1959 No. 221

The Importation of Potatoes Order, 1959

Made - - - -	*5th February*, 1959
Laid before Parliament	*12th February*, 1959
Coming into Operation	*25th February*, 1959

The Minister of Agriculture, Fisheries and Food, by virtue and in exercise of the powers vested in him by Section 1 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 every other power enabling him in this behalf, with the consent of the Treasury, orders as follows:—

Citation and Commencement

1. This Order may be cited as the Importation of Potatoes Order, 1959, and shall come into operation on the 25th day of February, 1959.

Interpretation

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

"authorised officer" means an officer of the Ministry of Agriculture, Fisheries and Food authorised by the Minister 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 the potatoes,

"Minister" means the Minister of Agriculture, Fisheries and Food,

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

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

Exception of Certain Potatoes

3.—(1) Nothing in this Order shall apply to any potatoes grown in Scotland.

(2) Nothing in this Order excepting Articles 10, 11, 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 Certain Potatoes

4. There shall not be landed in England or Wales

(*a*) potatoes for planting;

(*b*) potatoes, not being new potatoes or potatoes for planting, from any other country except from those countries or parts of countries referred to in Article 5 of this Order;

(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.

(*c*) new potatoes from any other country except those countries or parts of countries referred to in Article 7 of this Order and during the periods mentioned therein.

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

Conditions of Importation of Potatoes other than New Potatoes or Potatoes for Planting from Certain Countries

5. Potatoes, not being new potatoes or potatoes for planting, may be landed in England or Wales from any of the countries or parts of countries referred to in the Second Schedule to this Order provided that

(*a*) each consignment when landed is accompanied by

(i) a phytosanitary certificate in the form set out in Part I of the First Schedule to this Order and

(ii) in a case where the potatoes are not being imported directly from the country in which they were grown and their containers have been opened or they have in any way been exposed to the risk of infestation in any other country, each consignment is also accompanied by a supplemental certificate or certificates as the case may be in the form set out in Part II of the said First Schedule

(*b*) the potatoes were grown in soil in which neither the disease known as Wart Disease or Black Scab of potatoes (*Synchytrium endobioticum* (Schilb.) Perc.) nor the disease known as Ring Rot (*Corynebacterium sepedonicum* (Spieck. & Kotth.) Skaptason & Burkholder) has occurred at any time, and at a distance of at least 2 kilometres from any place where either of those diseases has occurred at any time

(*c*) the potatoes are free from Tuber Moth (*Gnorimoschema operculella* (Zell.)) and from the diseases referred to in paragraph (*b*) of this Article, and

(*d*) the requirements of Article 6 of this Order have been satisfied in relation to the potatoes.

Special Conditions concerning Colorado Beetle for Potatoes other than New Potatoes or Potatoes for Planting

6. The requirements referred to in paragraph (*d*) of Article 5 of this Order are that either

(*a*) (i) during the twelve months preceding the date of the signing of the certificate prescribed by Article 5 of this Order (set out in Part I of the First Schedule to this Order) there was no outbreak of Colorado beetle (*Leptinotarsa decemlineata* Say.) within a distance of 25 kilometres of the place where the potatoes were grown, and

(ii) the potatoes are securely packed in new bags,

or

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

(ii) they were riddled in a packing station which was inspected and approved by the Phytopathological Service of the country in which the potatoes were grown, the said riddling being at all times subject to inspection by an authorised officer of the aforesaid Service and immediately after riddling the potatoes were securely packed in new bags with a label attached to each bag stating the name of the packing station and were retained in such bags up to the time of importation, and

(iii) they are free from soil and Colorado beetle (*Leptinotarsa decemlineata* Say.).

Conditions of Importation of New Potatoes from Certain Countries

7. New potatoes may be landed in England or Wales from any of the countries or parts of countries referred to in the first column of the Third Schedule to this Order in any year during the period set out in the second column of the said Schedule opposite the name of the particular country or part of a country provided that

(*a*) each consignment when landed is accompanied

(i) by a phytosanitary certificate in the form set out in Part I of the First Schedule to this Order and

(ii) in a case where the potatoes are not being imported directly from the country in which they were grown and their containers have been opened or they have in any way been exposed to the risk of infestation in any other country, each consignment is also accompanied by a supplemental certificate or certificates as the case may be in the form set out in Part II of the said First Schedule

(*b*) the potatoes were grown in soil in which neither the disease known as Wart Disease or Black Scab of potatoes (*Synchytrium endobioticum* (Schilb.) Perc.) nor the disease known as Ring Rot (*Corynebacterium sepedonicum* (Spieck. & Kotth.) Skaptason & Burkholder) has occurred at any time, and at a distance of at least 2 kilometres from any place where either of those diseases has occurred at any time

(*c*) the potatoes are free from Tuber Moth (*Gnorimoschema operculella* (Zell.)) and from the diseases referred to in paragraph (*b*) of this Article, and

(*d*) the requirements of Article 8 of this Order have been satisfied in relation to the potatoes.

