
STATUTORY RULES OF NORTHERN IRELAND

2000 No. 126

PLANT HEALTH

**The Plant Health (Amendment
No. 2) Order (Northern Ireland) 2000**

Made - - - - *11th April 2000*

Coming into operation *19th May 2000*

The Department of Agriculture and Rural Development(1), in exercise of the powers conferred on it by sections 2(2), and 3(1)(3), 3A(4), 3B(1)(5) and 4(1)(6) of the Plant Health Act (Northern Ireland) 1967(7) and of all powers enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Plant Health (Amendment No. 2) Order (Northern Ireland) 2000 and shall come into operation on 19th May 2000.

Amendment of the Plant Health Order (Northern Ireland) 1993

2. The Plant Health Order (Northern Ireland) 1993(8) shall be amended in accordance with Articles 3 to 7.

3. In Part II, Article 19 (Restriction on the planting of potatoes) after paragraph (1) insert—

“(1A) Without prejudice to paragraph (1), a person shall not knowingly plant or knowingly cause or permit to be planted any potatoes unless they derive in direct line from potato material which has been obtained under an officially approved programme within the European Community or Switzerland and which has been found to be free from *Ralstonia solanacearum* (Smith) Yabuuchi et al. in official tests using the method set out in Annex II of Directive 98/57/EC.”

(1) Formerly the Department of Agriculture for Northern Ireland; see S.I. 1999/283 (N.I. 1) Article 3(4)
(2) As amended by S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Sch. 2; 1979 c. 2, s. 177(1) and Sch. 4 Pt. II; and S.I. 1984/702 (N.I. 2) Art. 15(2)
(3) As amended by S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Sch. 2
(4) Inserted by S.I. 1975/1038 (N.I. 8) Art. 11(2)
(5) Inserted by S.I. 1984/702 (N.I. 2) Art. 15(2)
(6) As amended by S.I. 1984/702 (N.I. 2) Art. 15(2)
(7) 1967 c. 28 (N.I.)
(8) S.R. 1993 No. 256; as amended by S.R. 1994 No. 28, S.R. 1995 No. 250, S.R. 1995 No. 494, S.R. 1996 No. 204, S.R. 1996 No. 249, S.R. 1997 No. 110, S.R. 1997 No. 397, S.R. 1998 No. 16, S.R. 1998 No. 146, S.R. 1998 No. 315 and S.R. 1999 No. 24

4. In Part II, after Article 23 (Actions which may be taken by an inspector) insert the following Article—

“Demarcation of zones for the control of *Ralstonia solanacearum* (Smith) Yabuuchi et al.

23A.—(1) Upon the confirmation of the presence of *Ralstonia solanacearum* (Smith) Yabuuchi et al. in a sample taken pursuant to article 2 or article 5 of Directive 98/57/EC, an inspector may demarcate a zone as described in article 5(1)(a)(iv) or article 5(1)(c)(iii) of that Directive, to prevent the spread of that organism.

(2) The inspector shall publish notice of the demarcation under paragraph (1) of any zone (“the demarcated zone”) and such notice shall—

- (a) subject to sub-paragraph (b), include a declaration that the provisions of Article 42J shall apply in the demarcated zone with effect from the date which is specified in the notice; and
- (b) where appropriate, specify those areas of surface water within the zone to which the prohibition on irrigation and spraying in Article 42J shall apply.

(3) The zone shall remain demarcated for the purposes of this Order until such date as may be specified in the notice referred to in paragraph (2) or in any further notice relating to the demarcated zone which an inspector may issue varying the controls in the demarcated zone or its extent or ending it.

(4) An inspector shall publish notice pursuant to sub-paragraphs (2) or (3) by means of—

- (a) a notice in the Belfast Gazette; and
- (b) one or more newspapers circulating in the locality of the demarcated zone.

(5) For the purposes of the exercise in relation to any person of any power contained in Article 26, 27, 28 or 46, and for the purposes of the application to him of Article 47, a notice published in accordance with paragraph (4) shall be taken to have been served on him.

(6) A declaration of any place as a demarcated zone under paragraph (1) shall not prejudice the requirements of any notice which may be served under Article 22 or Article 23 in relation to any premises within that zone or any other special measures set out in Articles 42A to J for the control of *Ralstonia solanacearum* (Smith) Yabuuchi et al. on such premises.

(7) Subject to paragraph (8), any premises which are partly inside and partly outside a demarcated zone shall be deemed to be wholly inside that zone for the purposes of this Article.

(8) Paragraph (7) shall not apply in respect of any part of any premises which are situated outside Northern Ireland.”.

