STATUTORY RULES OF NORTHERN IRELAND

2002 No. 7

PLANT HEALTH

The Potatoes Originating in Germany (Notification) Order (Northern Ireland) 2002

Made . . . . . 14th January 2002

Coming into operation . . 11th February 2002

The Department of Agriculture and Rural Development (**a)** in exercise of the powers conferred on it by sections 2(**b**), 3(1)(**c**), 3B(1)(**d**) and 4(1)(**e**) of the Plant Health Act (Northern Ireland) 1967(**f**) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as The Potatoes Originating in Germany (Notification) Order (Northern Ireland) 2002, and shall come into operation on 11th February 2002.

Interpretation

2.—(1) In this Order—

"the 1993 Order" shall be construed in accordance with paragraph (2);

"Department" means the Department of Agriculture and Rural Development;

"originating in Germany" means grown and harvested after 2000 in Germany;

"Germany" means the Federal Republic of Germany;

"processing" means any industrial treatment, including grading, sorting, washing and packing, whether for sale or not;

"public authority" means a department of the Government of the United Kingdom or of the Scottish or Welsh administration.

(2) Other expressions have the same meaning as in the Plant Health Order (Northern Ireland) 1993(**g**) ("the 1993 Order").

(**a**) Formerly the Department of Agriculture for Northern Ireland; *see* S.I. 1999/283 (N.I. 1), Art.3(4)
(**b**) As amended by S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Sch. 2; 1979 c. 2, s. 177(1) and Sch. 4 Pt. II; and S.I. 1984/702 (N.I. 2) Art. 15(2)
(**c**) As amended by S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Sch. 2
(**d**) Inserted by S.I. 1984/702 (N.I. 2) Art.15(2)
(**e**) As amended by S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Sch. 2 and S.I. 1984/702 (N.I. 2) Art.15(2)
(**f**) 1967 c. 28 (N.I.)
(**g**) S.R. 1993 No. 256 as amended by S.R. 1994 No. 28, S.R. 1995 No. 164, No. 250 and No. 494, S.R. 1996 No. 204 and No. 249, S.R. 1997 No. 110 and No. 397, S.R. 1998 No. 16, No. 146 and No. 315, S.R. 1999 No. 24, S.R. 2000 No. 126, S.R. 2001 No. 188

Notification of potatoes originating in Germany

3.—(1) A person shall not land any potatoes which he knows or has reasonable cause to suspect have originated in Germany unless, at least two days prior to the date of landing, he has given written notification to an inspector of his intention to do so and of:

(*a*) the proposed time, date and means of landing;

(*b*) the proposed point of entry;

(*c*) the intended use of the potatoes;

(*d*) in the case of seed potatoes or potatoes intended for processing, the proposed destination of the potatoes;

(*e*) the variety of the potatoes;

(*f*) the quantity of potatoes; and

(g) the producer's identification number or the reference number of the lot.

(2) Any person who, after 14th January 2002 and before the commencement of this Order, landed in Northern Ireland any potatoes which he knew or had reasonable cause to suspect to have originated in Germany shall, no later than 28th February 2002 give written notification to an inspector of—

(*a*) the date the potatoes were landed;

(*b*) the point of entry;

(*c*) the intended use of the potatoes;

(*d*) in the case of seed potatoes or potatoes intended for processing, the destination or proposed destination of the potatoes;

(*e*) the variety of the potatoes;

(*f*) the quantity of the potatoes; and

(*g*) the producer's identification number or the reference number of the lot.

(3) The requirements at paragraphs (1) and (2) shall apply to all potatoes originating in Germany which are landed in Northern Ireland from Great Britain even if those potatoes have previously been declared in a notification to any public authority.

Actions which may be required by an inspector

4. Without prejudice to the circumstances in which an inspector may exercise any powers under Article 22, 23 and 25 of the 1993 Order, an inspector who has reasonable grounds for suspecting that any person has or will have in his possession potatoes originating in Germany may, in respect of such potatoes, exercise the powers set out in those provisions as if the reference in these provisions to the 1993 Order included references to this Order.

Offences

5—(1) A person who contravenes the requirements for notification under Article 3 without reasonable excuse, proof of which shall lie on him, shall be guilty of an offence.

(2) A person guilty of an offence under paragraph (1) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 14th January 2002.

(L.S.) *R. S. Johnston*

A Senior Officer of the Department of Agriculture and Rural Development

EXPLANATORY NOTE

(This note is not part of the Order)

This Order places certain notification requirements upon persons importing potatoes from Germany which have been grown after 2000. It requires importers bringing such potatoes into Northern Ireland on or after 11th February 2002 to give at least two days' notice in writing to an inspector of the Department of Agriculture and Rural Development, providing specified details as to, *inter alia*, the landing and intended use of the potatoes (Article 3(1)). It also requires importers of German potatoes which arrived in Northern Ireland between 14th January 2002 and the coming into operation of the Order on 11th February 2002 to provide specified information of a similar nature no later than 28th February 2002 (Article 3(2)).

The Order provides that an inspector who has reasonable grounds for suspecting a contravention of its provisions may exercise in respect of German potatoes certain enforcement powers conferred by Articles 22, 23 and 25 of the Plant Health Order (Northern Ireland) 1993.

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