

DESTRUCTIVE INSECTS AND PESTS (IRELAND) ORDER 1922

THE Department of Agriculture and Technical Instruction for Ireland, in exercise of the powers conferred on them by the Destructive Insects and Pests Acts, 1877 and 1907, and the Provisional Government (Transfer of Functions) Order, 1922, and of all other powers them in this behalf enabling, do hereby, with the concurrence of the Minister for Agriculture, order as follows:—
Commencement.

1. This Order shall come into operation on the fourth day of December, 1922.

Definitions.

2. In this Order:—

" The Department " means the Department of Agriculture and Technical Instruction for Ireland.

" Inspector " means an Inspector of the Department.

" Plant " where the context permits, includes tree and shrub, and the fruit, seeds, tubers, bulbs, layers, cuttings or any other parts of a plant.

" Landing " includes importation through the post.

" Premises " means land, or a building or buildings, or land with a building or buildings thereon.

" Person " includes a corporation.

" authorised " means authorised by the Department.

Restriction on Importation of Plants.

3.—(1) The landing in Ireland at any place within the jurisdiction of the Provisional Government of Ireland from any country other than Great Britain and the Channel Islands of any of the plants mentioned in the First Schedule to this Order is prohibited except in accordance with the regulations set out in the Third Schedule hereto.

(2) The importer of any plant the landing of which is regulated by this Article shall comply with the Regulations set out in the Third Schedule hereto.

(3) This Article shall not apply to any plant the landing of which is authorised by a general licence issued by the Department, or by a special licence issued by an Inspector or other authorised person, or to a consignment of a plant to the Department for experimental or scientific purposes.

Powers of Entry.

4. An Inspector, or other authorised person may, upon production if so required of his appointment or authority, enter any premises at any place within the jurisdiction of the Provisional Government of Ireland, and examine any plant on such premises which has been landed in Ireland from any country except as aforesaid, or on which he has reason to believe that an insect or pest mentioned in the Second Schedule to this Order exists or has recently existed.

Precautions to be adopted in case of Disease.

5.—(1) An Inspector or other authorised person may at any time and from time to time by a notice served on the occupier of premises on which he has reason to believe that there is any plant attacked with any insect or pest mentioned in the Second Schedule to this Order, require him to adopt such measures for prevention of the spread of the insect or pest as are specified in the notice.

(2) A notice under this Article may prescribe the time within which the adoption of any measure thereby prescribed shall be completed.

Power to deal with living specimens of Insects or Pests.

6. No person shall land, sell, or offer for sale, a living specimen of any insect or pest mentioned in the Second Schedule to this Order, except with the written permission of the Department, and an Inspector or other authorised person may, by a notice served on any person having in his possession or under his charge any such living specimen, require him to adopt such measures for the prevention of the spread, of the insect or pest as are specified in the notice.

Service of Notices, etc.

7. For the purpose 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; and a notice purporting to be signed by an Inspector or other authorised person shall be prima facie evidence that it was signed by him.

Information to be given as to Diseased Plants or parts thereof.

8. Every person who has or has had in his possession or under his charge any plant which is attacked by any insect or pest mentioned in the Second Schedule to this Order, and every person who as auctioneer, salesman, or otherwise has sold or offered for sale any such plant shall, if so required in writing by the Department or an Inspector or other authorised person, give to the Department or Inspector or other authorised person all such information as he

possesses as to the persons in whose possession or under whose charge the plant is or has been ; provided that 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.

Offences.

9.—(1) Every person shall be liable on conviction to a penalty not exceeding ten pounds, who does any act in contravention of this Order or the Regulations in the Third Schedule to this Order or any notice served on him under this Order, or fails to do any act which he is required to do by this Order or the said Regulations or any such notice.

(2) This Article does not apply to the landing or attempted landing of anything in contravention of this Order the penalty for which is provided by section one of the Destructive Insects Act, 1877, as amended by the Destructive Insects and Pests Act, 1907.

Revocation of Order.

10. The Foreign Potatoes (Ireland) Order, 1910, is hereby revoked.

Application of the Order and savings.

11.—(1) This Order shall apply to the whole of the area of jurisdiction of the Provisional Government of Ireland.

(2) This Order shall be read as being in addition to and not in substitution for the American Gooseberry Mildew and Black Currant Mite (Ireland) Order, 1912.

(3) This Order shall be read as being in addition to and not in substitution for the Potatoes Importation (Ireland) Order, 1920 save that as from the fourth day of December, 1922, the declarations prescribed by Article 3 (3) of the last-mentioned Order shall not be required in respect of potatoes landed in the area of jurisdiction of the Provisional Government of Ireland from any country (other than Great Britain and the Channel Islands) provided the Regulations set out in paragraph 2 (a) of the Third Schedule to this Order (relating to the Certificates therein mentioned) are duly complied with.

Short Title.

12. This Order may be cited as the Destructive Insects and Pests (Ireland) Order, 1922.

In Witness whereof the Department of Agriculture and Technical Instruction for Ireland have hereunto set their Official Seal this Fourth day of December, 1922.

Signed T. P. GILL,

Secretary.

I concur in the foregoing Order.

Signed PATRICK HOGAN,

Minister for Agriculture.

FIRST SCHEDULE.

(a) All living plants with a persistent woody stem above ground, and parts of the same, except seeds, when for use in propagation—such as fruit trees, stocks and stools, forest trees, and ornamental shrubs and grafts, layers and cuttings thereof.

(b) All potatoes ; and all tubers, bulbs, rhizomes, corms, and hop stocks for planting.

(c) Seeds of onions and of leeks for sowing.

(d) Gooseberries.

