1964 No. 409

PESTS

DESTRUCTIVE INSECTS AND PESTS

The Importation of Potatoes (Health) (Great Britain) Order 1964

Made - - - -	16*th March* 1964
Laid before Parliament	23*rd March* 1964
Coming into Operation	20*th April* 1964

The Minister of Agriculture, Fisheries and Food and the Secretary of State, by virtue and in exercise of the powers vested in them respectively by section 1 of the Destructive Insects Act 1877(a) as extended by section 1 of the Destructive Insects and Pests Act 1907(b) and amended by section 1 of the Destructive Insects and Pests Act 1927(c) and of every other power enabling them in that behalf, order as follows:—

Citation, extent and commencement

1. This Order which may be cited as the Importation of Potatoes (Health) (Great Britain) Order 1964 shall apply to England and Wales and Scotland and shall come into operation on 20th April 1964.

Revocation of previous Orders

2. The Orders specified in Columns 1 and 2 of Schedule 4 to this Order are hereby revoked to the extent specified in Column 3 of the said Schedule.

Interpretation

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

" appropriate Minister " means in the application of this Order to England and Wales, the Minister of Agriculture, Fisheries and Food and in its application to Scotland the Secretary of State ;

" crop " includes seed, plant or any part thereof ;

" 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 the potatoes ;

" inspector " means an officer authorised by the appropriate Minister for the purposes of this Order ;

" landed " includes unloaded from an aircraft and imported by post and " landing " shall be construed accordingly ;

" potato " means the tuber or any part of the plant, except true seed, of *Solanum tuberosum* L. and of other tuber-forming species of *Solanum ;*

" premises " includes any vehicle, vessel or aircraft ;

" unhealthy " means carrying or affected with any insect, fungus, pest, bacterium or other vegetable or animal organism destructive to agricultural or horticultural crops or to trees or bushes or with any agent causative of a transmissible crop disease.

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

(2) The Interpretation Act 1889(a) applies to the Interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Orders hereby revoked were Acts of Parliament.

Exception of certain potatoes

4.—(1) Nothing in this Order shall apply to any potatoes grown in Great Britain.

(2) Nothing in this Order excepting Articles 10, 12, 13, 15 and 16 shall apply to any potatoes grown in Northern Ireland, the Republic of Ireland, the Isle of Man or the Channel Islands.

Prohibition of importation of potatoes for planting

5. The landing in England, Wales or Scotland of potatoes for planting is prohibited.

Restrictions on importation of potatoes other than potatoes for planting

6. The landing in England, Wales or Scotland of potatoes other than potatoes for planting is prohibited unless—

(1) the potatoes were grown in one of the countries or parts of countries specified in Column 1 of Schedule 3 to this Order;

(2) if they are new potatoes, they are landed during the period of the year specified in Column 2 of the said Schedule opposite the name of the country in which they were grown;

(3) the potatoes are accompanied by a phytosanitary certificate and, where appropriate, by one or more supplemental certificates, in accordance with Articles 7 to 9 of this Order;

(4) the potatoes are securely packed in new bags or other new containers;

(5) where the potatoes are packed in new bags or other new containers not being hampers each bag or container shall, on and after the 1st January, 1965, be clearly marked with the name of the country in which the potatoes were grown;

(6) the potatoes are free from Colorado beetle (*Leptinotarsa decemlineata* Say) and either

(*a*) during the 12 months preceding the date of the signing of the phytosanitary certificate there was no outbreak of Colorado beetle within a distance of 25 kilometres of the place where the potatoes were grown; or

(*b*) (i) the potatoes were grown in a district where an intensive system of control of Colorado beetle is in operation, and

(ii) they were riddled (and, in the case of new potatoes, thoroughly washed) in a packing station which was inspected and approved by the Plant Protection Service of the country in which the potatoes were grown, the said riddling and washing being at all times subject to inspection by an authorised officer of the aforesaid Service, and immediately after riddling (and, in the case of new potatoes, washing) the potatoes were packed as required by this Article, with a label attached to each bag or container stating the name of the packing station or the number allocated to it by the aforesaid Service;

(a) 52 & 53 Vict. c. 63.

(7) the potatoes are free from wart disease (*Synchytrium endobioticum* (Schilb.) Perc.) and were grown on land in which this disease has not occurred at any time and in a region in which physiologic races of wart disease fungus other than the common European race have not occurred at any time;

(8) the potatoes are free from ring rot (*Corynebacterium sepedonicum* (Spieck. and Kotth.) Skaptason and Burkholder) and were grown in a region in which the disease does not occur;

(9) the potatoes are free from tuber moth (*Gnorimoschema operculella* (Zell.)); and

(10) the potatoes are substantially free from brown rot (*Pseudomonas solanacearum* (E. F. Smith) E. F. Smith).

