1965 No. 1184

PESTS

DESTRUCTIVE INSECTS AND PESTS

The Progressive Wilt Disease of Hops Order 1965

Made - - - -	*25th May* 1965
Laid before Parliament	*2nd June* 1965
Coming into Operation	*14th June* 1965

The Minister of Agriculture, Fisheries and Food by virtue and in exercise of the powers vested in him by section 2 of the Destructive Insects Act 1877(a), as amended by section 1 of the Destructive Insects and Pests Act 1907(b) and section 1 of the Destructive Insects and Pests Act 1927(c) respectively, and of all other powers enabling him in that behalf hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Progressive Wilt Disease of Hops Order 1965 and shall come into operation on 14th June 1965.

Revocation

2. The Progressive Verticillium Wilt of Hops Order 1957(d) is hereby revoked.

Interpretation

3.—(1) In this Order, unless the context otherwise requires,

"farm" means the whole of the land which is occupied as a unit for agricultural purposes;

"hop plant" includes any part of a hop plant;

"inspector" means an officer of the Ministry of Agriculture, Fisheries and Food authorised by the Minister for the purposes of this Order;

"Minister" means the Minister of Agriculture, Fisheries and Food;

"progressive wilt disease" means the disease of hop plants known as progressive wilt disease of hops or progressive verticillium wilt of hops and includes any strain of the fungus *Verticillium alboatrum* Reinke and Berth., causing the said disease.

(2) The Interpretation Act 1889(e) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Order hereby revoked were Acts of Parliament.

(a) 40 & 41 Vict. c. 68.
(b) 7 Edw. 7. c. 4.
(c) 17 & 18 Geo. 5. c. 32.
(d) S.I. 1957/752 (1957 II, p. 1842).
(e) 52 & 53 Vict. c. 63.

Notification of existence or suspected existence of the disease

4. The occupier or other person in charge of any farm who knows or suspects that progressive wilt disease exists thereon shall forthwith give notice to the Minister of the existence or suspected existence of the disease.

Destruction of dead and dying bines and leaves

5.—(1) The occupier or other person in charge of any farm who knows or suspects that progressive wilt disease exists thereon, shall with all practicable speed from time to time destroy by fire on the farm all dead and dying bines and leaves of hop plants which may be present there.

(2) The Minister or an inspector may by licence exempt from the provisions of this Article, in accordance with the conditions of such licence, the occupier or other person in charge of any farm on which hop plants are grown for the purpose of experiment or research.

Restriction on the planting or movement for planting of hop plants grown farms where the disease has existed

6. No person shall, except under and in accordance with the conditions of a licence granted by the Minister or an inspector, plant or cause or permit to be planted elsewhere than on the farm hereinafter mentioned or move or cause or permit to be moved for planting elsewhere than on such farm any hop plant grown on a farm on which he knows or suspects progressive wilt disease to have existed at any time.

Restriction on the planting or movement for planting of hop plants grown in certain counties

7. No person shall, except under and in accordance with the conditions of a licence granted by the Minister or an inspector,—

(*a*) plant or cause or permit to be planted elsewhere than in Kent or Sussex or move or cause or permit to be moved for planting elsewhere than in those counties any hop plant grown in Kent or Sussex;

(*b*) plant or cause or permit to be planted elsewhere than in Surrey, Hampshire, Kent or Sussex or move or cause or permit to be moved for planting elsewhere than in those counties any hop plant grown in Surrey or Hampshire;

(*c*) plant or cause or permit to be planted elsewhere than in Herefordshire, Surrey, Hampshire, Kent or Sussex or move or cause or permit to be moved for planting elsewhere than in those counties any hop plant grown in Herefordshire.

Power to require further measures to be taken to control the disease

8.—(1) Where the Minister or an inspector knows or suspects that progressive wilt disease exists on any part of a farm he may serve on the occupier or other person in charge of the farm a notice requiring him to take, from time to time or within such time as may be specified in the notice, such steps, also specified in the notice, as in the opinion of the Minister or of the inspector, as the case may be, are necessary or desirable to prevent the spread or recurrence of the said disease including, but without prejudice to the generality of the power aforesaid, any or all of the following steps, namely,

(*a*) to cut down and destroy by fire such bines and leaves of hop plants as may be specified;

(*b*) to destroy by fire with all practicable speed all dead and dying bines and leaves of hop plants;

(*c*) to grub up and destroy by fire such hop plants as may be specified;

(*d*) to sow with grass such land as may be specified;

(*e*) at all times to maintain under grass to such extent as may be specified such land as may be specified;

(*f*) to erect and at all times thereafter to maintain such fences on the farm as may be specified;

(*g*) to treat, destroy, or dispose of in some other manner such soil or such things on the farm which are capable of harbouring or spreading progressive wilt disease, not being harvested cones of hop plants, as may be specified;

(*h*) to inform the Minister forthwith of any further appearance or suspected appearance of progressive wilt disease on the farm.

