



Jersey

# **POTATOES (PRECAUTIONS AGAINST BLIGHT) (JERSEY) ORDER 1961**

## **Official Consolidated Version**

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## **POTATOES (PRECAUTIONS AGAINST BLIGHT) (JERSEY) ORDER 1961**

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Jersey

## POTATOES (PRECAUTIONS AGAINST BLIGHT) (JERSEY) ORDER 1961<sup>1</sup>

THE ENVIRONMENT AND PUBLIC SERVICES COMMITTEE, in pursuance of Articles 16 and 17 of the [Agricultural Marketing \(Jersey\) Law 1953](#), orders as follows –

Commencement [[see endnotes](#)]

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### 1 Interpretation<sup>2</sup>

In this Order –

“blight” means the disease caused by the fungus *Phytophthora infestans*;

“cut”, in relation to the haulms of potatoes, includes any mechanical means of destroying the haulms;

“general notice” means a notice published by the Minister for the Environment in the Jersey Gazette;<sup>3</sup>

“grower” means a grower of potatoes;

“inspector” means a person appointed by the Minister for the Environment to act as such for the purposes of this Order;

“lifting”, in relation to potatoes, includes all operations from the digging of the potatoes from the ground to the placing of them in containers;<sup>4</sup>

“permit” means a permit in such form as the Minister for the Environment may determine.

### 2 Power to require the spraying of potato crops

- (1) Every grower shall, if so required by a general notice or by a notice served on the grower by the Minister for the Environment, effectively spray or cause to be effectively sprayed against blight any crop of potatoes grown by the grower.

- (2) Crops of potatoes required to be sprayed by virtue of a notice under this Article shall be sprayed within such time, in such manner and with such material (if any) as may be specified in the notice.

### **3 Restriction on cutting, scorching or destroying potato haulms**

- (1) Subject to the provisions of Article 4, a grower shall not, between such dates as may from time to time be specified in a general notice, cut, scorch or otherwise destroy, or cause to be cut, scorched or otherwise destroyed, the haulms of any potatoes grown by the grower unless the grower has given to an inspector at least 3 clear days notice of the grower's intention so to do and the inspector has granted the grower a permit in that behalf.<sup>5</sup>
- (2) A permit under this Article may specify the method of cutting, scorching or otherwise destroying the haulms, and it shall be the duty of the grower to deal with them in accordance with that method.

### **4 Power to require the cutting, scorching or destruction of potato haulms**

- (1) In any case where an inspector is satisfied that blight exists in any potato crop, the inspector may serve on the grower of that crop a notice requiring the grower, within such time (if any) as may be specified in the notice, to cut, scorch or otherwise destroy the haulms of those potatoes.
- (2) A notice under this Article may specify the method of cutting, scorching or otherwise destroying the haulms, and it shall be the duty of the grower to deal with them in accordance with that method.
- (3) A grower on whom a notice under this Article is served shall notify the inspector by whom the notice was served of the fact that the grower has complied with the requirements of the notice.
- (4) Where a grower on whom a notice under this Article has been served fails to take the action required by the notice within such time (if any) as may be specified therein, the Minister for the Environment may, without prejudice to any proceedings in respect of such default, take that action and in such a case may recover from the grower as a civil debt, the expenses incurred in so doing.<sup>6</sup>

### **5 Restriction on lifting potatoes**

In any case where, in pursuance of Article 4(1), an inspector serves a notice requiring a grower to scorch the haulms of potatoes, the inspector may at any time before the grower has completed the lifting of those potatoes serve on that grower a notice imposing a delay on the lifting or the completion of the lifting for such period not exceeding 14 days as shall be specified in the notice.<sup>7</sup>

### **6 Provision and use of material for spraying<sup>8</sup>**

- (1) For the purpose of assisting growers to spray their potato crops as a precaution against blight, the Minister for the Environment may –

- (a) provide growers with supplies of material for such spraying; or
  - (b) make to growers a monetary contribution to meet, either in whole or in part, the cost incurred in acquiring material for such spraying.<sup>9</sup>
- (2) Where the Minister for the Environment provides growers with material as aforesaid the Minister may make such charge (if any) for the material as he or she considers appropriate.
- (3) Where in pursuance of this Article the Minister for the Environment provides a grower with any material, or makes a monetary contribution to a grower in respect of any material, the grower to whom such material is supplied, or to whom such monetary contribution is made, shall use such material for the purpose only of spraying the grower's potato crop and only in accordance with the directions (if any) issued by the Minister for the Environment in relation to the use of the material.<sup>10</sup>

## **7 Provisions relating to documents**

- (1) Every document issued for the purposes of this Order is and shall remain the property of the Minister for the Environment.
- (2) Where any person is in possession of any such document and such possession is not authorized under this Order, such person shall forthwith deliver up the document to the Minister for the Environment.
- (3) Any person to whom any such document has been issued or who is in possession of any such document shall, if required by the Minister for the Environment so to do, produce such document or deliver it up to such person or authority as may be specified in the requirement.