5. In Part III, after Article 42 there shall be inserted the following Articles—

“*Ralstonia solanacearum* (Smith) Yabuuchi et al. (Brown rot)

42A.—(1) This Article applies to specified plant material which has been designated by an inspector to be contaminated with *R. solanacearum* for the purposes of article 5(1)(a)(ii) of Directive 98/57/EC.

(2) Without prejudice to Article 5, a person shall not knowingly plant or knowingly cause or permit to be planted any specified plant material to which this Article applies.

(3) A notice under Article 22 may require specified plant material to which this Article applies to be used or disposed of—

- (a) by incineration;
- (b) as animal feed after heat treatment such that there is no risk of *R. solanacearum* surviving;
- (c) by deep burial at a disposal site at which there is no risk of seepage to agricultural land or contact with water sources which are or could be used for irrigation of agricultural land;
- (d) by industrial processing at a plant—
 - (i) to which the specified plant material is to be delivered direct within such time as may be specified in the notice; and
 - (ii) in respect of which the inspector is satisfied that the waste disposal facilities conform to the provisions laid down in Annex VII of Directive 98/57/EC; or
- (e) in any way not referred to in sub-paragraphs (a) to (d) in regard to which it has been established to the satisfaction of the inspector that there is no identifiable risk of *R. solanacearum* spreading.

42B.—(1) This Article applies to specified plant material which has been determined by an inspector to be probably contaminated for the purposes of article 5(1)(a)(iii) and article 5(1)(c)(iii) of Directive 98/57/EC.

(2) Without prejudice to Article 5, a person shall not knowingly plant or knowingly cause or permit to be planted any specified plant material to which this Article applies.

(3) A notice under Article 22 may require specified plant material to which this Article applies to be used or disposed of as follows—

- (a) in the case of potato tubers:
 - (i) used as ware potatoes which are intended for consumption and—
 - (aa) packed at sites which the inspector is satisfied have appropriate waste disposal facilities such that there is no identifiable risk of *R. solanacearum* spreading; and
 - (bb) intended and ready for direct delivery and use without re-packing;
 - (ii) used as ware potatoes which are intended for industrial processing at a plant—
 - (aa) to which the potatoes are delivered direct within such time as may be specified in the notice; and
 - (bb) which the inspector is satisfied has appropriate waste disposal facilities such that there is no identifiable risk of *R. solanacearum* spreading; or
 - (iii) in any way not referred to in sub-paragraphs (i) or (ii) but which, it has been established to the satisfaction of an inspector, poses no identifiable risk of *R. solanacearum* spreading;
- (b) in the case of plants other than potato tubers, including stem and foliage debris, by destruction or use or disposal in any other way which, it has been established to the satisfaction of the inspector, poses no identifiable risk of *R. solanacearum* spreading.

42C.—(1) A notice under Article 22 may require that any machinery, vehicle, vessel, store, or any part of such machinery, vehicle, vessel or store and any other object including packaging material designated by an inspector as contaminated for the purposes of article

5(1)(a)(ii) of Directive 98/57/EC (or determined by him to be probably contaminated for the purposes of article 5(1)(a)(iii) and article 5(1)(c)(iii) of that Directive) shall either—

- (a) be disposed of by destruction; or
- (b) be cleansed and, where appropriate, disinfected, in such a manner that there is no identifiable risk of *R. solanacearum* spreading.

(2) Anything cleansed and, where appropriate, disinfected in accordance with paragraph (1) shall no longer be treated as contaminated for the purposes of Directive 98/57/EC.

42D. Without prejudice to Article 5 or Article 30A, a person shall not knowingly hold or handle *R. solanacearum* or any specified plant material or other object or material contaminated with that organism otherwise than in compliance with the relevant provisions of Articles 42A to J.

42E. Without prejudice to Articles 42A to C, a notice under Article 22 may require the measures referred to in Articles 42F to I (as appropriate) to be implemented in a zone demarcated by an inspector under Article 23A.

42F.—(1) Subject to Article 42G, where a place of production has been designated by an inspector as contaminated for the purposes of article 5(1)(a)(ii) of Directive 98/57/EC, the notice referred to in Article 42E may require that the measures to which either paragraph (2) or (3) apply shall have effect in relation to any field, or any unit of protected crop production, in that place.

