EXPLANATORY NOTE

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

This Order consolidates, with amendments, the Importation of Plants Orders, 1947 to 1954, the General Licence Orders made thereunder and the Importation of Raw Cherries Order, 1954. It prohibits or restricts the importation into England or Wales (except under licence) of specified plants, potatoes, seeds, vegetables and fruit and prescribes the forms of health certificate to accompany imports.

Provision is made for the disposal of anything imported in contravention of the Order and for the issue of licences to that end. Imported produce may be examined and sampled forthwith by an authorised officer of the Ministry of Agriculture and Fisheries and plants imported during the previous twelve months and plants derived from plants or seeds imported during that period may also be so examined and sampled. The importer or person in charge of any such produce or plants found to be unhealthy may be required to disinfect, destroy or re-export them. Persons possessing or dealing in imported produce may be required to disclose to an authorised officer particulars of the persons who have or have had charge of such produce.

Penalties are prescribed for infringements of the terms of the Order.

The Order does not apply to importations from Scotland, nor, except as regards the powers of examination, sampling and disposal of unhealthy produce and the giving of information, to importations from Northern Ireland, the Republic of Ireland, the Isle of Man or the Channel Islands.

1955 No. 405 (S. 44)

The Importation of Plants (Scotland) Order, 1955

Made - - - -	12*th March*, 1955
Laid before Parliament	18*th March*, 1955
Coming into Operation	1*st April*, 1955

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) respectively, 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) Order, 1955 and, except as provided in paragraph (2) of this Article shall come into operation on the 1st day of April, 1955.

(2) In so far as they relate to seeds the provisions of Articles 6 and 7 of this Order shall come into operation on the 1st day of July, 1956.

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

Revocation of Previous Orders

2.—(1) The Importation of Plants (Scotland) Orders, 1947 to 1954(**a**), the Importation of Plants (General Licence) (Scotland) Orders, 1953 to 1954(**b**) and the Importation of Raw Cherries (Scotland) Order, 1954(**c**) are hereby revoked.

(2) Section 38 of the Interpretation Act, 1889(**d**) shall apply as if the Orders revoked by this Order were an enactment repealed by an Act of Parliament.

Interpretation

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

"authorised officer" means an Inspector or other officer authorised by the Secretary of State for the purposes of this Order;

"importer" includes any person who, whether as owner, consignor or consignee, agent or broker, is in possession of, or in any wise entitled to the custody or control of any of the plants, potatoes, seeds, fruit, vegetables or cut flowers to which this Order relates;

"plants" means living plants and parts thereof and includes trees and shrubs, tubers, bulbs, corms, rhizomes, roots, layers, cuttings, scion and bud wood but does not include potatoes, seeds, fruit, raw vegetables or cut flowers;

"raw vegetables" does not include potatoes;

"unhealthy" means affected with any injurious insect, fungus, bacterium or other organism, or any agent causative of a transmissible crop disease.

(2) The Interpretation Act, 1889 applies 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 plants, potatoes, seeds, fruit, vegetables or cut flowers cultivated or produced in England or Wales, Northern Ireland, the Republic of Ireland, the Isle of Man or the Channel Islands.

Prohibited Imports

5. The landing in Scotland of the following is prohibited,—

(*a*) Potatoes for planting,

(*b*) Potatoes from the American Continent or Australia,

(*c*) Annual and Biennial plants, from places outside Europe,

(*d*) All species of the genera *Fragaria* or *Rubus* from North America,

(*e*) All species of the genus *Prunus* (including *Amygdalus, Armeniaca, Cerasus, Laurocerasus, Padus* and *Persica*) from places outside Europe,

(*f*) All species of the genus *Rosa,* from Australia, New Zealand or Italy.

In this Article, "potatoes" includes any part of the potato plant.

Certificates to accompany Consignments

6.—(1) (*a*) Subject to the prohibitions and restrictions contained in Articles 5 and 7 of this Order each consignment of plants or of potatoes landed in Scotland shall be accompanied by a certificate in the form set out in the First Schedule to this Order.

