

1989 No. 221

AGRICULTURE

Marketing of Potatoes Regulations (Northern Ireland) 1989

Made 14th June 1989

Coming into operation 1st August 1989

The Department of Agriculture in exercise of the powers conferred on it by sections 2(3), (4) and (6), 3(1), (2A) and (3), 7(2) and 11(1) of the Marketing of Potatoes Act (Northern Ireland) 1964(a) and of every other power enabling it in that behalf, and with the approval of the Department of Finance and Personnel(b) as to fees, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Marketing of Potatoes Regulations (Northern Ireland) 1989 and shall come into operation on 1st August 1989.

Revocation

2. The Regulations listed in column 1 of Schedule 5 are hereby revoked insofar as they remain in force.

Interpretation

3. In these Regulations—

“the Act” means the Marketing of Potatoes Act (Northern Ireland) 1964;

“early potatoes” means ware potatoes harvested before they are completely mature, marketed immediately after their harvesting and whose skin can be easily removed without peeling;

“licence-holder” means a person who holds a current potato shipping licence;

“lot” means a quantity of early or maincrop potatoes which are transported in the same consignment (which may consist of more than one lot) by or on behalf of the same packer or despatcher and which:—

(a) are of the same variety;

(b) are from the same country of origin; and

(c) where appropriate, consist of the same type of packages.

“maincrop potatoes” means ware potatoes other than early potatoes; and

“waste” means soil (whether attached to potatoes or not), detached growth shoots or other extraneous matter.

(a) 1964 c. 8 (N.I.) as amended by S.I. 1975/1038 (N.I. 8), Art. 7 and S.I. 1984/702 (N.I. 2) Art. 12
 (b) Formerly the Department of Finance: see S.I. 1982/338 (N.I. 6), Art. 3

Licences

4.—(1) An application for a potato shipping licence shall be in the form set out in Schedule 1.

(2) A potato shipping licence shall be in the form set out in Schedule 2.

Fees with application for licence

5.—(1) The fee payable to the Department by an applicant for a potato shipping licence at the time at which the application is made shall be £15.

(2) The sum payable to the Department by an applicant for a potato shipping licence on account of fees for the inspection of ware potatoes payable by him under section 3(3) of the Act shall be £45.

Standards for ware potatoes for shipment

6. For the purposes of section 3(1)(b) and (2A) of the Act (inspection of potatoes being sent out of Northern Ireland):—

(a) early potatoes shall be of the standard of quality prescribed in Schedule 3 and shall be graded, packed and labelled in the manner prescribed in that Schedule; and

(b) maincrop potatoes shall be of the standard of quality prescribed in Schedule 4 and shall be graded, packed and labelled in the manner prescribed in that Schedule.

Fees for the inspection of ware potatoes sent out of Northern Ireland

7.—(1) The fee payable to the Department in respect of any inspection of ware potatoes for the purposes of section 3 of the Act shall be £2·50 per tonne or part thereof of potatoes inspected.

(2) Where the inspection referred to in paragraph (1) is in respect of ware potatoes to be sent out of Northern Ireland to a relevant destination the said fee shall be payable by the licence-holder for whom or on whose behalf the potatoes are inspected.

(3) Where the inspection referred to in paragraph (1) is in respect of ware potatoes to be sent out of Northern Ireland to a destination which is in the United Kingdom or in any other Member State the said fee shall be payable by the person requesting the examination.

(4) Fees payable to the Department under this Regulation shall be paid on demand.

Fees for the examination of ware potatoes for sale in Northern Ireland

8. The fee payable to the Department in respect of an examination of ware potatoes for the purposes of section 7(2) of the Act shall be £2·50 per tonne or part thereof of potatoes examined.

Sealed with the Official Seal of the Department of Agriculture on 14th June 1989.

(L.S.)

I. C. Henderson

Assistant Secretary

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Agriculture

No. 221

The Department of Finance and Personnel hereby approves the foregoing Regulations as to fees.

Sealed with the Official Seal of the Department of Finance and Personnel on 14th June 1989.

(L.S.)