Phytosanitary certificates to accompany consignments

7.—(1) Each consignment of potatoes landed in England, Wales or Scotland shall be accompanied by a phytosanitary certificate in the form set out in Schedule 1 to this Order, except that, where a consignment is accompanied by a supplemental certificate in accordance with Article 8 of this Order, a facsimile copy of the phytosanitary certificate, endorsed by the Plant Protection Service of the country in which the potatoes were unloaded or landed as being a true copy, may accompany the potatoes in place of the phytosanitary certificate itself.

(2) The examination referred to in the phytosanitary certificate shall have been carried out not more than 14 days prior to the date of despatch of the consignment.

(3) The phytosanitary certificate shall have been duly completed and signed by or on behalf of an authorised officer of the Plant Protection Service of the country in which the potatoes were grown.

(4) If, in the description of the consignment in the phytosanitary certificate, the address of the consignee is not in Great Britain, the certificate shall include an additional declaration by the said authorised officer to the effect that the consignment is believed to conform with the current phytosanitary regulations of Great Britain.

Supplemental certificates to accompany certain consignments

8.—(1) Each consignment of potatoes landed in England, Wales or Scotland which, before being so landed, was unloaded or landed in a country or countries other than that in which they were grown, shall be accompanied in respect of each such country by a supplemental certificate in the form set out in Schedule 2 to this Order.

(2) The supplemental certificate shall have been duly completed and signed by or on behalf of an authorised officer of the Plant Protection Service of the country in which the potatoes have been unloaded or landed.

Further provisions as to phytosanitary and supplemental certificates

9.—(1) Where a phytosanitary certificate or a supplemental certificate is issued in a country of which the language is other than English it shall

incorporate or be accompanied by a translation into the language of that country, which translation, if it is in a document separate from the certificate, shall have been duly completed and signed by or on behalf of the officer by whom or on whose behalf the certificate was signed.

(2) Except in the case of consignments imported by post, phytosanitary certificates and supplemental certificates shall be delivered to the proper officer at the same time as, and together with, the entry relating to the consignment:

Provided that 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.

(3) In the case of consignments imported by post such certificates shall be affixed to the package comprising the consignment or, if the consignment consists of more than one package, the certificate shall be affixed to one of the packages and copies thereof affixed to each of the remaining packages.

Examination and sampling

10. An inspector, upon production if so required of his appointment or authority, may—

(*a*) enter any premises and examine and take samples of any consignment or part of a consignment of potatoes landed or likely to be landed or suspected by him to have been landed or to be likely to be landed in England, Wales or Scotland, whether or not such consignment was or ought to have been accompanied by a certificate required by this Order,

(*b*) for the purposes of such examination, open, authorise any person to open on his behalf or require the importer or the person in charge of the potatoes to open any bag or other container in the consignment or part of a consignment and

(*c*) if and so far as is necessary for the purposes of such examination, prohibit entirely, or to the extent indicated by him, the movement of any consignment or part of a consignment of potatoes which has been landed or is suspected by him to have been landed in England, Wales or Scotland.

Procedure when potatoes are landed in contravention of this Order

11.—(1) If any consignment or part of a consignment of potatoes is landed in England, Wales or Scotland in contravention of this Order, the potatoes comprising the consignment or part of a consignment as the case may be shall forthwith be destroyed by and at the expense of the importer unless they are immediately re-exported or are disposed of in accordance with the terms of a licence granted by the appropriate Minister or an inspector.

(2) Any destruction required by paragraph (1) of this Article shall be carried out by the importer to the satisfaction of an inspector at a place designated by the appropriate Minister or an inspector and, except with the written authority of the appropriate Minister or an inspector, none of the potatoes shall be moved other than to such place.

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

(3) If the importer shall have failed to destroy the potatoes in accordance with paragraph (1) of this Article or if he shall have failed to dispose of the potatoes in accordance with the terms of a licence granted as aforesaid, then, without prejudice to any proceedings under this Order consequent upon such failure, an inspector or a person authorised by him for the purpose may enter any premises in which the potatoes or any of them may be and may remove and destroy them and the cost of taking such steps shall be recoverable by the appropriate Minister from the importer as a civil debt.

(4) In this Article " potatoes " includes soil, packing materials, bags and other containers.