SECOND SCHEDULE.

Fungi.

Black Knot of Plum and Cherry (*Plowrightia morbosa*, Sacc.).

Fire or Pear Blight (*Bacillus amylovorus*, Trev.).

Chestnut Canker (*Endothia parasitica*, (Murr.), Ander & Ander.),

Wart Disease or Black Scab of Potatoes (*Synchytrium endobioticum* Perc.).

Onion and Leek Smut (*Urocystis cepulae*, Frost).

Downy Mildew of Hops (*Peronosplasmopara humuli*, Miy, et Taka.).

Insects.

Vine Louse (*Phylloxera vastatrix*, Planch.).

American Apple Capsids (*Heterocordylus malinus*, Reut and Lygidea mendax, Reut).

Pear Tingid (*Stephanitis pyri*, Fab.).

Colorado Beetle (*Leptinotarsa decemlineata*, Say.).

Plum Curculio (*Conotrachelus nenuphar*, Herbst.).

Potato Moth (*Phthoyimaea operculella*, Zell.).

American Lackey Moths (*Malacosoma americana*, Fab. and *M. disstria*, Hubn.).

Oriental Fruit Moth (*Cydia molesta*, Busck.).

San José Scale, (*Aspidiotus perniciosus*, Comst.).

Japanese Fruit Scale (*Diaspis pentagona*, Newst.).

Apple Fruit Fly (*Rhagoletis pomonella*, Welsh).

Cherry Fruit Flies (*Rhagoletis cerasi*, Linn., *R. cingulata*, Loew., and *R. fausta*, Osten Saken).

Gooseberry Fruit Fly (*Epochra canadensis*, Loew.).

THIRD SCHEDULE.

Regulations Governing the Importation of Plants into that part of Ireland within the jurisdiction of the Provisional Government of Ireland.

1. The restrictions on landing imposed by the Order and these Regulations do not apply to plants, the landing of which is authorised by a general licence issued by the Department or by a special licence issued by an Inspector or other authorised person or to consignments of plants to the Department for experimental or scientific purposes.

2. Inspection and Certification as a Condition of Entry.

(a) In the case of an importation of plants otherwise than through the post from a country whose service of plant inspection is recognised for the time being, each consignment must be accompanied by two copies of a certificate issued after inspection, and not more than 14 days prior to the date of shipment, by a duly authorised official of the country whence the plants are exported, in the form prescribed below. One copy of the certificate must be produced to the Customs Officer at the port of entry, and the other copy must be forwarded by the importer to the consignee. In the case of consignments imported through the post, a copy of the prescribed certificate need not be produced to the Customs Officer, but a copy must be affixed to each package.

The original of the certificate must be forwarded by post, before the plants are despatched, by the exporter to the Secretary, Department of Agriculture and Technical Instruction for Ireland, Upper Merrion-street, Dublin.

Certificate of Examination of Plants, No.

This is to certify that the plants included in the package or consignment described below were thoroughly inspected by a duly authorised official of

, on

and were found or believed by him to be healthy and free from any of the plant diseases or pests named in the Second Schedule to the Destructive Insects and Pests (Ireland) Order, 1922.

This additional certificate must be given for all potatoes:—

Further, it is hereby certified that no case of the disease known as Wart Disease or Black Scab of Potatoes (*Synchytrium endobioticum*) has occurred on the farm or holding where the potatoes included in this consignment were grown nor within 500 yards (approximately 2 kilometre) thereof.

(Signed).....

(Official

Status).....

The following details must be filled in by the Shipper:—

Number and Description of packages in

consignment.....
Distinguishing
Marks.....
Description of
Plants.....
Grown
at.....
Name and Address of
Exporter.....
Name and Address of
Consignee.....
Name of
Vessel.....
Date of
Shipment.....
Port of
Shipment.....:
Port of Landing in
Ireland.....
Approx. Date of
Landing.....
(Signed).....

An Inspector of the Department may open and examine the contents of any consignment or package imported or believed to have been imported into any place within the jurisdiction of the Provisional Government of Ireland, notwithstanding the fact that the consignment may be accompanied by, or the package may have attached thereto, the duly authorised copy certificate.

(b) In the case of an importation of plants from a country where no recognised service of plant inspection is maintained, and in the case of a consignment of plants which is not accompanied by copy certificates as abovementioned, or of a package of plants imported through the post to which a copy certificate is not attached, the plants shall be retained by the Customs Officer or the importer or consignee until they have been examined by an Inspector of the Department or other authorised person at a suitable place designated by the Department or by an Inspector or other authorised person and certified in writing to be healthy and free from the insects and pests mentioned in the Second Schedule to this Order or until their removal has been authorised in writing by the Department or by an Inspector of the Department or other authorised person.

(c) Any imported plants which on inspection are found to be unhealthy or attacked by any insect or pest mentioned in the Second Schedule to this Order, and which, in the judgment of the Inspector or other authorised person, cannot be cleaned by disinfection or other treatment shall, with the packing and package, either be destroyed or returned to the country of exportation by the importer thereof.

(d) When disinfection or other treatment of the plants is allowed, it shall be carried out by the importer, and under the supervision

of an Inspector of the Department or other authorised person at a suitable place designated by the Inspector or other authorised person or the Department, and no part of the consignment shall be moved from the place designated without the written consent of the Inspector of the Department or other authorised person.

(e) The Department's charge for the services of the Inspector or other authorised person and all charges for storage, cartage and labour incident to inspection and disinfection, shall be paid by the importer

3. Plants will not be deemed to be healthy which, are attacked by any insect or pest mentioned in the Schedule and the Note to the Sale of Diseased Plants (Ireland) Order of 1922.