Derek A. Hill

Assistant Secretary

Marketing of Potatoes Act (Northern Ireland) 1964

Marketing of Potatoes Regulations (Northern Ireland) 1989

Form of application for a potato shipping licence under the above-mentioned Act and Regulations

1. I/We
hereby apply for a licence to send potatoes out of Northern Ireland to a relevant destination.

2. I/We
enclose cheque for £60 made up as follows:—
£15 being the fee for a licence as prescribed by the above-mentioned Regulations,
£45 being the amount prescribed by way of payment on account of inspection fees.

3. I/We
hereby undertake in the event of a licence being issued to me/us to comply with the provisions of the above-mentioned Act and Regulations made thereunder and to comply with such conditions as the Department may specify in the licence and with such amendments to such conditions as may from time to time be made by the Department and brought to my/our notice.

Signed for and on behalf of the Applicant(s)

Full Postal Address of Applicant

Date

To: The Secretary
Department of Agriculture for Northern Ireland
Dundonald House
Upper Newtownards Road
BELFAST
BT4 3SB

Marketing of Potatoes Act (Northern Ireland) 1964

Marketing of Potatoes Regulations (Northern Ireland) 1989

Licence No.

POTATO SHIPPING LICENCE

This is to certify that
of
in the County of is/are licensed under the above-mentioned Act and Regulations to send potatoes out of Northern Ireland to a relevant destination subject to compliance with the provisions of the said Act and Regulations and to compliance with such conditions as are specified herein and with such amendments thereto as may from time to time be made by the Department and be brought to the notice of the licence-holder.

CONDITIONS

This licence shall be valid from
to the

Dated this day of 19

Secretary

Standards for early potatoes*Standards of quality*

1. Subject to the limits of tolerance permitted by paragraph 3 potatoes shall be:—
- (a) of normal appearance for the variety;
 - (b) intact;
 - (c) sound and not affected by rotting or deterioration such as to make them unfit for human consumption;
 - (d) practically clean;
 - (e) firm;
 - (f) without growth cracks deeper than 3.5 millimetres;
 - (g) free of abnormal external moisture;
 - (h) free of any foreign smell or taste;
 - (i) free from other external or internal defects detrimental to their general appearance, quality, keeping quality or presentation such as (without prejudice to the generality of this sub-paragraph):—
 - (i) cracks, cuts, bites or bruises exceeding 3.5 millimetres in depth,
 - (ii) green colouration covering more than $\frac{1}{8}$ th of their surface area,
 - (iii) serious deformities,
 - (iv) rust stains, hollow or black hearts,
 - (v) brown stains due to heat,
 - (vi) superficial common potato scab covering more than $\frac{1}{4}$ of the surface area, or
 - (vii) frost damage; and
 - (j) of such development and condition as to enable them to withstand transport and handling and to arrive in a satisfactory condition at the place of destination.

2. A package or lot of potatoes shall not contain more than 1% by weight of waste.

Limits of tolerance for quality

3. For the purposes of this Schedule, a package or lot of potatoes shall be deemed to comply with the standards of quality prescribed by paragraph 1 if not more than:—
- (a) 4% by weight fails to comply with those standards;
 - (b) 1% by weight are affected by dry rot;
 - (c) 1% by weight are affected by wet rot; and
 - (d) 1% by weight have green colouration covering more than $\frac{1}{8}$ th of their surface area.

Standards of grading

4. Subject to the limits of tolerances permitted by paragraph 5 potatoes shall:—
- (a) if graded by size, not pass through a square mesh of 28 millimetres by 28 millimetres provided that potatoes which do pass through may be marketed under the trade name of “mids”; and
 - (b) if graded by weight, weigh not less than 20 grams provided that potatoes weighing less than 20 grams may be marketed under the trade name of “mids”.