(2) This paragraph applies to the following measures—

- (a) from the date of the receipt of the notice in question and for at least four growing years from the start of the next growing year:
 - (i) measures to eliminate volunteer potato and tomato plants as well as other host plants of *R. solanacearum* including solanaceous weeds as appropriate;
 - (ii) a prohibition on the planting of the following—
 - potato tubers and plants;
 - tomato plants and seeds;
 - taking into account the biology of *R. solanacearum*, other host plants and plants of species of *Brassica* in which there is an identified risk of *R. solanacearum* surviving;
 - crops to which there is an identified risk of *R. solanacearum* spreading;
- (b) in the first potato or tomato cropping season following the period specified in sub-paragraph (a), a prohibition on the planting of potatoes other than classified seed potatoes which are:
 - (i) intended for ware production only; and
 - (ii) planted in a field or unit of production which has been free from volunteer potato and tomato plants and other host plants including solanaceous weeds for at least the two consecutive growing years prior to planting;
- (c) in the potato or tomato cropping season which follows that referred to in sub-paragraph (b) and following an appropriate rotation cycle, a prohibition on the planting of potatoes other than classified seed potatoes which are intended only for seed or ware production.

(3) This paragraph applies to the following measures—

- (a) from the date of receipt of the notice and for five growing years from the start of the next growing year:
 - (i) measures to eliminate volunteer potato and tomato plants as well as other host plants of *R. solanacearum* including solanaceous weeds as appropriate;
 - (ii) a requirement to maintain the field or unit of production concerned during the first three growing years—
 - in bare fallow;
 - in cereals if an inspector is satisfied that there is no identified risk of *R. solanacearum* spreading;
 - in permanent pasture with frequent close cutting or intensive grazing;
 - or
 - as grass for seed productionfollowed by planting in the succeeding two growing years with non-host plants of *R. solanacearum* in which there is no identified risk of that organism surviving or from which there is no identified risk of that organism spreading;
- (b) in the first potato or tomato cropping season which follows the period referred to in sub-paragraph (a), a prohibition on the planting of potatoes other than classified seed potatoes which are intended only for seed or ware production.

42G.—(1) Where a place of production has been designated by an inspector as contaminated for the purposes of article 5(1)(a)(ii) of Directive [98/57/EC](#) and a unit of protected crop production at that place has also been so designated and complete replacement of the growing medium in that unit is possible—

- (a) a person shall not plant in the unit any potato tubers or potato plants or other host plants of *R. solanacearum* (including tomato plants and seeds) without the written authorisation of an inspector;
 - (b) such authorisation shall not be granted unless the measures specified in the notice referred to in Article 42E, which shall include at least those specified in paragraph (2), have been complied with.
- (2) The measures referred to in paragraph (1)(b) shall include—
- (i) a complete change of growing medium in the unit concerned; and
 - (ii) cleansing and, where appropriate, disinfection of the unit and all equipment which is used in it,

for the purpose of eliminating *R. solanacearum* and removing all host plant material.

- (3) The authorisation referred to in paragraph (1)(a) may require that—
- (a) where the authorisation is granted for potato production, production shall be from classified seed potatoes or from mini-tubers or micro-plants derived from officially tested sources;
 - (b) controls on irrigation and spraying programmes, which may include a prohibition on such programmes, shall be introduced as appropriate to prevent the spread of *R. solanacearum*.

42H. Where a place of production has been designated by an inspector as contaminated under article 5(1)(a)(ii) of Directive [98/57/EC](#), the notice referred to in Article 42E may require that with regard to any fields at that place other than those referred to in Article 42F—

- (a) from the date of receipt of the notice and for one growing year following the start of the next growing year, no potato tubers or potato plants or other host plants of *R. solanacearum* shall be planted, save that if an inspector is satisfied that any risk of the occurrence of volunteer potato plants and tomato plants and other host plants of *R. solanacearum* including solanaceous weeds has been eliminated classified seed potatoes may be planted for ware production only;
- (b) if potatoes are to be planted, in the first growing year following that specified in sub-paragraph (a), only classified seed potatoes may be planted, and only for seed or ware production;
- (c) if potatoes are to be planted, in the second growing year following that specified in sub-paragraph (a), and, where appropriate, in any subsequent growing year which may be specified in the notice, only classified seed potatoes may be planted, and only for seed or ware production;
- (d) from the date of receipt of the notice and in each of the growing years referred to in this paragraph, measures shall be taken to eliminate volunteer potato and tomato plants and other host plants of *R. solanacearum* including solanaceous weeds as appropriate.

42I. Where a place of production has been designated by an inspector as contaminated for the purposes of article 5(1)(a)(ii) of Directive 98/57/EC, the notice referred to in Article 42E may require that upon receipt of the notice and throughout the subsequent growing years up to and including the first potato or tomato cropping season permitted by Article 42F(2)(b) or (3)(b)—

- (a) all machinery and storage facilities on the place of production which are used for potato or tomato production shall be cleansed and, where appropriate, disinfected in accordance with Article 42C(1)(b);
- (b) controls on irrigation and spraying programmes, which may include a prohibition on such programmes, shall be introduced as the inspector considers appropriate for the prevention of the spread of *R. solanacearum*.