(a) S.R. & O. 1947/811 (Rev. V, p. 785: 1947 I, p. 509); S.I. 1949/1860, 1953/147, 262, 1954/668 (1949 I, p. 1459; 1953 II, pp. 1549, 1551).
(b) S.I. 1953/571, 1186, 1954/412 (1953 II, pp. 1558, 1561).
(c) S.I. 1954/504. (d) 52 & 53 Vict. c. 63.

(*b*) Each consignment of seeds of lettuce or tomato, pea seed for sowing, fruit or raw vegetables which are subject to the restrictions imposed by Article 7 of this Order when landed in Scotland shall be accompanied by a certificate in the form set out in the Second Schedule to this Order. Provided that this requirement shall not apply to root vegetables free from foliage or to asparagus, aubergines, capsicums, cucumbers, green beans, green peas, marrows, mushrooms, onions and shallots, pimentos, pumpkins, tomatoes and witloof chicory.

(2) The certificates prescribed by this Article shall be duly completed and signed by or on behalf of an authorised officer of the Phytopathological Service of the country in which the produce to which the certificate relates was grown and shall, where the language of the country in which the certificate is given is other than English, include a translation thereof in the language of that country, which translation, if it is in a document separate from the certificate, shall also be duly completed and signed by or on behalf of the said authorised officer.

(3) The examination referred to in the certificate set out in the First Schedule to this Order shall have been carried out not more than 14 days prior to the date of despatch of the consignment.

(4) Except in the case of consignments imported by post the certificates prescribed by this Article shall be delivered to the proper officer at the same time as, and together with, the entry relating to the consignment.

In the case of consignments imported by post the certificate shall be affixed to the package comprising the consignment or, if there is more than one package comprising the consignment, the certificate shall be affixed to one of the packages and a copy thereof affixed to each of the remaining packages.

In this paragraph the expression " proper officer " has the like meaning as in the Customs and Excise Act, 1952(**a**) 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.

(5) Nothing contained in this Article shall be deemed to permit the landing in Scotland of any trees or parts of such trees or seeds thereof the landing of which is prohibited or restricted under any Order made by the Forestry Commissioners.

Restrictions on Importation of Certain Produce

7. Subject to the prohibitions and requirements contained or referred to in Articles 5 and 6 of this Order the landing in Scotland of any of the following plants, potatoes, seeds, fruit and vegetables shall be subject also to the following conditions :—

(1) *Plants*

The landing of plants is prohibited unless

(*a*) they have been examined during the growing season preceding the date of despatch by an authorised officer of the Phytopathological Service of the country where the plants were grown and found by him to be substantially free from injurious pests and diseases, including virus diseases,

(*b*) they have been grown at a distance of at least 2 kilometres from any place where the disease known as Wart Disease or Black Scab

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

of potatoes (*Synchytrium endobioticum* (Schilb.) Perc.), has occurred during the ten years preceding the date of the signing of the prescribed certificate,

(*c*) in the case of any plants specified in the Third Schedule to this Order they have been grown at a distance of at least 20 kilometres from any place where the pest known as San Jose scale (*Quadraspidiotus perniciosus,* Comst.) has occurred during the two years preceding the date of the signing of the prescribed certificate or, if that pest has occurred during the said two years in any part of the country in which the plants were grown, they have, before despatch, been fumigated with hydrocyanic acid gas at a concentration of not less than 5 grams per cubic metre for at least 30 minutes at a temperature of not less than 7° centigrade, and

(*d*) either Colorado beetle (*Leptinotarsa decemlineata,* Say.) is not known to be established within a distance of 25 kilometres from the place where they have been grown or, if Colorado beetle is known to be so established, there is in operaton an intensive system of control thereof.