Procedure in the case of importation of unhealthy potatoes

12.—(1) If it appears to an inspector that any potatoes in a consignment or part of a consignment likely to be landed in England, Wales or Scotland are unhealthy, he may serve upon the importer or upon any person in control of the landing or unloading of the potatoes from a vessel or aircraft a notice specifying the manner in which the landing or unloading is to be carried out and the precautions which are to be taken in the course thereof in order to prevent the spread of any pest or disease.

(2) If it appears to an inspector at any time that any potatoes in a consignment or part of a consignment landed in England, Wales or Scotland are unhealthy, he may serve upon the importer a notice requiring him, within such time and in such manner as may be specified in the notice, to destroy the potatoes comprising the consignment or part of a consignment or such of them as may be so specified.

(3) Where a notice under paragraph (2) of this Article has been served upon an importer who, within the time specified in the notice for the destruction of the potatoes, makes a request in writing to an inspector that the potatoes may be re-exported or treated at the importer's own expense and risk the inspector may grant a licence authorising, in lieu of the destruction required by the notice, the re-export or treatment of the potatoes or of such of them as may be specified in the licence within such time, in such manner and subject to such conditions as may be so specified.

(4) If a request is made in accordance with paragraph (3) of this Article the time specified in the notice served under paragraph (2) thereof shall be deemed to be extended until either a licence is granted under the said paragraph (3) or the inspector serves upon the importer notice of refusal to grant such a licence or until such later time as may be specified in writing by the inspector.

(5) Any destruction required by a notice served under paragraph (2) of this Article and any treatment authorised by a licence granted under paragraph (3) thereof shall be carried out by the importer upon whom the notice is served or to whom the licence is granted to the satisfaction of an inspector at a place designated by an inspector and, except with the written authority of the appropriate Minister or an inspector, none of the potatoes shall be moved other than to such place.

(6) If a notice under paragraph (2) of this Article has been served upon an importer and has not been superseded by a licence granted under paragraph (3) thereof and the importer shall have failed to destroy any potatoes as required in the said notice, or if an importer to whom a licence has been granted under paragraph (3) of this Article shall have failed fully to comply with the terms and requirements thereof, then, without prejudice to any proceedings under this Order consequent upon such failure, an inspector or a person authorised by him for the purpose may enter any premises in which the potatoes or any of them may be and may remove and destroy them and the cost of taking such steps shall be recoverable by the appropriate Minister from the importer as a civil debt.

(7) In this Article " potatoes " includes soil, packing materials, bags and other containers.

Information regarding imported potatoes

13. Every person who has or has had in his possession or under his charge any potatoes which the appropriate Minister or an inspector knows or suspects to have been landed in England, Wales or Scotland, and every person who as auctioneer, salesman or otherwise, has sold or offered for sale any such potatoes shall, if so required by demand in writing by the appropriate Minister or an inspector, give to the said Minister or inspector within the time specified in that demand all such information as he possesses as to the persons who have or have had or are likely to have the said potatoes in their possession or under their custody or control.

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.

Licences

14. Notwithstanding any provisions of this Order, any potatoes may be landed in England, Wales or Scotland under and in accordance with the conditions of a licence granted by the appropriate Minister or by an inspector.

Service of notices

15. 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 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.

Offences

16.—(1) Every person who wilfully obstructs or impedes the appropriate Minister or an inspector in the exercise of his powers under this Order or who does any act in contravention of this Order, of the terms or conditions of any notice served or licence granted thereunder or of the requirements of, or of a prohibition imposed by, the appropriate Minister or an inspector, or who fails to do any act which he is required to do by the appropriate

Minister or an inspector or 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) In order that the penalty for the landing of any potatoes in contravention of this Order shall be such as may be imposed under the Customs and Excise Act 1952, paragraph (1) of this Article shall not apply in respect of any such landing.

In Witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 12th March 1964.

(L.S.) *Christopher Soames,*
Minister of Agriculture, Fisheries and Food.

Given under the seal of the Secretary of State for Scotland on 16th March 1964.

(L.S.) *Michael Noble,*
Secretary of State for Scotland.

SCHEDULE 1

(PHYTOSANITARY CERTIFICATE FOR POTATOES (ARTICLE 7))

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.

Fumigration 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.

SCHEDULE 2

(SUPPLEMENTAL CERTIFICATE FOR POTATOES REQUIRED IN CASES WHERE THE POTATOES ARE IMPORTED FROM A COUNTRY OTHER THAN THAT IN WHICH THEY WERE GROWN (ARTICLE 8))

Supplemental Certificate

PLANT PROTECTION SERVICE

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

The undersigned (name).....an authorised officer 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 phytosanitary certificate(s) No(s)....., the original or facsimile copy(ies)* of which is (are) attached to this certificate; and that while in (country).....the consignment has not been subjected to the risk of infection or infestation.