Limits of tolerance for grading

5. For the purposes of this Schedule, a package or lot of early potatoes shall be deemed to comply with the standards of grading prescribed in paragraph 4 if:—

- (a) in the case of potatoes graded by size and marketed under the trade name of “mids” not more than 3% by weight pass through a square mesh of 17 millimetres by 17 millimetres but do not pass through a square mesh of 28 millimetres by 28 millimetres; and
- (b) in the case of other potatoes graded by size, not more than 3% by weight pass through a square mesh of 28 millimetres by 28 millimetres and no tuber passes through a square mesh of 15 millimetres by 15 millimetres;
- (c) in the case of potatoes graded by weight and marketed under the trade name of “mids” not more than 3% by weight weigh more than 20 grams or less than 5 grams;
- (d) in the case of other potatoes graded by weight, not more than 3% by weight weigh less than 20 grams and no tuber weighs less than 10 grams.

Standards of packaging

6. The contents of each package or lot shall:—

- (a) be of a uniform size;
- (b) contain potatoes from the same country of origin; and
- (c) contain potatoes of which at least 98% by weight are of the same variety.

7. Each package or lot shall be so packed that any potatoes exposed to view, or which would be exposed to view if the package or lot were opened, are representative in size and quality of its entire contents.

8. Potatoes shall be so packed as to protect the produce.

9. Packages of potatoes and any packing materials used in them shall:—

- (a) be new, clean and non-toxic;
- (b) be sufficient to avoid any external or internal damage to the potatoes contained in the package; and
- (c) if paper or plastic, allow for adequate ventilation unless the contract for the sale of the potatoes requires otherwise.

10. Potatoes shall be packed in packages so that the net weight of the contents is less than 10 kilogrammes or is approximately, 10, 12.5, 15, 20, 25, 30 or 50 kilogrammes unless the contract for the sale of the potatoes requires otherwise.

11. Where a lot of potatoes consists of more than one package, each package in that lot shall, as far as is practicable, be of the same weight.

Requirements for labelling

12.—(1) Subject to sub-paragraph (3), each package of potatoes shall bear the following particulars:—

- (a) the name and address of the packer or, if appropriate, the despatcher, and, if shipped by a licence-holder, his name, trade brand or licence number;
- (b) the nature of its contents, that is to say “Northern Ireland early potatoes” or “Northern Ireland new potatoes”;
- (c) the name of the variety;
- (d) if appropriate that the potatoes are to be marketed under the trade name of “mids”; and

- (e) the net weight of the package.
- (2) The particulars required by sub-paragraph (1) shall:—
 - (a) be on a label which is secured to the fastening of the package or, if inside the package, which is visible from outside it; or
 - (b) be legibly and indelibly marked directly on one side of the package.
- (3) The requirements of sub-paragraph (1) shall not apply to packages for direct sale to consumers.

Standards for maincrop potatoes*Standards of quality*

1. Subject to the limits of tolerance permitted by paragraph 3 potatoes shall be:—
- (a) of normal appearance for the variety;
 - (b) intact;
 - (c) sound and not affected by rotting or deterioration such as to make them unfit for human consumption;
 - (d) practically clean;
 - (e) covered with well formed skin;
 - (f) firm;
 - (g) without growth cracks deeper than 5 millimetres;
 - (h) free of abnormal external moisture;
 - (i) free of any foreign smell or taste;
 - (j) free from other external or internal defects detrimental to the general appearance, quality, keeping quality or presentation such as (without prejudice to the generality of this sub-paragraph):—
 - (i) brown stains due to heat,
 - (ii) cracks, cuts, bites or bruises exceeding 5 millimetres in depth,
 - (iii) green colouration covering more than 1/8th of the surface area,
 - (iv) serious deformities,
 - (v) grey, blue or black sub-epidermal stains exceeding 5 millimetres in depth,
 - (vi) rust stains, hollow or black hearts,
 - (vii) deep common potato scab and powdery potato scab,
 - (viii) superficial common potato scab covering more than 1/4 of the surface area,
 - (ix) frost damage, or
 - (x) sprouts longer than 3 millimetres; and
 - (k) of such development and condition as to enable them to withstand transport or handling and to arrive in satisfactory condition at the place of destination.

2. A package or lot of potatoes shall not contain more than 1% by weight of waste.

Limits of tolerance for quality

3. For the purposes of this Schedule a package or lot of potatoes shall be deemed to comply with the standards of quality prescribed by paragraph 1 provided:—

- (a) not more than 6% by weight fails to comply with those standards; and
- (b) not more than 1% by weight are affected by dry rot or wet rot.

