

## SCHEDULE 2

### Specific measures relating to certain solanaceous species

## PART 4

### Measures for the control of European populations of Potato Cyst Nematode

#### Standard sampling rate for official soil test

**11.** The official soil test referred to in paragraph 4(1) of this schedule must involve a soil sample of at least 1500 ml of soil per hectare (the “standard sampling rate”).

#### Commencement Information

**I1** Sch. 2 para. 11 in force at 14.12.2019, see reg. 1(1)

#### Lower sampling rate for official soil test

**12.** The standard sampling rate referred to in paragraph 11 of this schedule may be reduced to the lower sampling rate of 400 ml of soil per hectare (the “lower sampling rate”) if—

- (a) neither potatoes nor the plants listed in table A in Part 5 of this schedule have been grown or been present in the sampling unit in the six years prior to the official soil test,
- (b) no Potato Cyst Nematode has been found during the last two successive official soil tests carried out at the standard sampling rate and no potatoes or plants listed in table A in Part 5 of this schedule, other than those for which an official soil test is required, have been grown in the sampling unit after the first official soil test, or
- (c) no Potato Cyst Nematode or dead cysts of Potato Cyst Nematode have been found in the most recent official soil test carried out at the standard sampling rate and no potatoes or plants listed in table A in Part 5 of this schedule, other than those for which an official soil test is required, have been grown in the sampling unit since the last official soil test.

#### Commencement Information

**I2** Sch. 2 para. 12 in force at 14.12.2019, see reg. 1(1)

#### Official tests carried out before 1 July 2010

**13.** The results of other official tests carried out before 1 July 2010 may be considered as official soil tests as referred to in paragraph 12(b) and (c) of this schedule.

#### Commencement Information

**I3** Sch. 2 para. 13 in force at 14.12.2019, see reg. 1(1)

#### Further reduction of standard and lower sampling rates

**14.** The standard sampling rate and the lower sampling rate may be further reduced as follows—

**Changes to legislation:** There are currently no known outstanding effects for the The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019, PART 4. (See end of Document for details)

- (a) in the case of the standard sampling rate, the first 8 hectares must be sampled at 1500 ml of soil per hectare, but may be reduced for each additional hectare to a minimum of 400 ml of soil per hectare, or
- (b) in the case of the lower sampling rate, the first 4 hectares must be sampled at 400 ml of soil per hectare, but may be further reduced for each additional hectare to a minimum of 200 ml of soil per hectare.

**Commencement Information**

**I4** Sch. 2 para. 14 in force at 14.12.2019, see reg. 1(1)

**Continued use of lower and reduced sampling rates**

**15.** The use of the lower and reduced sampling rates referred to in paragraphs 12 and 14 of this schedule may be continued in subsequent official soil tests until Potato Cyst Nematode is found in the sampling unit concerned.

**Commencement Information**

**I5** Sch. 2 para. 15 in force at 14.12.2019, see reg. 1(1)

**Minimum size of soil sample**

**16.** The minimum size of the soil sample in all cases is 100 ml of soil per sampling unit.

**Commencement Information**

**I6** Sch. 2 para. 16 in force at 14.12.2019, see reg. 1(1)

**Action following official soil test or official survey**

**17.** Following the official soil test referred to in paragraph 4(1) of this schedule, or an official survey referred to in paragraph 5 of this schedule, a plant health inspector must—

- (a) serve a notice on the occupier or other person in charge of the premises officially recording that the sampling unit is infested with Potato Cyst Nematode, or
- (b) officially record that no Potato Cyst Nematode was found in the sampling unit.

**Commencement Information**

**I7** Sch. 2 para. 17 in force at 14.12.2019, see reg. 1(1)

**Notice that sampling unit is infested with Potato Cyst Nematode**

**18.** Subject to paragraph 19 of this schedule, a notice under paragraph 17(a) of this schedule officially recording that the sampling unit is infested with Potato Cyst Nematode must contain the following restrictions—

- (a) no potatoes may be planted in the sampling unit,

- (b) no plants listed in table A in Part 5 of this schedule, intended for replanting, may be planted or stored in the sampling unit,
- (c) no plants listed in table B in Part 5 of this schedule, intended for replanting, may be planted in the sampling unit unless they have been washed or brushed until practically free of soil so that there is, to the satisfaction of a plant health inspector, no identifiable risk of Potato Cyst Nematode spreading, and
- (d) no plants listed in table C in Part 5 of this schedule may be planted in the sampling unit.