.....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: .....

Means of conveyance: .....

Point of entry: .....

Quantity and name of produce: .....

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* Copies of certificates must be endorsed by the Plant Protection Service of the re-exporting country as true copies.

SCHEDULE 3

Article 6

Column 1	*Column 2*
Countries or parts of countries from which potatoes (other than potatoes for planting) may be landed in England, Wales or Scotland	*Period of the year during which landing of new potatoes is permitted*
Algeria	Throughout the year.
Belgium	1st March to 30th June inclusive.
Canary Islands	Throughout the year.
Cyprus	Throughout the year.
Denmark	Throughout the year.
Federal Republic of Germany—the provinces of Schleswig-Holstein and Lower Saxony, north of latitude 53° North	1st March to 30th June inclusive.
France—excluding the Department of Finistère	1st March to 30th June inclusive.
Greece	Throughout the year.
Israel	Throughout the year.
Italy—Regions of Calabria and Sicily	Throughout the year.
—Other than Calabria and Sicily	1st November to 20th May inclusive.
Kenya	Throughout the year.
Lebanon	Throughout the year.
Libya	Throughout the year.
Luxembourg	Throughout the year.
Madeira	Throughout the year.
Malta and Gozo	Throughout the year.
Morocco	Throughout the year.
Netherlands	Throughout the year.
Norway	Throughout the year.
Portugal	1st March to 20th May inclusive.
Republic of South Africa	Throughout the year.
Spain—Mainland	1st March to 20th May inclusive.
—Balearic Islands—Majorca	1st March to 31st May inclusive.
—Other than Majorca	Throughout the year.
Switzerland	1st March to 8th June inclusive.
Tunisia	Throughout the year.
United Arab Republic—Egypt	Throughout the year.

SCHEDULE 4

ORDERS REVOKED (ARTICLE 2)

Column 1	Column 2	Column 3
Order	Reference	Extent of Revocation
Importation of Plants (Scotland) Order 1955	S.I. 1955/405 (1955 II, p. 1850)	The Order so far as it relates to potatoes
Importation of Potatoes Order 1959	S.I. 1959/221 (1959 II, p. 2077)	The whole Order
Importation of Potatoes (Amendment) Order 1959	S.I. 1959/892 (1959 II, p. 2086)	The whole Order
Importation of Plants (Scotland) Amendment Order 1959	S.I. 1959/1589 (1959 II, p. 2071)	The whole Order except Article 5 thereof
Importation of Plants (Scotland) Amendment Order 1961	S.I. 1961/1229 (1961 II, p. 2435)	The whole Order
Importation of Potatoes (Amendment) Order 1961	S.I. 1961/1236 (1961 II, p. 2436)	The whole Order
Importation of Potatoes (Amendment) Order 1963	S.I. 1963/912 (1963 II, p. 1545)	The whole Order
Importation of Plants (Scotland) Amendment Order 1963	S.I. 1963/928 (1963 II, p. 1554)	The whole Order

EXPLANATORY NOTE

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

This Order, made by the Minister of Agriculture, Fisheries and Food and the Secretary of State, re-enacts, with modifications, the restrictions on the landing of potatoes in England, Wales and Scotland formerly contained in the Importation of Potatoes Orders 1959 to 1963 (as regards England and Wales) and the Importation of Plants (Scotland) Orders 1955 to 1963 (as regards Scotland).

The Order permits the landing of main crop potatoes at any time from the countries set out in Schedule 3 and of new potatoes from those countries during certain periods of the year; and it lays down requirements concerning freedom from pests and diseases.

All imported potatoes must be packed in new bags or other new containers which, as from 1st January 1965, must be marked with the name of the country of origin (except in the case of hampers). They must be accompanied by a health certificate as in Schedule 1 and, if not shipped direct from the country of origin, by supplemental certificates as in Schedule 2.

The landing of seed potatoes, and of potatoes from countries not listed in Schedule 3, is wholly prohibited.

Inspectors of the Ministry of Agriculture, Fisheries and Food and the Department of Agriculture and Fisheries for Scotland are empowered to examine and take samples of imported potatoes. Provision is made for the disposal of those found to be unhealthy and of any potatoes landed in contravention of the Order.

Licences may be given modifying the requirements of the Order.