Special Conditions concerning Colorado Beetle for New Potatoes

8. The requirements referred to in paragraph (*d*) of Article 7 of this Order are that either

(*a*) (i) during the twelve months preceding the date of the signing of the certificate prescribed by Article 7 of this Order (set out in Part I of the First Schedule to this Order) there was no outbreak of Colorado beetle (*Leptinotarsa decemlineata* Say.) within a distance of 25 kilometres of the place where the potatoes were grown, and

(ii) the potatoes are securely packed in new bags or new containers,

or

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

(ii) they were riddled and thoroughly washed in a packing station which was inspected and approved by the Phytopathological 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 washing the potatoes were securely packed in new bags or new containers with a label attached to each bag or container stating the name of the packing station and were retained in such bags or containers up to the time of importation, and

(iii) they are free from soil and Colorado beetle (*Leptinotarsa decemlineata* Say.).

Certificates accompanying Consignments of Potatoes

9.—(1) (*a*) Phytosanitary certificates in the form set out in Part I of the First Schedule to this Order, prescribed by Article 5 or Article 7 of this

Order, shall be duly completed and signed by or on behalf of an authorised officer of the Phytopathological Service of the country in which the potatoes were grown.

(*b*) Supplemental certificates in the form set out in Part II of the First Schedule to this Order, prescribed by Article 5 or Article 7 of this Order, shall be duly completed and signed by or on behalf of an authorised officer of the Phytopathological Service of the country in which the containers of the potatoes have been opened or in which the potatoes have in any way been exposed to the risk of infestation.

(*c*) Where the language of the country in which any certificate is given is other than English the said certificate shall include a translation thereof into 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.

(2) The examination referred to in the said certificate shall have been carried out within not more than fourteen days prior to the date of dispatch of the consignment.

(3) Except in the case of consignments imported through the post the said certificate 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 through the 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.

Examination and Sampling

10. An authorised officer, 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 potatoes landed or suspected by him of having been landed in England or Wales, 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 or the person in charge of the potatoes to open any bag or other container in the consignment.

Procedure when Potatoes are landed in Contravention of this Order

11.—(1) If any potatoes are landed in England or Wales in contravention of this Order they 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 which may in his sole discretion be 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, if he shall see fit so to do,

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

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

(*b*) after an examination of the said potatoes give a certificate stating whether they or any of them have been found by him to be unhealthy or healthy as the case may be and issue a licence permitting such of them as have been certified as healthy to be removed subject to the requirements and conditions contained in such licence.

(3) The importer of any potatoes which are the subject of such a certificate as is referred to in paragraph (2) of this Article shall pay for the said certificate a fee calculated at the rate of two shillings and sixpence for each ton of potatoes examined in pursuance of paragraph (2) (*b*) of this Article.

Procedure in the case of Importation of Unhealthy Potatoes

12.—(1) If it appears to an authorised officer that any potatoes comprising any consignment or part of a consignment likely to be landed in England or Wales are unhealthy, he may serve upon the importer or the person in charge of the potatoes (including the master of any vessel) a notice specifying, if the potatoes are to be landed, the manner in which the landing is to be carried out and the precautions which are to be taken in the course of such landing in order to prevent the spread of any infestation.

(2) If it appears to an authorised officer that any potatoes comprising any consignment or part of a consignment landed in England or Wales are unhealthy, he may serve upon the importer a notice 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 in the manner specified in the notice the whole or any part of the consignment.

(3) Any measure of disinfection or treatment or any destruction required by a notice under this Article shall be carried out by the importer upon whom the notice is served, to the satisfaction 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 Minister or the authorised officer.

(4) 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 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 or any part of the consignment may be and carry out such measures or effect such destruction.

