1968. No. 258 **[NC]**

PLANT HEALTH

Potato Root Eelworm

ORDER, DATED 25TH NOVEMBER 1968, MADE BY THE MINISTRY OF AGRICULTURE UNDER THE PLANT HEALTH ACT (NORTHERN IRELAND) 1967.

The Ministry of Agriculture in exercise of the powers conferred on it by section 3 of the Plant Health Act (Northern Ireland) 1967(**a**), and of every other power enabling it in that behalf, hereby makes the following Order:—

Citation and Commencement

1.—(1) This Order may be cited as the Potato Root Eelworm Order (Northern Ireland) 1968.

(2) This Order shall come into operation on 1st January 1969.

Revocation

2. The Potato Root Eelworm Order (Northern Ireland) 1960(**b**), and the Potato Root Eelworm (Amendment) Order (Northern Ireland) 1964(**c**) are hereby revoked.

Interpretation

3.—(1) In this Order:—

"conveyance" includes any vehicle, ship, boat, vessel or craft;

"inspector" means an officer of the Ministry authorised for the purposes of this Order;

"Ministry" means the Ministry of Agriculture;

"occupier" means any person in occupation of or in charge of any land, whether he has an estate in said land or not;

"owner" when not also the occupier, means the person from whom the occupier holds the land;

"packages" includes boxes, sacks, baskets and other containers;

"plant propagating material" means plants or parts thereof (except seeds) for planting, sowing or propagation;

"potatoes" includes tubers planted or growing or grown, as well as the roots and haulms of such tubers;

"potato root eelworm" means the nematode, *Heterodera rostochiensis* Wollenweber;

"prescribed" means prescribed by the Ministry;

"tomato plants" includes seeds, roots, stems and leaves of any species of tomato growing or grown.

(**a**) 1967. c. 28 (N.I.).
(**b**) S.R. & O. (N.I.) 1960, No. 27.
(**c**) S.R. & O. (N.I.) 1964, No. 108.

PART I

MEASURES FOR THE PREVENTION OF INFECTION

Restriction on Planting

4.—(1) Potatoes shall not be planted or grown or permitted to be planted or grown more often than once in any period of five years in the same land in any part of Northern Ireland except:—

(*a*) under the authority of a Licence issued by the Ministry, or

(*b*) in a garden immediately adjoining a dwelling house where all the produce from the garden is retained for the use of the occupants of the said dwelling house.

(2) An Inspector may, for the purpose of ascertaining whether potatoes have been planted or are growing or have been grown in any land, enter upon any land and take such steps as may be necessary to determine whether potatoes have been so planted or are growing or have been grown and the area over which such planting or growing is taking or has taken place.

Service of Directions

5. If an Inspector finds potatoes planted or growing in any land in contravention of Article 4(1) or in contravention of a Licence granted thereunder or has reason to believe that potatoes have been so planted or are growing he or the Ministry may serve a Direction on the occupier of such land requiring him, within such period as may be specified, to dig or otherwise raise out of the ground the said potatoes and to dispose of the same in such manner as may be prescribed in the Direction.

Notification of Infection

6. Every occupier who knows or suspects that any land is infected with Potato Root Eelworm shall forthwith notify the fact to the Ministry.

PART II

MEASURES FOR THE PREVENTION OF THE SPREAD OF INFECTION

Taking of Samples

7. An Inspector on receiving in any manner notification of the existence or suspected existence or having himself reason to suspect the existence of Potato Root Eelworm in any land in which potatoes or tomato plants or any plant propagating material are growing or have been grown, or for the purpose of ascertaining whether Potato Root Eelworm exists in any land, may enter upon any land, and take such steps as may be necessary, and take a sample or samples of soil, plants, or parts of plants for testing or examination by the Ministry in order to determine whether Potato Root Eelworm exists therein.

Service of Notices

8.—(1) If, as a result of an examination or test as aforesaid, the Ministry is satisfied of the existence of Potato Root Eelworm in any land, the Ministry shall cause a Notice to be served upon the occupier of such land requiring him to adopt such measures for the prevention of the spread of Potato Root Eelworm as may be specified in the Notice. Where the person using the land at the time of the discovery of Potato Root Eelworm therein is not also the owner, such person shall on request disclose to the Ministry the name and address of the owner and a Notice shall also be served upon the owner.

