STATUTORY INSTRUMENTS

1974 No. 1152

PLANT HEALTH

Prevention of Spread of Pests (Seed Potatoes) (Great Britain) Order 1974

Made - - -	*2nd July* 1974
Laid before Parliament	*15th July* 1974
Coming into Operation	*5th August* 1974

The Minister of Agriculture, Fisheries and Food, for England and Wales, and the Secretary of State, for Scotland, in exercise of the powers conferred on them respectively by section 3(1), (2) and (4) of the Plant Health Act 1967(**a**), as amended by section 92(2) of, and Part II of Schedule 3 to, the Criminal Justice Act 1967(**b**) and section 4(1) of, and paragraph 8 of Schedule 4 to, the European Communities Act 1972(**c**), and as read with section 20 of the Agriculture (Miscellaneous Provisions) Act 1972(**d**) and of all other powers enabling them in that behalf hereby make the following order:—

Citation, extent and commencement

1. This order, which applies to England and Wales and Scotland, may be cited as the Prevention of Spread of Pests (Seed Potatoes) (Great Britain) Order 1974 and shall come into operation on 5th August 1974.

Interpretation

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

"protected region" means the area specified in the Schedule to this order;

"inspector" means an officer authorised by the Minister for the purposes of this order;

"the Minister" means as respects England and Wales, the Minister of Agriculture, Fisheries and Food and as respects Scotland, the Secretary of State;

"potato" means any tuber or part thereof or any plant or part thereof of *Solanum tuberosum* L. or other tuber-forming species or hybrids of *Solanum;*

"premises" includes any land or building other than a private dwelling-house and also includes any vehicle, vessel, aircraft, hovercraft or freight container;

(2) The Interpretation Act 1889(**e**) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

(**a**) 1967 c. 8. (**b**) 1967 c. 80. (**c**) 1972 c. 68.
(**d**) 1972 c. 62. (**e**) 1889 c. 63.

Restrictions on the movement and planting of potatoes

3.—(1) The provisions of this article shall have effect for the purpose of preventing the spread of pests to or in the protected region.

(2) No person shall plant or cause or permit to be planted in that region any potatoes which have been grown in any place outside that region and no person shall bring or cause to be brought into that region any such potatoes for planting in that region.

(3) Where the Minister has reason to believe that potatoes have been planted in or brought into that region contrary to the provisions of paragraph (2) of this article he may by notice in writing served on any person who appears to him to be in charge of or in possession of such potatoes or of any potatoes derived from such potatoes prohibit the planting thereof in that region or the removal thereof from any premises specified in the notice otherwise than in accordance with such conditions as may be so specified and may by such notice require the treatment or destruction thereof, or the removal thereof to any other place so specified, by such person in such manner and in accordance with such conditions and within such time limit as may be specified in the notice and to the satisfaction of an inspector.

(4) If any person shall fail to carry out the treatment or destruction or removal of any potatoes or shall otherwise fail to comply with any of the terms and requirements of a notice served under paragraph (3) of this article an inspector or a person authorised by him for the purpose may (without prejudice to any proceedings under this order consequent upon any failure to comply with such notice) enter on any premises on which the potatoes to which the notice relates are believed to be and may take such measures as to the treatment or destruction or removal of the potatoes as the inspector may consider necessary, and the cost of taking such measures shall be recoverable by the Minister as a debt due from the person on whom the notice was served.

Information regarding Potatoes

4. Any person who has or has had any potatoes in his possession or under his charge and any person who as auctioneer, salesman or otherwise has sold or offered for sale any potatoes shall if so required in writing by an inspector give within 7 days of such requirement any information he may possess relating to such potatoes and shall produce for examination by the inspector any licences, declarations, certificates, records or invoices relating to the planting, sale or purchase of such potatoes:

Provided that any information given by virtue of the provisions of this article shall not be available as evidence in any proceedings under this order against any person required to give such information except in respect of an alleged failure to comply with this article.

Powers of entry and examination and sampling

5. An inspector upon production if so required of his authority may for the purpose of enforcement of this order enter any premises and examine and take and remove samples of any potatoes and any soil of any land comprised in any premises.

Service of notices

6. For the purposes of this order a notice shall be deemed to have been 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.

Licences

7. Notwithstanding any provisions of this order, potatoes which have been grown in any place outside the protected region may be planted in that region or brought into that region for planting there under and in accordance with conditions of a licence granted by the Minister.

Offences

8. Any person who fails to comply with, or acts in contravention of, this order or the terms or conditions of a notice or licence served or granted thereunder or who wilfully obstructs an inspector in the exercise of his powers under this order shall 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.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 2nd July 1974.

(L.S.)

Frederick Peart,
Minister of Agriculture, Fisheries and Food.

William Ross,
Secretary of State for Scotland.

St. Andrew's House,
Edinburgh.
28th June 1974.

SCHEDULE

Article 2

SPECIFICATION OF AREA OF THE PROTECTED REGION

The whole of Scotland and the following parts of England, namely:—the county of Northumberland excluding the districts of Blyth Valley and Wansbeck, and the county of Cumbria excluding the districts of Barrow-in-Furness and South Lakeland.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order prohibits in relation to a protected region comprising Scotland and part of England, except under licence of the Minister, the planting of potatoes having origin outside that region or the bringing to that region for planting therein of such potatoes. It makes provision for the treatment, destruction or removal of any potatoes brought into or planted in the region in contravention of the Order. Those provisions supersede, and extend the application of, the provisions formerly made in Articles 12, 13, 14, 15 and 16 of the Wart Disease of Potatoes (Scotland) Order 1941 (S. R. & O. 1941/1587) which applies to Scotland only and were revoked by the Wart Disease of Potatoes (Great Britain) Order 1973 (S.I. 1973/1060).

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