(2) *Potatoes*

The landing of potatoes is prohibited unless

(*a*) they have been grown at a distance of at least 2 kilometres from any place where the disease known as Wart Disease or Black Scab of potatoes (*Synchytrium endobioticum* (Schilb.) Perc.), or the disease known as Ring Rot (*Corynebacterium sepedonicum* (Spieck. & Kotth.) Skaptason & Burkholder) has occurred at any time, and

(*b*) during the twelve months preceding the date of the signing of the prescribed certificate there has been no outbreak of Colorado beetle (*Leptinotarsa decemlineata,* Say.) within a distance of 25 kilometres of the place where the potatoes were grown.

(3) *Lettuce Seed*

The landing of lettuce seed is prohibited unless the crops from which the seed was derived have been examined during the growing season by an authorised officer of the Phytopathological Service of the country where the crops were grown and found by him to be free from the disease known as Lettuce Mosaic.

(4) *Tomato Seed*

The landing of tomato seed is prohibited unless the crops from which the seed was derived have been examined during the growing season by an authorised officer of the Phytopathological Service of the country where the crops were grown and found by him to be free from the disease known as Bacterial Canker (*Corynebacterium michiganense* (E.F.Sm.) Jensen), or have been grown in a region where this disease does not occur.

(5) *Pea Seed for Sowing*

The landing of pea seed for sowing is prohibited unless the crops from which the seed was derived have been examined during the growing season by an authorised officer of the Phytopathological Service of the country where the crops were grown and found by him to be free from the disease known as Bacterial Blight (*Pseudomonas pisi* Sackett), or have been grown in a region where this disease does not occur.

(6) *Raw Cherries*

(*a*) The landing of raw cherries grown in the countries, regions or districts specified hereunder is prohibited during the periods in any year indicated in relation to the particular country, region or district so specified.

Country or District of Origin	*Period of Prohibition*
Italy excluding the regions of Val d'Aosta, Piedmonte, Liguria, Lombardia, Alto Adige-Trentino, Veneto, Friuli-Venezia Giulia and Emilia-Romagna	1st June to 30th September (both dates inclusive)
Portugal	
Spain...	
Northern Italy comprising the regions of Val d'Aosta, Piedmonte, Liguria, Lombardia, Alto Adige-Trentino, Veneto, Fruili-Venezia Giulia and Emilia-Romagna	16th June to 30th September (both dates inclusive)
Southern France comprising that part of France south of latitude 46 degrees North	
Austria	
Bulgaria	
Hungary	
Yugoslavia	

(*b*) During the periods when their importation is not prohibited by virtue of the last preceding sub-paragraph, the landing of raw cherries grown in any European country is prohibited unless each consignment has been examined by an authorised officer of the Phytopathological Service of the country where the cherries were grown and found by him to be free from larvae of the Cherry Fruit Fly (*Rhagoletis cerasi* L.).

(7) *Apples*

The landing of apples grown in the United States of America is prohibited during the period from the 7th day of July to the 15th day of November (both dates inclusive) in any year unless they are of one or more of the following grades as recognised by the Department of Agriculture of the United States of America, namely, "U.S. Fancy", "U.S. No. 1", "Extra Fancy" and "Fancy".

(8) *Lettuce*

The landing, during the period from the 1st day of March to the 15th day of October (both dates inclusive) in any year, of lettuce grown in Europe south of latitude 46 degrees North and the landing, during the period from the 1st day of April to the 15th day of October (both dates inclusive) in any year, of lettuce grown in Europe north of latitude 46 degrees North, is prohibited unless there has been no outbreak of Colorado beetle (*Leptinotarsa decemlineata,* Say.) during the preceding twelve months within a distance of 25 kilometres of the place where the lettuce were grown.

(9) *Raw Vegetables (other than lettuce)*

The landing of raw vegetables (other than lettuce) grown in Europe is prohibited during the period from the 1st day of April to the 15th day of

October (both dates inclusive) in any year unless there has been no outbreak of Colorado beetle (*Leptinotarsa decemlineata,* Say.) during the preceding twelve months within a distance of 25 kilometres of the place where the said vegetables were grown.