Standards of grading

4. Subject to the limits of tolerance permitted by paragraph 5 and other than in the case of a variety of potatoes whose average length is at least twice its average width, potatoes shall not pass through a square mesh of 35 millimetres by 35 millimetres.

Limits of tolerance for grading

5. For the purposes of this Schedule a package or lot of potatoes shall be deemed to comply with the standards of grading prescribed in paragraph 4 provided:—

- (a) not more than 3% by weight fails to comply with these standards;
- (b) no potatoes pass through a square mesh of 28 millimetres by 28 millimetres.

Standards of packaging

6. The contents of each package or lot shall:—

- (a) be of a uniform size;
- (b) contain potatoes from the same country of origin; and
- (c) contain potatoes of which at least 98% by weight are of the same variety.

7. Each package or lot shall be so packed that any potatoes exposed to view, or which would be exposed to view if the package or lot were opened, are representative in size and quality of its entire contents.

8. Potatoes shall be packed so as to protect the produce.

9. Packages of potatoes and any packing materials used in them shall:—

- (a) be new, clean and non-toxic;
- (b) be sufficient to avoid any external or internal damage to the potatoes contained in the package; and
- (c) if paper or plastic, allow for adequate ventilation unless the contract for the sale of the potatoes requires otherwise.

10. Potatoes shall be packed in packages so that the net weight of the package is less than 10 kilogrammes or is approximately, 10, 12.5, 15, 20, 25, 30 or 50 kilogrammes unless the contract for the sale of the potatoes requires otherwise.

11. Where a lot of potatoes consists of more than one package, each package in that lot shall, as far as is practicable, be of the same weight.

Requirements for labelling

12.—(1) Subject to sub-paragraph (3), each package of potatoes shall bear the following particulars:—

- (a) the name and address of the packer or, if appropriate, the despatcher, and, if shipped by a licence-holder, his name, trade brand or licence number;
- (b) the nature of the contents, that is to say “Northern Ireland ware potatoes”;
- (c) the name of the variety; and
- (d) the net weight of the package.

(2) The particulars required by sub-paragraph (1) shall:—

- (a) be on a label which is secured to the fastening of the package or, if inside the package, which is visible from outside it; or
- (b) be legibly and indelibly marked directly on the side of the package.

(3) The requirements of sub-paragraph (1) shall not apply to packages for direct sale to consumers.

13. In the case of potatoes transported in bulk the requirements of paragraph 12 shall be deemed to have been met if the particulars specified therein appear on a document accompanying the produce and it is attached in a visible position to the interior of the vehicle in which the potatoes are being transported.

Revocations

Column 1 <i>Regulations revoked</i>	Column 2 <i>References</i>
Marketing of Potatoes Regulations (Northern Ireland) 1964	S.R. & O. (N.I.) 1964 No. 112
Marketing of Potatoes (Amendment) Regulations (Northern Ireland) 1964	S.R. & O. (N.I.) 1964 No. 180
Marketing of Potatoes (Amendment) Regulations (Northern Ireland) 1967	S.R. & O. (N.I.) 1967 No. 214
Marketing of Potatoes (Amendment) Regulations (Northern Ireland) 1970	S.R. & O. (N.I.) 1970 No. 175
Marketing of Potatoes (Amendment) Regulations (Northern Ireland) 1972	S.R. & O. (N.I.) 1972 No. 178
Marketing of Potatoes (Amendment) Regulations (Northern Ireland) 1973	S.R. & O. (N.I.) 1973 No. 288
Marketing of Potatoes (Amendment) Regulations (Northern Ireland) 1974	S.R. 1974 No. 226
Marketing of Potatoes (Amendment) Regulations (Northern Ireland) 1975	S.R. 1975 No. 251
Marketing of Potatoes (Amendment) Regulations (Northern Ireland) 1976	S.R. 1976 No. 140
Marketing of Potatoes (Amendment No. 2) Regulations (Northern Ireland) 1976	S.R. 1976 No. 229
Marketing of Potatoes (Amendment) Regulations (Northern Ireland) 1977	S.R. 1977 No. 244
Marketing of Potatoes (Amendment) Regulations (Northern Ireland) 1978	S.R. 1978 No. 237
Marketing of Potatoes (Amendment) Regulations (Northern Ireland) 1979	S.R. 1979 No. 298
Marketing of Potatoes (Amendment) Regulations (Northern Ireland) 1980	S.R. 1980 No. 318
Marketing of Potatoes (Amendment) Regulations (Northern Ireland) 1981	S.R. 1981 No. 295
Marketing of Potatoes (Amendment) Regulations (Northern Ireland) 1982	S.R. 1982 No. 237

