in a place in which, and within a distance of 25 kilometres of which, no outbreak of Colorado Beetle (*Leptinotarsa decemlineata* Say.) occurred during the period of twelve months next preceding the date of the Phytosanitary Certificate given in relation to them, or in a place situated in a district where an intensive system of control of Colorado Beetle (*Leptinotarsa decemlineata* Say.) is in operation, and

(2) if grown in any such place as is last beforementioned they were—

(i) before being exported from the country in which that place is situated, riddled, and, in the case of new potatoes, thoroughly washed, at a packing station which was inspected and approved by an officer of the Phytopathological Service of the country (the riddling and washing being at all times subject to inspection by such an officer) and immediately after being so riddled and washed were packed in accordance with the provisions of head (*c*) of this paragraph;

(ii) landed in the bags and containers in which they were so packed, each bag or container having attached to it a label bearing the name of the packing station aforesaid; and

(iii) on being landed, free from soil;

(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 44.

2.—(1) A Phytosanitary Certificate for the purposes of head (*a*) of paragraph 1 of this Schedule shall be given—

(*a*) by, or on behalf of, an officer of the Phytopathological Service of the country in which the potatoes in relation to which it is given, were produced after a thorough examination of them or of representative samples of them, has been made by that officer;

(*b*) in English and, where the language of the country aforesaid is other than English, in that other language also, and

(*c*) in the form set out in Part II of this Schedule.

(2) A supplementary Phytosanitary Certificate for the purposes of head (*b*) of paragraph 1 of this Schedule shall be given—

(*a*) by, or on behalf of, an officer of the Phytopathological Service of the country in which the bags or containers in which the potatoes in relation to which it is given, were opened or, as the case may be, in which these potatoes were exposed to risk of infestation;

(*b*) in English, and where the language of the country aforesaid is other than English, in that other language also, and

(*c*) in the form set out in Part III of this Schedule.

(3) An examination to which a Phytosanitary Certificate relates shall have been made within the period of fourteen days next preceding the day on which the potatoes, to which the Certificate relates, were exported from the country in which they were produced.

(4) A Phytosanitary Certificate given in relation to potatoes landed in Scotland—

(*a*) otherwise than in course of post, shall be delivered to the proper officer at the same time as, and together with, the entry relating to the potatoes is delivered to him, or

(*b*) in course of post, shall be affixed to the package in which the potatoes are consigned or if there is more than one package comprised in the consignment, shall be affixed to one of the packages a copy being affixed to the remaining packages in the consignment.

(5) For the purposes of this paragraph the expression "proper officer" has the like meaning as in the Customs & Excise Act, 1952, and the reference to "the entry" shall be construed as a reference to the entry, delivery of which is to be made in accordance with the provisions of that Act.

PART II

(Phytosanitary Certificate to be given in relation to potatoes by an officer of the Phytopathological Service of the country in which the potatoes were produced)

Phytosanitary Certificate

PLANT PROTECTION SERVICE

of ..... No. .....

This is to certify that the potatoes described below or representative samples of them were thoroughly examined on (date) ..... by (name) ..... an authorised officer of the (Service) ..... and found to be substantially free from injurious diseases and pests; and that the provisions of paragraph 1 of Part I of the Fourth Schedule to the Importation of Plants (Scotland) Orders, 1955 and 1959, are believed to be complied with by those potatoes by the consignment in which they are comprised, both in the respects mentioned in the additional declaration made herein and in all other respects.

DESCRIPTION OF THE CONSIGNMENT

Name and address of exporter: .....
Name and address of consignee: .....
Number and description of packages: .....
Distinguishing marks: .....
Origin (Grown at)*: .....
Means of Conveyance: .....
Point of Entry: .....
Quantity and name of produce: .....
Botanical name: .....

Fumigation or disinfection treatment (if any)
Date ..... Treatment .....
Duration of Exposure ..... Chemical and Concentration .....