**Commencement Information**

**I8** Sch. 2 para. 18 in force at 14.12.2019, see reg. 1(1)

**Sampling units infested with Potato Cyst Nematode: planting of potatoes not intended for production of seed potatoes**

**19.** In the case of sampling units that are officially recorded as infested with Potato Cyst Nematode, the planting of potatoes, not intended for the production of seed potatoes, may be authorised by a plant health inspector by a notice in writing served on the occupier or other person in charge of the premises.

**Commencement Information**

**I9** Sch. 2 para. 19 in force at 14.12.2019, see reg. 1(1)

**Notice authorising planting of potatoes not intended for production of seed potatoes in sampling units infested with Potato Cyst Nematode**

**20.** Any notice served under paragraph 19 of this schedule must be in accordance with the terms of the official control programme aimed at the suppression of Potato Cyst Nematode <sup>F1</sup>... published from time to time by the Division of the Scottish Government Agriculture and Rural Economy Directorate known as SASA (formerly known as Science and Advice for Scottish Agriculture).

**Textual Amendments**

**F1** Words in [sch. 2 para. 20](#) omitted (31.12.2020) by virtue of [The Plant Health \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/466\)](#), regs. 1(1)(c), **25** (with reg. 32)

**Commencement Information**

**I10** Sch. 2 para. 20 in force at 14.12.2019, see reg. 1(1)

**Notice of contamination**

**21.** A plant health inspector must by notice in writing designate as contaminated any potatoes or plants listed in Part 5 of this schedule which—

- (a) have come from a sampling unit officially recorded under paragraph 17 of this schedule as infested with Potato Cyst Nematode, or
- (b) have come into contact with soil in which Potato Cyst Nematode was found.

**Changes to legislation:** There are currently no known outstanding effects for the The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019, PART 4. (See end of Document for details)

**Commencement Information**

**I11** Sch. 2 para. 21 in force at 14.12.2019, see reg. 1(1)

**Prohibitions following issue of notice of contamination**

**22.** Where any potatoes or plants listed in Part 5 of this schedule have been designated as contaminated under paragraph 21 of this schedule—

- (a) in the case of seed potatoes and the plants listed in table A in Part 5 of this schedule, these must not be planted unless they have been disinfested to the satisfaction of a plant health inspector so that there is no risk of Potato Cyst Nematode spreading,
- (b) in the case of plants listed in table B in Part 5 of this schedule, these must not be planted unless they have been washed or brushed until practically free of soil so that there is no identifiable risk of Potato Cyst Nematode spreading,
- (c) in the case of plants listed in table C in Part 5 of this schedule, these must not be planted, and
- (d) in the case of potatoes intended for industrial processing or grading, these must not be moved except in accordance with an authorisation given under paragraph 23 of this schedule.

**Commencement Information**

**I12** Sch. 2 para. 22 in force at 14.12.2019, see reg. 1(1)

**Notice of contamination: authorisation for movement of potatoes for industrial processing or grading**

**23.** A plant health inspector may authorise the movement of potatoes designated as contaminated under paragraph 21 of this schedule for the purposes of industrial processing or grading providing that such authorisation—

- (a) is given by notice in writing, and
- (b) requires the potatoes to be delivered to a processing or grading plant that has appropriate and officially approved waste disposal procedures that ensure that there is no risk of Potato Cyst Nematode spreading.

**Commencement Information**

**I13** Sch. 2 para. 23 in force at 14.12.2019, see reg. 1(1)

**Notices of infestation or contamination: revocation**

**24.** A notice under paragraph 17(a) or 19 of this schedule may be revoked if, following a further official soil test, no Potato Cyst Nematode is found in the sampling unit after 6 years from —

- (a) the date of the last official soil test confirming the presence of Potato Cyst Nematode, or
- (b) the harvesting of the last potato crop in the sampling unit.

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**Commencement Information**

**I14** Sch. 2 para. 24 in force at 14.12.2019, see reg. 1(1)

**Further investigations**

**25.** If any suspected occurrence or confirmed presence of Potato Cyst Nematode in Scotland results from a breakdown or change in the effectiveness of a resistant potato variety which relates to an exceptional change in the composition of nematode species, pathotype or virulence group, the Scottish Ministers must ensure that this occurrence is investigated and, where applicable, the pathotype and virulence group of the Potato Cyst Nematode involved is confirmed by appropriate methods.

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**Commencement Information**

**I15** Sch. 2 para. 25 in force at 14.12.2019, see reg. 1(1)

**Changes to legislation:**

There are currently no known outstanding effects for the The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019, PART 4.