42J. When a declaration has been made pursuant to Article 23A(2) that the provisions of this paragraph shall apply—

- (a) where the zone has been demarcated for the purposes of article 5(1)(a)(iv) of Directive 98/57/EC:
 - (i) machinery and stores at premises growing, storing or handling potato tubers or tomatoes within the zone and at premises from which machinery for potato or tomato production is operated under contract within the zone shall be cleansed and, where appropriate, disinfected in accordance with Article 42C(1)(b);
 - (ii) with regard to potato crops in the zone, only classified seed potatoes may be planted;
 - (iii) potatoes intended for planting shall be handled separately from all other potatoes on all premises within the zone.
- (b) where surface water has been designated by an inspector as contaminated for the purposes of article 5(1)(c)(ii) of Directive 98/57/EC—
 - (i) the use of water designated as contaminated for the irrigation and spraying of specified plant material and, where appropriate, other host plants shall be prohibited without the written authorisation of an inspector, in order to prevent the spread of *R. solanacearum*;

- (ii) the authorisation referred to in sub-paragraph (i) shall be granted where it has been established to the satisfaction of the inspector on the basis of the results obtained in the survey which is required to be conducted under paragraph 4.2(a)(ab) of Annex VI of Directive 98/57/EC that there is no identifiable risk of *R. solanacearum* spreading; and
- (iii) if liquid waste discharges have been contaminated, the disposal of waste from industrial processing or packaging premises which handle specified plant material shall be carried out under the supervision of an inspector.”

6. In Part III, after Article 43 there shall be inserted the following Article—

“Interpretation for the purposes of Part III

43A. In this Part—

“agricultural land” means land used or capable of use for the purposes of a trade or business in connection with agriculture;

“classified seed potatoes” means classified seed potatoes as defined by regulation 2(1) of the Seed Potatoes Regulations (Northern Ireland) 1981(9);

“Directive 98/57/EC” means Council Directive 98/57/EC of 20th July 1998 on the control of *Ralstonia solanacearum* (Smith) Yabuuchi et al.(10);

“*R. solanacearum*” means *Ralstonia solanacearum* (Smith) Yabuuchi et al.; and

“specified plant material” means plants (including tubers), other than true seed, of *Solanum tuberosum* L., or plants, other than fruits and seeds, of *Lycopersicon lycopersicum* (L.) Karsten ex Farw.”

7.—(1) In—

- (a) Schedule 1, Part A, Section B, Item 3;
- (b) Schedule 4, Part A, Section 1, Items 33, 35A and 35B; and
- (c) Schedule 4, Part A, Section 11, Items 15, 17, 19 and 20A

for the words “*Pseudomonas solanacearum* (Smith) Smith” wherever they occur, there shall be substituted “*Ralstonia solanacearum* (Smith) Yabuuchi et al.(11)”.

(2) In Schedule 14 (Instruments amending and supplementing Council Directive 77/93/EEC) at the end there shall be added the following—

“Council Directive 98/57/EC O.J. No. L.235, 21.8.98, p. 1.”.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 11th April 2000.

L.S.

R. S. Johnston
A Senior Officer of the
Department of Agriculture and Rural
Development

(9) S.R. 1981 No. 243 as amended by S.R. 1983 No. 244, S.R. 1985 No. 2, S.R. 1991 No. 397, S.R. 1993 No. 372, S.R. 1994 No. 459, S.R. 1996 No. 242 and S.R. 1997 No. 402

(10) O.J. No. L.235, 21.8.98, p. 1

(11) *Ralstonia solanacearum* (Smith) Yabuuchi et al. was formerly known as *Pseudomonas solanacearum* (Smith) Smith

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order implements in relation to Northern Ireland Council Directive [98/57/EC](#), on the control of *Ralstonia solanacearum* (Smith) Yabuuchi et al. (O.J. No. L.235, 21.8.98, p. 1), by amending the Plant Health Order (Northern Ireland) 1993. This Order—

- (a) introduces further controls on planting seed potatoes (Article 3);
- (b) inserts new paragraphs into the principal Order containing special measures for controlling the spread of *Ralstonia solanacearum* (Smith) Yabuuchi et al. (Articles 3, 4, 5 and 6);
- (c) provides for the demarcation of a zone to prevent the spread of *Ralstonia solanacearum* (Smith) Yabuuchi et al. (Article 4).