Provided that the aforesaid prohibition shall not apply to root vegetables free from foliage or to asparagus, aubergines, capsicums, cucumbers, green beans, green peas, marrows, mushrooms, onions and shallots, pimentos, pumpkins, tomatoes and witloof chicory.

Procedure when produce is landed in Contravention of this Order

8.—(1) If any plants, potatoes, seeds, fruit or vegetables are landed in Scotland in contravention of this Order they shall be destroyed forthwith or re-exported by and at the expense of the importer unless they are disposed of in accordance with the terms of a licence issued by an authorised officer.

(2) On an application being made for the issue of a licence in pursuance of this Article, an authorised officer may either

(*a*) without any examination of the said plants, potatoes, seeds, fruit or vegetables, issue a licence permitting the same to be removed subject to the requirements and conditions contained in such licence or

(*b*) after an examination of the said plants, potatoes, seeds, fruit or vegetables, give a certificate stating whether they or any of them are unhealthy or healthy and issue a licence permitting such of them as have been certified to be healthy to be removed subject to the requirements and conditions contained in such licence.

(3) A licence issued in pursuance of this Article may include conditions to ensure that any plants retained by any person in accordance with the terms thereof, or any plants derived from any plants or seeds so retained may, at any time within twelve months from the date of issue of the licence, be examined or further examined by an authorised officer who may, after such an examination, give a certificate stating whether they or any of them are unhealthy or not.

(4) The importer or the person in charge of any plants, potatoes, seeds, fruit or vegetables which shall have been certified to be unhealthy after any such examination as is referred to in paragraphs (2) or (3) of this Article shall be subject to the provisions and obligations of Article 10 of this Order as if he were an importer of plants comprising a consignment landed in Scotland which appeared to an authorised officer to be unhealthy.

(5) The importer of any plants, potatoes, seeds, fruit or vegetables which are the subject of such a certificate as is referred to in paragraph (2) of this Article, and the person in charge of any plants which are the subject of such a certificate as is referred to in paragraph (3) of this Article shall pay for the said certificate such fee as the Secretary of State may determine not exceeding five pounds.

Examination and Sampling

9. An authorised officer, upon production, if so required of his appointment or authority, may enter any premises and

(*a*) examine and take samples of any consignment or part of a consignment of plants, potatoes, seeds, fruit, vegetables or cut flowers landed or suspected by him of having been landed in Scotland, whether or not such consignment was or ought to have been accompanied by a certificate required by this Order, and for the purposes of such examination may open or require the importer to open any package in the consignment, or

(*b*) examine and take samples of any plants which have been landed in Scotland during the previous twelve months or which have been derived from plants or seeds which have been landed in Scotland during that period.

Procedure in the case of Importation of Unhealthy Produce

10.—(1) If it appears to an authorised officer at any time that any plants, potatoes, seeds, fruit, vegetables or cut flowers comprising any consignment or part of a consignment landed in Scotland are unhealthy, he may serve upon the importer a notice stating that such plants, potatoes, seeds, fruit, vegetables or cut flowers 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 authorised officer at a suitable place designated by the authorised officer, and no part of the consignment shall be moved from the place designated without the written authority of the Secretary of State or the authorised officer.

(3) If the importer upon whom the notice has been served shall fail to carry out within the time specified in the notice such measures of disinfection or treatment as are specified therein, or to destroy or re-export the whole or any part of the consignment as therein required, then, without prejudice to any proceedings under this Order consequent upon such failure, an authorised officer or a person authorised by him for the purpose may enter any premises in which the consignment of any part of the consignment may be, and carry out such measures, or effect such destruction or re-export.

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

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

Information regarding Imported Produce

11. Every person who has or has had in his possession or under his charge any plants, potatoes, seeds, fruit, vegetables or cut flowers landed in Scotland, and every person who as auctioneer, salesman or otherwise, has sold or offered for sale any such plants, potatoes, seeds, fruit, vegetables or cut flowers shall, if so required in writing by the Secretary of State or authorised officer, give to the Secretary of State or authorised officer such information as he possesses as to the persons who have or have had in their possession or under their charge the said plants, potatoes, seeds, fruit, vegetables or cut flowers.