## **8 Power of entry**

- (1) Any person generally or specially authorized by the Minister for the Environment in that behalf may, subject to the production by the person if so required of evidence of the person's authority, enter on any land in which potatoes are being grown or in which the person has reasonable grounds for believing that potatoes are being grown and inspect and take samples of any potatoes growing in the land.
- (2) The grower and any person in the grower's employment shall render to a person so authorized all such reasonable assistance and furnish the person with such information as the person may require for the purposes of this Order.

## **9 Prohibition on the use of potato haulms as a cover on containers**

A grower shall not, between such dates as may from time to time be specified in a general notice, use, or cause or allow to be used, the haulms of any potatoes for the purpose of covering any containers in which potatoes have been placed.<sup>11</sup>

**10 Service of notices**

A notice authorized to be served under this Order on a grower may be either delivered to the grower personally or sent to the grower by post at his or her usual or last known place of abode or place of business, or, in the case of a company, at its registered office or place of business.

**11 Citation**

This Order may be cited as the Potatoes (Precautions against Blight) (Jersey) Order 1961.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Potatoes (Precautions against Blight) (Jersey) Order 1961	R&O.4226	28 March 1961
Potatoes (Precautions against Blight) (Amendment) (Jersey) Order 1961	R&O.4246	2 May 1961
Potatoes (Precautions against Blight) (Amendment No.2) (Jersey) Order 1961	R&O.4263	13 June 1961
Potatoes (Precautions against Blight) (Amendment No.3) (Jersey) Order 1961	R&O.4322	28 December 1961
Potatoes (Precautions against Blight) (Amendment No.4) (Jersey) Order 1966	R&O.4780	26 April 1966
Potatoes (Precautions against Blight) (Amendment No.5) (Jersey) Order 1968	R&O.5073	18 April 1968
Potatoes (Precautions against Blight) (Amendment No. 6) (Jersey) Order 1970	R&O.5344	30 April 1970
Potatoes (Precautions against Blight) (Amendment No. 7) (Jersey) Order 1973	R&O.5792	1 April 1973
Potatoes (Precautions against Blight) (Amendment No. 8) (Jersey) Order 1982	R&O.7039	7 April 1982
Potatoes (Precautions against Blight) (Amendment No. 9) (Jersey) Order 1999	R&O.9474	1 January 2000
Potatoes (Precautions Against Blight) (Amendment No. 10) (Jersey) Order 2003	<a href="#">R&amp;O.78/2003</a>	13 August 2003
Transfer of Functions (Environment and Public Services Committee (No. 2) (Jersey) Act 2004	<a href="#">R&amp;O.133/2004</a>	23 November 2004
States of Jersey (Amendments and Construction Provisions No. 3) (Jersey) Regulations 2005	<a href="#">R&amp;O.132/2005</a>	9 December 2005
States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 2015	<a href="#">R&amp;O.158/2015</a>	1 January 2016

**Table of Renumbered Provisions**

Original	Current
11	repealed by <a href="#">R&amp;O.78/2003</a> ; former paragraph amended by R&O.9474
12	11

**Table of Endnote References**

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- <sup>1</sup> *This Order has been amended by the States of Jersey (Amendments and Construction Provisions No. 3) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*  
*This Order has been amended by the States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 2015. The amendments replace all references to the Minister for Planning and Environment with references to the Minister for the Environment.*
- <sup>2</sup> Article 1 *definition “lift” deleted by R&O.4780*
- <sup>3</sup> Article 1 *definition “general notice” inserted by R&O.4263*
- <sup>4</sup> Article 1 *definition “lifting” inserted by R&O.5344*
- <sup>5</sup> Article 3(1) *amended by R&O.4263*
- <sup>6</sup> Article 4(4) *inserted by R&O.5073*
- <sup>7</sup> Article 5 *inserted by R&O.5344, amended by R&O.7039; former Article amended by R&O.4246, R&O.4263, repealed by R&O.4780*
- <sup>8</sup> Article 6 *substituted by R&O.4322*
- <sup>9</sup> Article 6(1) *amended by R&O.5792*
- <sup>10</sup> Article 6(3) *amended by R&O.5792*
- <sup>11</sup> Article 9 *amended by R&O.4263*