



THE POTATO CYST NEMATODE REGULATIONS 1974

DENIS BLUNDELL, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 26th day of August 1974

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Plants Act 1970, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. *Title and commencement*—(1) These regulations may be cited as the Potato Cyst Nematode Regulations 1974.

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. *Interpretation*—In these regulations, unless the context otherwise requires,—

“Potato” includes all cultivars of the potato, and all parts of any potato plant:

“Potato cyst nematode” means any living stage of the nematode *Heterodera pallida* or *Heterodera rostochiensis*.

3. *Declaring land to be an infected area*—(1) The Director-General may declare—

(a) Any land on which the potato cyst nematode is found; and

(b) Any other land within a radius of 80 kilometres of that land, which the Director-General has reason to believe might be infected with potato cyst nematode by any conveyance, machinery, tools, equipment, or other thing, or any potato or other plant material of the genus *Solanum*, or any soil, from that land—

to be an infected area for the purposes of these regulations.

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(2) The declaration of any land to be an infected area for the purposes of these regulations shall be made by notice in writing signed by the Director-General, and shall take effect on being notified to the occupier of the land notwithstanding that publication in accordance with subclause (4) of this regulation may not then have been accomplished or undertaken.

(3) The occupier of any land declared to be an infected area for the purposes of these regulations may be notified by delivering a copy of the declaration to him or by leaving it or posting it addressed to him at his usual or last known place of abode or business in New Zealand, or if he is unknown or cannot be found in New Zealand, by affixing a copy of the notice in some conspicuous place on the land to which the notice relates.

(4) As soon as possible after declaring any land to be an infected area for the purposes of these regulations the Director-General shall by way of providing general information cause a copy of the declaration to be published in any newspaper or newspapers having a circulation in the locality in which the infected area is situated.

4. Removal of conveyance, machinery, etc., from infected area prohibited—(1) Except with the approval of an inspector and on or subject to such conditions as he may think fit to impose, no person shall remove from an infected area any conveyance, machinery, tools, equipment or other thing, or any potato or other plant material of the genus *Solanum*, or any soil.

(2) Notwithstanding anything in subclause (1) of this regulation, any inspector may for the purposes of analysis or for the purposes of identifying any disease or pest, remove from any infected area any potato or other plant material of the genus *Solanum*, or any soil.

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations are made under the Plants Act 1970. They enable the Director-General of Agriculture and Fisheries to declare any land on which potato cyst nematode is found, together with other land within a radius of 20 kilometres that he has reason to believe might be infected by transmission from any conveyance, machinery or relevant plant material, to be an infected area for the purposes of the regulations.

The expression "potato cyst nematode" is defined in the regulations to mean any living stage of the nematode *Heterodera pallida* or *H. rostochiensis*. Being an invertebrate animal that causes an unhealthy condition in any plant material of the *Solanum* genus, it is therefore a "pest" within the meaning of the Plants Act 1970.

Each declaration of land as an infected area for the purposes of the regulations takes effect on being notified to the occupier of the land. The occupier may be notified by delivering a copy of the declaration to him or the copy may be left or posted to him at his usual or last known place of residence or business in New Zealand. If he is unknown or cannot be found in New Zealand notification may be given by affixing a copy of the notice in some conspicuous place on the land to which the notice relates.

For the purposes of public information, provision is made for publishing a copy of any declaration of an infected area in a newspaper circulating in the locality of the infected area.

No conveyance, machinery, or other thing, or any potato or other plant material of the genus *Solanum*, or any soil, may be removed from the infected area without the approval of an inspector; but an inspector may remove any potato or other plant material of the genus *Solanum* for analysis or for the identification of any disease or pest.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 29 August 1974.

These regulations are administered in the Ministry of Agriculture and Fisheries.