(2) A notice served in pursuance of paragraph (1) of this Article may also require that, except under and in accordance with the conditions of a licence granted by the Minister or an inspector, the occupier or other person in charge of the farm shall not,

(*a*) plant or sow or cause or permit to be planted or sown any hop plant, or any such other plant as may be specified in the notice, on such land as may also be so specified;

(*b*) move or cause or permit to be moved from the farm or from such part thereof as may be specified such hop plants, hop poles or material wholly or partly derived from or partly consisting of hop plants, not being harvested cones of hop plants, as may be specified in the notice.

(3) If any person shall have failed to comply with the requirements of a notice served under this Article, then, 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 any land or premises and take such steps as shall appear to the inspector to be necessary as far as possible either to ensure compliance with the aforesaid requirements or to remedy any breach thereof, and the cost of taking any such steps shall be recoverable by the Minister from the person in default as a civil debt.

(4) A notice served under this Article may at any time be amended, modified or withdrawn by the Minister or by an inspector by a further notice in writing served upon the occupier or other person in charge of the farm or the part of the farm to which the further notice relates.

Powers of entry, inspection and sampling

9. An inspector upon production if so required of his authority may, for the purposes of this Order, enter upon any land or premises and may examine, remove and take away any hop plant, any soil in which any hop plant is growing or in which he knows or suspects any hop plant to have been grown, and any material wholly or partly derived from, or partly consisting of hop plants, and may mark any hop pole.

Information to be given

10.—(1) If so required by demand in writing by the Minister or an inspector, the occupier or other person in charge of land or premises on which the

Minister or an inspector knows or suspects hop plants, hop poles or material wholly or partly derived from or partly consisting of hop plants to be or to have been present at any time shall, within such time and in such manner as may be specified in the demand give such information in his possession as may be required concerning the purchase, planting, sale, disposal or movement of any such plant, pole or material and produce for inspection by an inspector any invoice, record, licence, declaration, certificate or other document relating to such purchase, planting, sale, disposal or movement.

(2) Every person who has or has had in his possession or under his charge any hop plants, any hop poles or any material wholly or partly derived from or partly consisting of hop plants and every person who as auctioneer, salesman or otherwise has sold or offered for sale any such plant, pole or material shall, if so required in writing by the Minister or an inspector, give within such time and in such manner as may be specified such information as he may possess as to the persons in whose possession or under whose charge they are or have been and shall produce for inspection by an inspector any invoice, record, licence, declaration, certificate or other document relating to the purchase, planting, sale, offer for sale, disposal or movement of any such plant, pole or material.

(3) Any information given under this Article shall not be available as evidence against the person giving the same in any prosecution under this Order, except in respect of an alleged failure to comply with this Article.

Service of notices

11. For the purposes of this Order a notice shall be deemed to be served on 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.

Offences

12. Any person who fails to comply with or who acts in contravention of this Order or of the terms or conditions of any notice served or licence granted thereunder or who wilfully obstructs any person in the exercise of his powers under this Order shall be liable on conviction to a fine not exceeding ten pounds, or in respect of a second or subsequent offence to a fine not exceeding fifty pounds.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 25th May 1965.

(L.S.) *Frederick Peart,*
Minister of Agriculture, Fisheries and Food.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order re-enacts the Progressive Verticillium Wilt of Hops Order 1957, with amendments.

Occupiers are required to give to the Minister of Agriculture, Fisheries and Food notice of the presence, or suspected presence, on their farms of progressive wilt disease of hops and to destroy dead or dying bines and leaves of hops plants on infected farms.

Hop plants grown on an infected farm are not to be planted elsewhere except under licence and restrictions are imposed on the planting of hop plants grown in Herefordshire, Surrey, Hampshire, Kent and Sussex.

The Minister or an inspector may, by notice served on the occupier of infected land, impose other requirements or restrictions with a view to preventing the spread or recurrence of the disease. These include—

(*a*) the destruction of entire hop plants or of the bines and leaves of hop plants;

(*b*) control of the cropping of land;

(*c*) the erection and maintenance of fencing;

(*d*) the treatment, destruction or other disposal of soil or things capable of harbouring or spreading progressive wilt disease (e.g. destruction of hop waste or treatment of machinery);

(*e*) restrictions on the movement of hop plants, hop poles and material derived from hop plants.

Certain occupiers and other persons may be required to give information about the purchase, planting, sale, offer for sale, disposal or movement of hop plants, hop poles or material derived from hop plants and to produce relevant records and other documents.