1975 No. 316

PLANT HEALTH

Mediterranean Carnation Leaf-Roller Order (Northern Ireland) 1975

Made . . . . . 14*th November* 1975

Coming into operation . . . 8*th December* 1975

The Department(**a**) of Agriculture, in exercise of the powers vested in it under sections 3(1), (2), (3), (4) and 3A (as set out in Article 11(2) of the Agriculture (Miscellaneous Provisions) (Northern Ireland) Order 1975(**b**) of the Plant Health Act (Northern Ireland) 1967(**c**) as amended by section 1(2) of, and Part II of the Schedule to, the Increase of Fines Act (Northern Ireland) 1976(**d**) and by Article 3 and Schedule 2 to the European Communities (Agriculture) Order (Northern Ireland) 1972(**e**), and all other powers enabling it in that behalf, hereby makes the following order:

Citation and commencement

1. This order may be cited as the Mediterranean Carnation Leaf-Roller Order (Northern Ireland) 1975, and shall come into operation on 8th December 1975.

Interpretation

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

"carnation leaf-roller" means the insect known as the Mediterranean Carnation Leaf-Roller or carnation tortrix moth (*Cacoecimorpha pronubana* Hübner);

"carnation plant" means a plant of the genus *Dianthus* L.;

"cut flowers" means flowers taken from a carnation plant;

"inspector" means an officer of the Department of Agriculture authorised for the purposes of this order;

"premises" includes any vehicle, vessel, aircraft, hovercraft or freight container.

Restrictions concerning infested plants and cut flowers

3.—(1) No person having reasonable cause to believe or suspect that carnation plants in his possession or under his control for the purpose of the production for sale of cut flowers are infested with carnation leaf-roller shall, until the plants have been effectively treated with a view to eradicating the infestation, take or cause or permit to be taken from them any flowers for the purpose of their sale.

(2) No person shall sell or offer or expose for sale any cut flowers unless they are substantially free from infestation with carnation leaf-roller.

(a) Formerly Ministry: *see* 1973 c. 36 Sch. 5 para. 8(1)
(b) S.I. 1975 No. 1038 (N.I. 8)
(c) 1967 c. 28 (N.I.)
(d) 1967 c. 29 (N.I.)
(e) S.R. & O. (N.I.) 1972 No. 351 (p. 1740)

Prohibition against the keeping and release or disposal of carnation leaf-roller.

4. No person shall keep or release, deliver or otherwise dispose of or cause to be kept or released, delivered or otherwise disposed of, any carnation leaf-roller: provided that nothing in this Article shall be deemed to prohibit the delivery, keeping or disposal of any carnation leaf-roller for scientific purposes, tests or selection work.

Powers of entry and examination and sampling

5. An inspector, upon production if so required of his authority, may for any purpose of this order enter any land or premises on which he believes there are present, for the purpose of any trade or business, any carnation plants or cut flowers and examine and take samples of any carnation plants or cut flowers which are on such land or premises.

Power to deal with infested cut carnation flowers

6.—(1) If an inspector has reason to believe that there are present on any land or premises for the purposes of any trade or business any cut flowers infested with carnation leaf-roller, he may by notice in writing served on the occupier or other person in charge of the said land or premises prohibit the removal of such cut flowers from such land or premises and require him, within such time as may be specified in the notice, to take such steps, as may also be so specified, to treat or destroy to the satisfaction of the inspector any such cut flowers.

(2) If any person shall fail to comply with the requirements of a notice served in accordance with paragraph (1) of this Article when 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 upon the land or premises and treat or destroy such cut flowers, and the cost of taking such steps shall be recoverable by the Department as a debt due from the person in default.

(3) A notice served in accordance with paragraph (1) of this Article may be varied or withdrawn by a subsequent notice served on the occupier or other person in charge of the land or premises.

Service of notices

7. For the purposes of this order a notice shall be deemed to be served on or given to 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.

Information

8. The owner or occupier or other person in charge of land or premises shall, if so required in writing by an inspector, give to him any information he may possess as to the cut flowers which are or have been present on the land or premises at any time and shall produce for inspection by the inspector any records or invoices relating to the sale or purchase of such cut flowers.

Offences

9. Any person who fails to comply with, or acts in contravention of, this order or the requirements of a notice served thereunder or who wilfully obstructs an inspector in the exercise of his powers under this order shall be deemed to commit an offence against this order and be liable on summary conviction to a penalty not exceeding £100, or in respect of a second or subsequent offence, to a penalty not exceeding £200.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 14th November 1975.

(L.S.) *D. J. Alexander*
Assistant Secretary

EXPLANATORY NOTE

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

This order implements Directive 74/647/EEC of the Council (O.J. No. L352, 28.12.74 p. 41) on the control of the Mediterranean carnation leaf-roller.

The order prohibits the cutting of flowers for sale from carnation plants infested with Mediterranean carnation leaf-roller, until the plants have been effectively treated with a view to eradicating the infestation. The order also prohibits the sale of carnation cut flowers unless they are subsequently free from infestation with carnation leaf-roller.

Inspectors are given power to serve notices requiring the treatment or destruction of infested cut carnation flowers and, on failure to comply, to take the necessary steps at the expense of the person in default.

Inspectors are also given powers to examine and take samples of carnation plants; persons in possession of cut flowers are required to produce records relating to their sale or purchase.

Penalties are prescribed for infringements of the requirements of the order.