Additional Declaration

.....
.....
..... (Date) .....
.....
..... (Signature)
..... (Rank)

(Stamp of Service)

PART III

(Supplementary Phytosanitary Certificate to be given in relation to potatoes by an officer of the Phytopathological Service of any country other than the country in which the potatoes were produced)

Supplemental Certificate

PLANT PROTECTION SERVICE

of ..... No. .....

The undersigned (name) ..... of the ..... (Service) ..... declares that the potatoes, included in the consignment described below, are part of a shipment imported into (Country) ..... on (date) ..... from (Country) ..... and covered by certificate(s) of health (No.(s) ..... the original of which is (are) attached to this certificate; that they were repacked in new/original containers; and that during storage in (Country) ..... the provisions of paragraph (1) of Part I of the Fourth Schedule to the Importation of Plants (Scotland) Orders, 1955 and 1959, so far as applicable, have been complied with.

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* State precise location.

DESCRIPTION OF THE CONSIGNMENT

Name and address of exporter: .....

Name and address of consignee: .....

Number and description of packages: .....

Distinguishing marks: .....

Quantity and name of produce: .....

Botanical name: .....

Means of Conveyance: .....

Point of Entry: .....

(Date) ..... 19.....

(Signature) .....

(Rank) .....

(Stamp of Service)

FIFTH SCHEDULE

PART I

(Countries or parts of countries from which new potatoes may be imported into Scotland during certain periods)

Country or Part of Country	*Period of Importation*
Algeria	1st January–31st December.
Belgium	1st January–31st December.
Canary Islands	1st January–31st December.
Cyprus	1st January–31st December.
Denmark	1st January–31st December.
Federal Republic of Germany—	
The provinces of Schleswig-Holstein and Lower Saxony, north of latitude fifty-three degrees North.	1st March–15th June.
France	1st March–15th June.
Greece	1st January–31st December.
Israel	1st January–31st December.
Italy—Regions of Apulia, Basilicata, Calabria, Campania and Sicily.	1st January–31st December.
—Region of Latium	1st March–20th May.
Kenya	1st January–31st December.
Lebanon	1st January–31st December.
Libya	1st January–31st December.
Luxembourg	1st January–31st December.
Madeira	1st January–31st December.
Malta and Gozo	1st January–31st December.
Morocco	1st January–31st December.
Netherlands	1st January–31st December.
Portugal	1st March–20th May.
South Africa	1st January–31st December.
Spain—Mainland	1st March–20th May.
—Balearic Islands	1st January–31st December.
Sweden	1st January–31st December.
Switzerland	10th March–8th June.
Tunisia	1st January–31st December.
United Arab Republic—Egypt ...	1st January–31st December.

PART II

(Countries or parts of countries from which potatoes other than new potatoes may be imported into Scotland)

Country or Part of Country

Belgium.

Canary Islands.

Cyprus.

Denmark.

Federal Republic of Germany—The provinces of Schleswig-Holstein and Lower Saxony, north of latitude fifty-three degrees North.

France—excluding the Department of Finisterre.

Israel.

Luxembourg.

Netherlands.

Norway.

Sweden.

Switzerland.

Dated this 31st day of August, 1959.

John S. Maclay,
One of Her Majesty's Principal Secretaries of State.

We consent

Martin Redmayne,
P. E. O. Bryan,
Two of the Lords Commissioners of Her Majesty's Treasury.

9th September, 1959.

EXPLANATORY NOTE

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

This Order amends the Importation of Plants (Scotland) Order, 1955, so far as it relates to the importation of potatoes into Scotland. The amendments prohibit the importation of (*a*) new potatoes except from the countries mentioned in Part I of the Fifth Schedule (now enacted for the first time) during certain periods of the year and (*b*) other potatoes from countries other than those mentioned in Part II of that Schedule. It also prescribes in Part I of the Fourth Schedule (also enacted for the first time) conditions with which potatoes must comply before being landed in Scotland and provisions that phytosanitary certificates must accompany any potatoes so landed. Part II of the Fourth Schedule prescribes the form which such certificates must take.