2. SCOTLAND

The Importation of Raw Cherries (Scotland) Order, 1948

1948 No. 929 (S. 63)

Made - - - -	*29th April*, 1948
Laid before Parliament	*3rd May*, 1948
Coming into Operation	*19th May*, 1948

In exercise of the powers conferred upon me by the Destructive Insects and Pests Acts, 1877 to 1927(a), and of all other powers enabling me in that behalf, I hereby make the following Order:—

Short title, application and dates of commencement and expiry and interpretation.

1.—(1) This Order may be cited as the Importation of Raw Cherries (Scotland) Order, 1948, shall apply to Scotland only, shall come into operation on the 19th day of May, 1948, and shall remain in force until the 30th day of September, 1948.

(2) In this Order:—

"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.

"Inspector" means an Inspector or other officer authorised by the Secretary of State for Scotland.

"certificate of origin" means a certificate visé by a competent authority in the country of origin stating the country and place where the raw cherries were grown.

52 & 53 Vict. c. 63.

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

Importation of raw cherries grown in England etc. not restricted.

2. Nothing in this Order shall apply to the landing in Scotland of raw cherries grown in England or Wales, Northern Ireland, Eire, the Isle of Man or the Channel Islands.

Restriction on importation of raw cherries.

3. For the prevention of the introduction of the Cherry Fruit Fly, the landing in Scotland after the eighteenth day of May, nineteen hundred and forty-eight, of any raw cherries grown in any European country other than Spain, France, Italy, Germany, Hungary, Switzerland, Austria, Bulgaria and Portugal, is hereby prohibited unless each consignment is accompanied by a certificate of origin.

Restriction on importation of raw cherries grown in Spain.

4. Raw cherries grown in Spain shall not be landed in Scotland after the eighteenth day of May, nineteen hundred and forty-eight.

Restriction on importation of raw cherries grown in France.

5. Raw cherries grown in France shall not be landed in Scotland

(*a*) during the period beginning on the nineteenth day of May, nineteen hundred and forty-eight, and ending on the thirty-first day of May, nineteen hundred and forty-eight, unless each consignment is accompanied by a certificate of origin;

(*b*) after the thirty-first day of May, nineteen hundred and forty-eight, unless each consignment is accompanied by a certificate issued by an officer of the French Services d'Inspection Phytopathologique in the Form A set forth in the Schedule to this Order.

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

Restriction on importation of raw cherries grown in Italy.

6. Raw cherries grown in Italy shall not be landed in Scotland

(*a*) during the period beginning on the nineteenth day of May, nineteen hundred and forty-eight, and ending on the twelfth day of June, nineteen hundred and forty-eight, unless each consignment is accompanied by a certificate of origin;

(*b*) during the period beginning on the thirteenth day of June, nineteen hundred and forty-eight, and ending on the twenty-third day of June, nineteen hundred and forty-eight, unless each consignment is accompanied by a certificate issued by an officer of the Italian Phytopathological Service in the Form B set forth in the Schedule to this Order;

(*c*) after the twenty-third day of June, nineteen hundred and forty-eight.

Restriction on importation of raw cherries grown in Germany.

7. Raw cherries grown in Germany shall not be landed in Scotland

(*a*) during the period beginning on the nineteenth day of May, nineteen hundred and forty-eight, and ending on the twenty-sixth day of June, nineteen hundred and forty-eight, unless each consignment is accompanied by a certificate of origin;

(*b*) after the twenty-sixth day of June, nineteen hundred and forty-eight, unless each consignment is accompanied by a certificate issued by an officer of the German Phytopathological Service in the Form C set forth in the Schedule to this Order.

Restriction on importation of raw cherries grown in Austria, Bulgaria, Hungary and Switzerland.

8. Raw cherries grown in Austria, Bulgaria, Hungary or Switzerland shall not be landed in Scotland

(*a*) during the period beginning on the nineteenth day of May, nineteen hundred and forty-eight, and ending on the ninth day of June, nineteen hundred and forty-eight, unless each consignment is accompanied by a certificate of origin;

(*b*) after the ninth day of June, nineteen hundred and forty-eight.

Restriction on importation of raw cherries grown in Portugal.

9. Raw cherries grown in Portugal shall not be landed in Scotland

(*a*) during the period beginning on the nineteenth day of May, nineteen hundred and forty-eight, and ending on the thirty-first day of May, nineteen hundred and forty-eight, unless each consignment is accompanied by a certificate of origin;

(*b*) after the thirty-first day of May, nineteen hundred and forty-eight.

Delivery and competence of certificates.

10. Every certificate prescribed by this Order 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 and all the consignments in one cargo may, where the circumstances so admit, be covered by one certificate.

Licences.

11. Notwithstanding any of the provisions of this Order, raw cherries may be landed in Scotland under and in accordance with the conditions of a licence issued by the Secretary of State or by an Inspector.

Disposal of raw cherries landed in contravention of this Order.

12. Raw cherries landed in Scotland in contravention of this Order shall forthwith be destroyed by and at the expense of the importer unless they are re-exported or are disposed of in accordance with the terms of a licence issued by an Inspector.

Powers of inspection and entry.

13. An Inspector, upon production if so required of his appointment or authority, may open and examine and take samples of the contents of any consignment or package containing or suspected to contain raw cherries which have been shipped or are suspected to have been shipped from any country beyond the seas, and enter any premises upon which any such raw cherries are or are suspected to be.

Offences.

14. Every person who

(*a*) wilfully obstructs or impedes an Inspector in the exercise of his powers under this Order; or

(*b*) does any act in contravention of this Order or of the terms or conditions of any licence served or issued thereunder; or

(*c*) fails to do any act which he is required to do by this Order or any such licence,

shall be guilty of an offence and shall be liable on conviction to a penalty not exceeding ten pounds, or in the case of a second or subsequent offence to a penalty not exceeding fifty pounds.

This article shall not apply to the landing or attempted landing of any raw cherries 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.

Arthur Woodburn,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
29th April, 1948.

SCHEDULE

FORM A

Certificate to accompany Raw Cherries grown in France and landed after 31st May

This is to certify that the raw cherries included in the shipment described below were grown within the Zone described in the Schedule to this Certificate.

Number and description of packages in shipment.....

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Date and Port of Shipment.....

Name of Vessel.....

Signature .....

Official status .....

Date .....

SCHEDULE

Description of Zone

The Department of Calvados, and the Cantons of Quilleboeuf, Pont-Audemer, Beuzeville, Routot, Montfort-sur-Risle, Cormeilles, St. Georges-du-Vièvre, Bourgtheroulde, Amfreville, Brionne, and Thiberville, in the Department of Eure.

FORM B

Certificate to accompany Raw Cherries grown in Italy and landed between 13th and 23rd June

This is to certify that the raw cherries included in the shipment described below were grown either within the Region of Emilia or within the Province of Verona.

Number and description of packages in shipment.....

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Distinguishing Marks.....

Date of Dispatch.....

Port of Shipment.....

Signature .....

Official status .....

Date .....

FORM C

Certificate to accompany Raw Cherries grown in Germany and landed after 26th June

This is to certify that the raw cherries included in the shipment described below were not grown south of Latitude 53°N.

Number and description of packages in shipment.....

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Distinguishing Marks.....

Date of Dispatch.....

Port of Shipment.....

Signature .....

Official status .....

Date .....

EXPLANATORY NOTE

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

This Order imposes restrictions on the importation of raw cherries into Scotland in 1948 during that period of the year when there is danger of the introduction of the Cherry Fruit Fly.