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations which revoke and replace the Marketing of Potatoes Regulations (Northern Ireland) 1964 and subsequent amending Regulations, provide for:

- (a) the form of application for a potato shipping licence;
- (b) the form of a potato shipping licence;
- (c) the fee for a potato shipping licence of £15 and an additional sum of £45 paid under section 2(4)(b) of the Marketing of Potatoes Act (Northern Ireland) 1964 ("the Act") which is placed to the credit of the applicant as payment on account of any fees payable by him for the inspection of ware potatoes;
- (d) standards of quality, grading, packaging and labelling for both early and maincrop ware potatoes for shipment from Northern Ireland;
- (e) the fees payable to the Department in respect of an inspection of ware potatoes which are to be sent out of Northern Ireland; and
- (f) the fees payable for the examination of ware potatoes for sale in Northern Ireland.

The main changes from the Marketing of Potatoes Regulations (Northern Ireland) 1964 and subsequent amending Regulations are:

- (a) standards for ware potatoes for sale within Northern Ireland are not set;
- (b) the fees for the inspection or examination of ware potatoes under the Act is increased from £2.10 per tonne or part thereof to £2.50 per tonne or part thereof;
- (c) revised and now separate standards for early and maincrop ware potatoes for shipment have been set including the minimum size of ware potatoes, which was previously set from time to time by the Department.

Under section 1 of the Act it is prohibited for any person to send or to attempt to send potatoes out of Northern Ireland to any country outside the EEC except under the authority of and in accordance with the conditions specified in a potato shipping licence or a permit issued to him.

Section 13(1) of the Act provides that any person who either by himself or by any servant or agent of his:

- (a) sends or agrees or attempts or offers to send potatoes out of Northern Ireland in contravention of the Act or these Regulations or in breach of any condition of a licence issued to him; or
- (b) in connection with an application for, or the issue of such a licence, makes any statement or furnishes any information which to his knowledge is false or in any material respect misleading; or
- (c) fraudulently alters or uses or causes to be used or permits to be fraudulently altered or used any licence or other document issued

under the Act or any seal, mark or indication prescribed under, or used for the purposes of the Act,

shall without prejudice to the provisions of Article 10 of the Perjury (Northern Ireland) Order 1979 be guilty of an offence and be liable on summary conviction to a fine not exceeding £2,000 or a term of imprisonment not exceeding 3 months or both.

Application forms for a potato shipping licence may be obtained from and completed forms should be returned to:—

The Secretary
Department of Agriculture for Northern Ireland
Dundonald House
Upper Newtownards Road
BELFAST
BT4 3SB

1989 No. 222

Medicines (Products Other Than Veterinary Drugs) (General Sale List) Amendment Order 1989

This Order has been made by the Secretary of State concerned with health in England, the Secretaries of State respectively concerned with health and with agriculture in Scotland and in Wales, the Minister of Agriculture, Fisheries and Food, the Department of Health and Social Services for Northern Ireland, and the Department of Agriculture for Northern Ireland, acting jointly, in exercise of the powers conferred by Ss. 51, 129(4) of the Medicines Act 1968.

In pursuance of paragraph 11 of Schedule 4 to that Act this Order has been registered as a Northern Ireland statutory rule under the Statutory Rules (Northern Ireland) Order 1979. It is printed in full in the volume of United Kingdom Statutory Instruments for 1989 and has been numbered 969 in that series.

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These Orders have been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. Summaries are given in the List of Statutory Rules of a Local Character under the heading ROADS.