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 prosecution under this Order, except in respect of an alleged failure to comply with this Article.

Licences

12. Notwithstanding any provisions of this Order, any plants, potatoes, seeds, fruit or vegetables may be landed in Scotland under and in accordance with the conditions of a licence issued by the Secretary of State.

Service of Notices

13. 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 by post in a letter addressed to him there; and a notice purporting to be signed by an authorised officer shall be *prima facie* evidence that it was signed by him.

Offences

14.—(1) Every person who wilfully obstructs or impedes an authorised officer 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 who fails to do any act which he is required to do by this Order or by any such notice or licence 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.

(2) The last preceding paragraph does not apply to the landing or attempted landing of any article 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 Acts, 1907 and 1927.

Dated this 11th day of March, 1955.

James Stuart,
One of Her Majesty's Principal Secretaries of State.

We consent

Edward Heath,
Gerald Wills,
Two of the Lords Commissioners of Her Majesty's Treasury.

12th March, 1955.

FIRST SCHEDULE

Phytosanitary Certificate

PLANT PROTECTION SERVICE

OF..... No.....

This is to certify
that the plants, parts of plants or plant products described below or representative samples of them were thoroughly examined on (date).....
by (name).....
an authorised officer of the (service).....
and were found to the best of his knowledge to be substantially free from injurious diseases and pests; and that the consignment is believed to conform with the current phytosanitary regulations of the importing country both as stated in the additional declaration hereon and otherwise.

Fumigation or disinfection treatment (if any):

Date .....Treatment .....

Duration of Exposure .....Chemical and Concentration .....

Additional Declaration

.....19...

.....
(SIGNATURE)

.....
(RANK)

(Stamp of the Service)

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:.....

* State precise location.

SECOND SCHEDULE

Phytosanitary Certificate

PLANT PROTECTION SERVICE

OF..... No.....

This is to certify
that the plant products described below are believed to conform with the current phytosanitary regulations of the importing country.

.....19...

.....
(SIGNATURE)

.....
(RANK)

(Stamp of the Service)

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:.....

* State precise location.

THIRD SCHEDULE

(Plants to which the requirements as to San Jose scale and fumigation apply—Article 7 (1) (c))

Acacia spp. (Mimosaceae).
Amelanchier spp. (Rosaceae).
Chaenomeles spp. (Rosaceae) (including *Cydonia Japonica*).
Cotoneaster spp. (Rosaceae).
Crataegus spp. (Rosaceae).
Cydonia vulgaris (Rosaceae).
Fagus spp. (Fagaceae).
Juglans spp. (Juglandaceae).
Maclura aurantiaca (Moraceae).
Malus communis (Rosaceae).
Populus spp. (Salicaceae).
Prunus spp. (Rosaceae) (including Amygdalus, Armeniaca, Cerasus. Laurocerasus, Padus and Persica).
Ptelea trifoliata (Rutaceae).
Pyrus (or Pirus) spp. (Rosaceae).
Ribes spp. (Saxifragaceae).
Rosa spp. (Rosaceae).
Salix spp. (Salicaceae).
Sorbus spp. (Rosaceae).
Symphoricarpus spp. (Caprifoliaceae).
Syringa spp. (Oleaceae).
Tilia spp. (Tiliaceae).
Ulmus spp. (Ulmaceae).

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Provision is made for the disposal of anything imported in contravention of the Order and for the issue of licences to that end. Imported produce may be examined and sampled forthwith by an Inspector or other officer authorised by the Secretary of State for Scotland and plants imported during the previous twelve months and plants derived from plants or seeds imported during that period may also be so examined and sampled. The importer or person in charge of any such produce or plants found to be unhealthy may be required to disinfect, destroy or re-export them. Persons possessing or dealing in imported produce may be required to disclose to an authorised officer particulars of the persons who have or have had charge of such produce.

Penalties are prescribed for infringements of the terms of the Order.

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