(2) Without prejudice to the generality of Article 8(1) a Notice served under this Article may direct:—

(*a*) that except in accordance with the conditions of a Licence issued by the Ministry, potatoes or tomato plants or plant propagating material shall not again during the currency of the Notice be planted or grown in or moved on to, or be permitted to be planted or grown in or moved on to any land specified in the Notice;

(*b*) that except in accordance with the conditions of a Licence issued by the Ministry, potatoes or tomato plants or plant propagating material which have been grown or are growing in any land specified in the Notice

(i) shall not again be planted or be permitted to be planted or grown;

(ii) shall not be sold or otherwise disposed of for the purpose of being planted or grown; and

(iii) shall not be moved or be permitted to be moved from the said land; provided that if the land specified in the Notice is a garden immediately adjoining a dwelling house, the produce of the garden may be moved to the said dwelling house for use by the occupants thereof;

(*c*) that soil, whether loose or adhering to the roots of plants or to implements or to other objects, shall not except in accordance with the conditions of a Licence issued by the Ministry, be moved or be permitted to be moved from any land specified in the Notice to any other place on the holding of which the said land forms a part or to any other place;

(*d*) that cabbage plants or other plant propagating material which have been grown or are growing in any land specified in the Notice shall be destroyed by such method as may be prescribed;

(*e*) that the Ministry shall be notified immediately of any sale or other transfer or letting of any land specified in the Notice or any part thereof and shall at the same time be furnished with the name and address of the new owner or occupier.

(3) Any such Notice may be altered by the Ministry and the altered Notice shall continue to have effect as altered.

(4) Every Notice shall remain in force until withdrawn by the Ministry.

Disposal of Potatoes or Tomato Plants or Plant Propagating Material Planted or Grown in Contravention of the Order

9. If potatoes or tomato plants or plant propagating material have been planted or are growing in contravention of this Order or if the Ministry has reason to suspect that potatoes or tomato plants or plant propagating material have been so planted or are growing in contravention of this Order or in contravention of a Notice served or Licence issued, the Ministry may serve a Direction on the occupier of such land requiring him to dig or otherwise raise out of the ground the said potatoes or tomato plants or plant propagating material and to dispose of the same in such manner and within such period of time as may be specified in the Direction.

Disposal of Potatoes or Tomato Plants or Plant Propagating Material Moved in Contravention of the Order

10. If any potatoes or tomato plants or plant propagating material are loaded on any conveyance or moved or delivered in contravention of this Order or of any Notice or Direction served or Licence issued, the Ministry may dispose of them or cause them to be disposed of, together with any packages in which they are, or have been, contained in such manner as the Ministry shall think fit,

and for that purpose the Ministry may remove or cause such potatoes or tomato plants or plant propagating material with such packages to be removed to such place and in such manner as may be thought fit or, in the alternative, may require the consignee or other person in charge of or in possession thereof to remove and dispose of the said potatoes or tomato plants or plant propagating material and such packages in such manner and within such period of time as may be specified.

PART III

GENERAL

Powers of Entry

11. An Inspector may, for any purposes connected with his duties under this Order, enter on any land or conveyance or any place where potatoes or tomatoes or plant propagating material are planted or growing or kept or stored.

Offences and Penalties

12. Any person who:

(1) acts in contravention of any of the provisions of this Order or of any Direction or Notice served or Licence issued; or

(2) refuses, neglects or fails to comply with the requirements of a Direction or Notice served or Licence issued; or

(3) obstructs or impedes an Inspector in the exercise of any of the powers exercisable under this Order;

shall be guilty of an offence and shall be liable on summary conviction to a fine of not more than £10 for a first offence or £50 for a second or subsequent offence.

Licences

13.—(1) Notwithstanding anything contained in this Order potatoes or tomato plants or plant propagating material may be planted or grown or moved or supplied or used or dealt with in any manner specified in any Licence issued by the Ministry.

(2) Any Licence issued by the Ministry may be issued for such time and subject to such conditions as may be specified therein and may be amended or revoked at any time by the Ministry.

Sealed with the Official Seal of the Ministry of Agriculture for Northern Ireland this 25th day of November 1968.

(L.S.) *A. McKelvie,*
Assistant Secretary.

EXPLANATORY NOTE

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

This Order, which revises and consolidates existing Orders relating to Potato Root Eelworm—

(*a*) provides further measures for the prevention of infection by Potato Root Eelworm and for preventing the spread of the pest. It requires that the existence or suspected existence of Potato Root Eelworm shall be notified to the Ministry; and

(*b*) provides for the disposal of potatoes, tomato plants or plant propagating material grown or moved in contravention of the Order.