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STATUTORY RULES OF NORTHERN IRELAND

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**1999 No. 212**

**PLANT HEALTH**

**The Potatoes Originating in Egypt (Amendment)  
Regulations (Northern Ireland) 1999**

*Made* - - - - *4th May 1999*

*Coming into operation* *7th June 1999*

The Department of Agriculture, being a Department designated(1) for the purposes of section 2(2) of the European Communities Act 1972(2) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by the said section 2(2) and of every other power enabling it in that behalf, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Potatoes Originating in Egypt (Amendment) Regulations (Northern Ireland) 1999 and shall come into operation on 7th June 1999.

**Amendment of the Potatoes Originating in Egypt Regulations (Northern Ireland) 1998**

2.—(1) The Potatoes Originating in Egypt Regulations (Northern Ireland) 1998(3) shall be amended in accordance with paragraphs (2), (3) and (4).

(2) In regulation 2(1) (Interpretation) for the definition of “the Decision” there shall be substituted—

““the Decision” means Commission Decision [96/301/EC](#) authorising Member States temporarily to take additional measures against the dissemination of *Pseudomonas solanacearum* (Smith) Smith as regards Egypt(4) as amended by Commission Decision [98/105/EC](#) authorising Member States temporarily to take emergency measures against the dissemination of *Pseudomonas solanacearum* (Smith) Smith as regards Egypt(5) and Commission Decision [98/503/EC](#) authorising Member States temporarily to take emergency measures against the dissemination of *Pseudomonas solanacearum* (Smith) Smith as regards Egypt(6);”

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(1) See S.I.1972/1811

(2) [1972 c. 68](#): section 2 is subject to Schedule 2 to that Act and is to be read with S.I. [1984/703 \(N.I. 3\)](#) and S.I. [1994/2795 \(N.I. 15\)](#)

(3) [S.R. 1998 No. 107](#)

(4) O.J. No. L.115, 9.5.96, p. 47

(5) O.J. No. L.25, 31.1.98, p.101

(6) O.J. No. L.225, 11.8.98, p. 34

(3) After regulation 5 there shall be inserted—

**“Fees in respect of the sampling of seed potatoes landed in Northern Ireland**

**5A.—**(1) Where the power to take samples conferred by Article 25(a)(iii) of the 1993 Order is exercised by an inspector in relation to a consignment of seed potatoes originating in Egypt for the purpose of ascertaining whether, for the purposes of paragraph 3 of the annex to the Decision, those potatoes are infected with *Pseudomonas solanacearum* (Smith) Smith, the importer shall, subject to paragraph (2) pay a fee of £35 in relation to that consignment.

(2) A fee shall not be payable under paragraph (1) in relation to any consignment of potatoes where the power to take samples referred to in that paragraph has previously been exercised for the purpose referred to in that paragraph in respect of other potatoes from the same village, in the case of the delta region, or basin, in the case of the desert regions, during the same growing year.

(3) The fee prescribed by paragraph (1) shall be payable to the Department on demand.

(4) In this regulation—

- (a) “delta region”, “village”, “basin” and “desert regions” have the same meanings as they have in paragraph 1(a) of the annex to the Decision; and
- (b) “growing year” means the period beginning on 1st September in one year and ending on 31st August in the following year.”.

(4) In paragraph (1) of regulation 6 (offences) for the words—

“regulation 3 (landing of potatoes originating in Egypt) or 4 (person processing potatoes otherwise than in an approved plant)”

there shall be substituted—

“regulation 3 (landing of potatoes originating in Egypt) or 4(1) (person processing potatoes otherwise than in an approved plant)”.

Sealed with the Official Seal of the Department of Agriculture on

L.S.

4th May 1999.

*R. S. Johnston*  
Assistant Secretary

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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations implement Commission Decision [98/503/EC](#) amending Decision [96/301/EC](#) and authorise Member States temporarily to take emergency measures against the dissemination of *Pseudomonas solanacearum* (Smith) Smith as regards Egypt (O.J. No. L.225, 12.8.98, p. 34) by amending the definition of “the Decision” in the Potatoes Originating in Egypt Regulations (Northern Ireland) 1998 (the 1998 Regulations) (regulation 2(2)). Decision [98/503/EC](#) revises the conditions applying to potatoes from Egypt.

The Regulations amend the 1998 Regulations to set a fee of £35 where a sample of potatoes is taken for the purpose of ascertaining whether the potatoes are infected with *Pseudomonas solanacearum* (Smith) Smith (regulation 2(3)). They also make a minor clarificatory amendment to regulation 6 of the 1998 Regulations (regulation 2(4)).