

S.I. No. 346/1993:

EUROPEAN COMMUNITIES (POTATO RING ROT) REGULATIONS, 1993.

I, JOE WALSH, Minister for Agriculture, Food and Forestry, in exercise of the powers conferred on me by section 3 of the European Communities Act, 1972 (No. 27 of 1972), and for the purpose of giving effect to Council Directive No. 93/85/EEC of 4 October 1993⁽¹⁾, hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Potato Ring Rot) Regulations, 1993.

2. In these Regulations—

"the organism" means *Clavibacter michiganensis* (Smith) Davis et al. ssp. *sepedonicus* (Spieckermann et Kotthoff) Davis et al., the cause of potato ring rot;

"infected potatoes" means potatoes infected with the organism;

"inspector" means a person appointed by the Minister to be an inspector for the purpose of these Regulations;

"the Minister" means the Minister for Agriculture, Food and Forestry.

3. These Regulations apply to the owner or occupier of any land on which potatoes are grown, the owner or occupier of any place where potatoes are stored, or the owner or occupier of any place where potatoes are sold.

4. A person to whom these Regulations apply shall, if he finds infected potatoes or potatoes suspected to be so infected growing on any land, or harvested, or stored in any store, or placed on the market for sale, forthwith notify the Minister of the fact.

5. No person shall sell, or place on the market for sale, infected potatoes or potatoes suspected to be so infected.

⁽¹⁾O.J. No. L.259 of 18.10.1993.

6. An inspector may, upon production, if so required, of his warrant of appointment or authority, enter on any land where potatoes are grown, or into

any place where potatoes are stored or sold, for the purpose of ascertaining if any infected potatoes are to be found on that land or in that place and the inspector may make such enquiries and examinations (including the taking of samples) as are necessary for such purpose.

7. An inspector shall forthwith notify the Minister of the presence, or suspected presence of infected potatoes on any land or in any place.

8. Whenever the Minister has reason to believe, whether by means of a report from an inspector or otherwise, that infected potatoes or potatoes suspected to be so infected are to be found on any land or in any place, he may serve on any person to whom these Regulations apply a notice (in these Regulations referred to as a ring rot prevention notice).

9. A ring rot prevention notice may require the person on whom it is served to do all or any of the following things:

(*a*) handle all potatoes specified in the notice in such manner as the notice may direct including the collection of all such potatoes and their storage in such place as may be specified:

(*b*) abstain from planting, selling, exchanging, making a gift of or otherwise parting with any potatoes otherwise than in accordance with a direction from the Minister;

(*c*) abstain from growing potatoes on any land specified in the notice for such period as the Minister may direct;

(*d*) thoroughly cleanse and disinfect, or if necessary destroy, any buildings, containers, packaging materials, vehicles, appliances or any other object which may have come into contact with the infected potatoes during the proceeding six months;

(*e*) give any available information on the source of the potatoes that are infected or suspected of being infected, which could be of assistance in tracing the origin of the infection or the suspected infection;

(*f*) do all such other things as may seem expedient to the Minister to control the disease with the aim of eradicating it and to prevent its spread.

10. If any potatoes are delivered or placed on rail or loaded or moved in contravention of these Regulations, or of a notice (including a ring rot prevention notice) or direction served thereunder, the Minister or an inspector may seize such potatoes and any packages in which they are or have been contained and may dispose of them or cause them to be disposed of in such manner as the Minister or the inspector may think fit, or may remove them or cause them to be removed to such place

and in such manner as the Minister or the inspector may think fit, and may serve a notice on the consignee of, or on the person in charge of, or in possession of, any of the aforesaid potatoes or packages, directing the person on whom the notice is served to dispose of such potatoes or packages within such time and in such manner as may be specified in the notice, or to remove such potatoes or packages within such time and to such place as may be specified in the notice.

11. (1) If, on the expiration of fourteen days after the service, under these Regulations, on a person of a ring rot prevention notice such person has not complied with the terms of the notice, an inspector may enter on the land or into the place specified in the notice and may do all such things as may be necessary to comply with the notice.

(2) Any expenses incurred by an inspector under paragraph (1) of this Regulation shall be paid by the person named in the notice and may be recovered by the Minister in any court of competent jurisdiction as a simple contract debt.

12. For the purpose of these Regulations, a notice or a direction served thereunder 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 in a prepaid registered letter addressed to him there and a notice purporting to be signed by an inspector shall be prima facie evidence that it was signed by him as an inspector.

13. Whenever the Minister has reason to believe that the organism is present in any area, the Minister may declare such area as may be specified in the declaration to be a contaminated zone.

14. Whenever the Minister declares an area to be a contaminated zone pursuant to Regulation 13 of these Regulations, the Minister may serve on any person to whom these Regulations apply who either resides, or carries on business, within that area a notice requiring such person to do all such things as may be specified in the notice and which, in the opinion of the Minister, are necessary and expedient to control the disease with the aim of preventing its spread and of eradicating it.

15. No person shall hold cultures of the organism.

16. Notwithstanding anything in these Regulations, the Minister may, if he sees fit, by licence permit any person to hold infected potatoes or cultures of the organism for experimental or scientific purposes or for the purpose of work on varietal selection.

17. Any person who fails to comply with the provisions of Regulation 4, 5 or 15 of these Regulations or who fails to comply with the provisions of a notice or a direction served under these Regulations or who interferes with or impedes

an inspector in the execution of his duties under these Regulations shall be guilty of an offence and shall be liable on summary conviction thereof to a fine not exceeding £600 in the case of a first offence or a fine not exceeding £1,000 in the case of a second or subsequent offence.

18. An offence under these Regulations may be prosecuted by the Minister.

19. The European Communities (Potato Ring Rot) Regulations, 1981, S.I. No. 388 of 1981 are hereby revoked.

GIVEN under my Official Seal, this 24 day of November, 1993.

JOE WALSH,

Minister for Agriculture, Food

and Forestry.

EXPLANATORY NOTE.

The Regulations implement the provisions of Council Directive 93/85/EEC on the control of potato ring rot, which is designed to prevent the occurrence of this disease and in the event of such occurrence, to introduce control measures aimed at eradicating it and preventing its spread. They replace the European Communities (Potato Ring Rot) Regulations, 1981.