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

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

Information regarding Imported Potatoes

13. Every person who has or has had in his possession or under his charge any potatoes landed in England or Wales, 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 Minister or authorised officer, give to the

Minister or authorised officer 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 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 or Wales under and in accordance with the conditions of a licence issued by the Minister or by an authorised officer.

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 authorised officer shall be *prima facie* evidence that it was signed by him.

Offences

16.—(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 served or licence 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 potatoes in contravention of this Order, the penalty for which is provided by Section 45 of the Customs and Excise Act, 1952.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed this 5th day of February, 1959.

(L.S.)

John Hare,
Minister of Agriculture, Fisheries and Food.

We consent

R. Brooman-White,
Græme Finlay,
Two of the Lords Commissioners of Her Majesty's Treasury.

FIRST SCHEDULE

PART I

(Phytosanitary certificate for potatoes other than new potatoes (Article 5) and for new potatoes (Article 7))

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 consignment is believed to conform, both as stated in the additional declaration hereon and otherwise, with the current phytosanitary regulations of England and Wales.*

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) .....19...

..... (Signature)

..... (Rank)

(Stamp of Service)

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* Names of other countries may be entered in addition.

† State precise location.

PART II

(Supplemental Certificate for potatoes other than new potatoes (Article 5) and for new potatoes (Article 7) required in cases where the potatoes are imported from a country other than that in which they were grown.)

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 current phytosanitary regulations of England and Wales so far as applicable have been complied with.

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)

SECOND SCHEDULE

Countries or parts of countries from which potatoes other than potatoes for planting or new potatoes may be imported into England or Wales (Article 5)

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.

THIRD SCHEDULE

Countries or parts of countries from which new potatoes may be imported into England or Wales during certain periods (Article 7)

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
Tunisia	1st January—31st December
United Arab Republic—Egypt ...	1st January—31st December

EXPLANATORY NOTE

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

This Order re-enacts with modifications the restrictions on the importation of potatoes formerly contained in the Importation of Plants Order, 1955 (S.I. 1955/81 (1955 II, p. 1841)) and revoked by the Importation of Plants (Amendment) Order, 1959 (S.I. 1959/220). It allows the importation of main crop potatoes from the countries set out in the Second Schedule and of new potatoes from the countries, and during the periods, set out in the Third Schedule. In all cases a health certificate must accompany the potatoes, satisfying the requirements of the Order about freedom from pests and diseases. The importation of seed potatoes is wholly prohibited.

Provision is made for the disposal of potatoes imported in contravention of the Order and of those found to be unhealthy at the time of importation.

Authorised officers of the Ministry of Agriculture, Fisheries and Food are empowered to examine and take samples of imported potatoes and licences may be given modifying the requirements of the Order. Penalties are provided for breaches of the Order.

1959 No. 892

The Importation of Potatoes (Amendment) Order, 1959

Made - - - -	14*th May*, 1959
Laid before Parliament	22*nd May*, 1959
Coming into Operation	23*rd May*, 1959

The Minister of Agriculture, Fisheries and Food, by virtue and in exercise of the powers vested in him by Section 1 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 every other power enabling him in this behalf orders as follows:—

Citation and Commencement

1. This Order may be cited as the Importation of Potatoes (Amendment) Order, 1959, and shall come into operation on the 23rd day of May, 1959, and shall be read as one with the Importation of Potatoes Order, 1959(**d**) (hereinafter referred to as "the principal Order"). The principal Order and this Order may be cited together as the Importation of Potatoes Orders, 1959.

Amendment of Principal Order

2. The principal Order is hereby amended as follows:—

(*a*) In the Second Schedule, at the end thereof, there shall be added the word "Switzerland".

(*b*) In the Third Schedule, in the column headed "Country or Part of Country" and between the words "Sweden", and "Tunisia", there shall be added the word "Switzerland"; and in the column headed "Period of Importation" and opposite the word "Switzerland", there shall be added the words "1st March–8th June"..

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed this 14th day of May, 1959.

(L.S.)

John Hare,
Minister of Agriculture, Fisheries and Food.

EXPLANATORY NOTE

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

This Order amends the Importation of Potatoes Order, 1959, by adding Switzerland to the lists of countries from which main crop and new potatoes respectively may be imported into England or Wales.

(**a**) 40 & 41 Vict. c. 68. (**b**) 7 Edw. 7. c. 4. (**c**) 17 & 18 Geo. 5. c. 32.
(**d**) S.I. 1959/221 (Pt. II, p. 2077, of this vol.).