

BERMUDA STATUTORY INSTRUMENT
AGRICULTURE (IMPORTATION AND SALE OF POTATOES)
REGULATIONS 1936

*[made under the Agriculture Act 1930 [title 25 item 1] and brought into
operation on 18 January 1937]*

ARRANGEMENT OF REGULATIONS

- 1 Inspection of potatoes
- 2 Procedure for importation of seed potatoes
- 3 Standard of seed potatoes
- 4 Name of grower to appear
- 5 Certificate of inspection; marking of barrels
- 6 Declaration of use
- 7 Prohibited countries
- 8 Area under plant quarantine
- 9 Destruction if diseased
- 10 Seed potatoes unfit for planting
- 11 Further sorting and inspection
- 12 Potatoes unfit for planting not to be sold
- 13 Irregular importation
- 14 Table potatoes not to be sold for seed
- 15 Seed potatoes not to be sold for table
- 16 Furnishing of information
- 17 Minister may import for experimental purposes
- 18 Offences

1 All potatoes imported for any purpose shall be subject to inspection by the Department.

[regulation 1 amended by 1991:99 effective 1 April 1991]

AGRICULTURE (IMPORTATION AND SALE OF POTATOES) REGULATIONS 1936

Procedure for importation of seed potatoes

2 (1) Every importer of seed potatoes shall notify the Director of his intention to import seed potatoes, and shall furnish full information regarding the origin, certification and other particulars relating to the seed potatoes he desires to import.

(2) If such information is satisfactory, a permit to import shall be issued by the Director, to be attached to the bill of lading after the signature of the exporter is attached, but the possession of such permit shall not sanction the use of such potatoes as seed potatoes unless all the requirements of these Regulations are fulfilled.

[regulation 2 amended by 1991:99 effective 1 April 1991]

Standard of seed potatoes

3 Every importer shall satisfy the Director that the seed potatoes imported into Bermuda—

- (a) are the produce of approved strains; and
- (b) are true to variety and free from an undue quantity of diseases that would seriously prejudice their value for seed purposes; and
- (c) were not seriously injured by insects when inspected; and
- (d) are from fields which contained less than 15 per centum misses and were not adjacent to fields of diseased potatoes; and
- (e) were field-inspected and certified by a duly recognized authority; and
- (f) were inspected after harvest (if such inspection were required) and found to be free from serious tuber diseases.

[regulation 3 amended by 1991:99 effective 1 April 1991]

Name of grower to appear

4 On every certificate of inspection shall appear the name of the grower.

Certificate of inspection; marking of barrels

5 (1) A copy of the certificate of inspection shall be submitted to the Director, or attached to bills of lading or to the barrels or bags containing the potatoes.

(2) Every barrel or other package of seed potatoes shall be so marked or labelled as clearly to indicate the nature of the potatoes contained therein.

[regulation 5 amended by 1991:99 effective 1 April 1991]

Declaration of use

6 Every importer of seed potatoes shall sign a declaration that the seed potatoes imported by him were imported for seed purposes only, and the Inspector of Produce shall countersign such declaration after securing satisfactory evidence that the potatoes are seed potatoes within the meaning of these Regulations.

Prohibited countries

7 The importation of potatoes from the undermentioned countries is prohibited, that is to say, the United Kingdom, Ireland, the countries of Europe, Newfoundland and the Islands of St. Pierre and Miquelon.

Area under plant quarantine

8 No potatoes shall be permitted to be imported into Bermuda from any area which is under plant quarantine, unless each consignment is accompanied by a certificate from a duly recognized government authority that such potatoes are free from black wart or other serious plant disease or plant pest; and each package shall have plainly marked thereon, or on a label affixed thereon, the number of the certificate under which it is so certified.

Destruction if diseased

9 Any barrel or package found to contain one or more potatoes with black wart or any other disease or insect pest, the presence of which in Bermuda would be likely, in the opinion of the Director, seriously to prejudice the interests of the potato growers of Bermuda shall, together with all its contents, be destroyed or dealt with as the Director shall determine.

[regulation 9 amended by 1991:99 effective 1 April 1991]

Seed potatoes unfit for planting

- 10 Seed potatoes shall be considered to be unfit for planting—
- (a) if they are affected to an undue extent with common scab, or Rhizoctonia, or Fusarium rot, or late blight rot or any other tuber disease or any pest; or
 - (b) if they are smaller than 1 ½ inches in diameter or larger than 12 ounces in weight; or
 - (c) if they include an undue amount of foreign varieties; or
 - (d) if they include an undue amount of tubers which are malformed or badly damaged by sunburn or cuts or other cause.

AGRICULTURE (IMPORTATION AND SALE OF POTATOES) REGULATIONS 1936

Further sorting and inspection

11 When a barrel or package of seed potatoes is found to contain any potatoes unfit for planting, the Inspector of Produce shall have the right to order that they be sorted and again submitted to him for inspection after all potatoes unfit for planting have been discarded.

Potatoes unfit for planting not to be sold

12 Discarded potatoes of any of these classes shall not be sold except under such conditions as the Minister may determine.

Irregular importation

13 The Minister may require the importer of any potatoes imported with respect to which these Regulations have not been complied with to export the same within a time to be prescribed by the Minister, and the failure of the importer to export such potatoes accordingly shall constitute a contravention of these Regulations, and after such failure the Minister may direct such potatoes to be destroyed or otherwise disposed of.

Table potatoes not to be sold for seed

14 Any importer or dealer who knowingly sells table potatoes for seed purposes commits an offence against these Regulations.

Seed potatoes not to be sold for table

15 No person shall sell or use or cause to be sold or used for table purposes any potatoes which have been imported for seed purposes without the written permission of the Minister and unless the import duty payable under the Customs Tariff Act 1970 (*title 14 item 12*) in respect of potatoes other than certified seed potatoes has been paid.

Furnishing of information

16 The Minister or a person authorized by him may at any time require any importer or purchaser of seed potatoes to supply information concerning the acquisition and disposal of any seed potatoes imported, purchased, or sold by him.

Minister may import for experimental purposes

17 The foregoing Regulations shall not prevent the Minister from importing seed potatoes for experimental purposes, the importation of which would otherwise be contrary to these Regulations.

Offences

18 (1) Any person who fails to comply with any of the foregoing provisions of these Regulations commits an offence against these Regulations.

(2) Where any person who commits an offence against these Regulations:

Punishment on summary conviction: a fine of \$12.

[Amended by

1968 : 166

1991 : 99]