
STATUTORY INSTRUMENTS

1987 No. 1758

The Plant Health (Great Britain) Order 1987

PART III

**ADDITIONAL MEASURES TO PREVENT
SPREAD OF PARTICULAR PLANT PESTS**

Colorado Beetle

Display of notices

23. Every person who is the occupier or other person in charge of premises declared infected with Colorado Beetle shall, if so required by an inspector, display and keep displayed so long as the notice by which the premises were declared so infected is in force, in prominent positions on the infected premises, such number of copies of that notice, or any other notice or sign indicating that the premises are infected, as the inspector shall supply to him for the purpose.

Restriction on entry to infected premises

24. No person other than the occupier or other person in charge of premises declared infected with Colorado Beetle, or the servants or agents of such occupier or other person in charge, shall enter such premises except with the authority of an inspector, and the occupier or other person in charge of such premises shall take all reasonable steps to prevent any unauthorised person from entering.

Restriction on planting on infected premises

25. No person shall plant any crop on premises declared infected with Colorado Beetle without the written authority of an inspector.

Restriction on removal of crops from infected premises

26. No person shall, without the authority of an inspector, remove or knowingly cause or permit to be removed from any premises declared infected with Colorado Beetle any potatoes, or any other plants of the family Solanaceae, and the occupier of any such premises shall take all reasonable steps to prevent removal in contravention of this article.

Actions which may be taken by an inspector

27.—(1) Subject to article 20, an inspector may, on production if so required of his authority, at all reasonable times enter any premises declared infected with Colorado Beetle and any premises to which, in the opinion of the inspector, Colorado Beetle may spread and treat such premises and treat, remove or destroy or otherwise dispose of, or cause to be treated, removed, destroyed or otherwise disposed of, any crop growing or stored on such premises and may take or cause to be taken such other steps as the inspector may think expedient for preventing the spread of Colorado Beetle.

(2) Nothing in paragraph (1) of this article shall authorise the destruction of any crop growing on premises which have not been declared infected with Colorado Beetle.

(3) An inspector entering any premises mentioned in paragraph (1) of this article may take with him such persons, equipment and vehicles as are necessary for the purpose of facilitating the exercise of his powers under that paragraph.

(4) The owner of the crop and the occupier or other person in charge of premises mentioned in paragraph (1) of this article, shall give all reasonable assistance for the purpose of facilitating the exercise of the powers conferred by this article.

(5) Without prejudice to paragraphs (1) to (4) of this article, the appropriate Minister may treat or cause to be treated by aerial spray any premises mentioned in paragraph (1) of this article or any crop growing or stored on such premises.

28. An inspector may, by notice in writing served on the occupier or other person in charge of any premises declared infected with Colorado Beetle, require him in any year to plant or cause to be planted within such reasonable time as may be specified in the notice, and to grow or cause to be grown on the premises, potatoes of such varieties and in such quantities as the inspector may determine.

Red core disease of strawberries

Restriction on the sale, delivery and planting of infected strawberry plants

29.—(1) No person shall—

- (a) sell or deliver to any other person; or
- (b) plant or knowingly cause or permit to be planted on any premises other than premises declared infected with red core disease of strawberries,

any strawberry plant runner or other strawberry plant (other than fruit) which he knows or suspects to be infected with red core disease of strawberries or which he knows or suspects to have been grown on premises declared infected with red core disease of strawberries.

(2) Paragraph (1) of this article shall not apply to Scotland.

Fire blight disease

Prevention of the spread of fire blight disease

30.—(1) No person shall bud or graft, or knowingly cause or permit to be budded or grafted, any tree or rootstock with any bud or scion of the pear variety Laxton's Superb or otherwise propagate, or knowingly cause or permit to be propagated, any pear tree of that variety.

(2) No person shall plant on any premises a tree which is wholly or partly of the pear variety Laxton's Superb.

(3) For the purposes of Part III of Schedule 1 "the fire blight free region" means the region comprising Scotland and the counties of Northumberland, Cumbria, Tyne and Wear, Durham, Cleveland and North Yorkshire (except the district of Selby and the Borough of York).

Potato cyst nematode

Restriction on the planting, sale etc. of potatoes

31.—(1) No person shall plant or knowingly cause or permit to be planted any potatoes on any premises in his occupation or under his charge declared infected with potato cyst nematode.

(2) No person shall remove for transplanting elsewhere from any premises declared infected with potato cyst nematode any plants which have been grown or stored on those premises.

32.—(1) If in consequence of the examination of a sample of the soil taken from any premises by an inspector for the purposes of this Order those premises appear not to be infected with potato cyst nematode, an inspector may issue a written certificate to that effect in relation to those premises.

(2) Unless previously amended or withdrawn, such a certificate shall remain in force until the expiration of 48 months from the taking of the sample mentioned in the certificate or until potatoes are planted on the premises to which the certificate relates, whichever is the earlier.

(3) No person shall sell, offer or expose for sale, deliver or knowingly cause or permit to be delivered or otherwise pass from his possession any potatoes grown by him and intended for planting unless immediately before the planting of the potatoes from which those potatoes were produced there was in force in relation to the premises on which they were grown a written certificate issued or having effect as if issued in accordance with paragraph (1) of this article.

Prohibition of misdescription of potatoes

33.—(1) No person shall sell or offer or expose for sale or knowingly cause or permit to be sold or offered or exposed for sale as being of approved resistant varieties any potatoes which are not of approved resistant varieties.

(2) A person shall not be liable to conviction for a failure to comply with, or a contravention of, conditions of a licence granted or having effect as if granted under this Order relating to the planting of approved resistant varieties if he proves to the satisfaction of the court that the potatoes were sold to him as potatoes of approved resistant varieties and that he did not know that the potatoes were not of approved resistant varieties.

Wart disease of potatoes

Restrictions on the planting, sale etc. of potatoes

34.—(1) No person shall plant or knowingly cause or permit to be planted any potatoes on any premises in his occupation or under his charge declared infected with wart disease of potatoes.

(2) Subject to paragraph (3) of this article, no person shall plant or knowingly cause or permit to be planted on any premises in his occupation or under his charge—

- (a) which have been declared a safety zone by a notice served or having effect as if served under article 15(5); or
- (b) as respects premises in England or Wales, in respect of which a notification of the presence or apparent presence of wart disease of potatoes was given before the commencement of the Wart Disease of Potatoes Order 1958(1) by the then occupier or other person then in charge of the premises or by the Minister of Agriculture, Fisheries and Food,

any potatoes which are not of an approved immune variety, or, in the case of any premises which surround, adjoin or are in close proximity to premises on which wart disease of potatoes of any race

other than the common European race is present and in respect of which an inspector so directs by notice in writing served on that person, any potatoes whatsoever except such variety or varieties, if any, as an inspector may authorise in writing to be planted on those premises.

(3) The provisions of paragraph (2) of this article shall not apply as respects any premises of a kind described in paragraph (2)(b) of this article if an inspector has served on the occupier or other person in charge of those premises a notice in writing declaring that the provisions of that paragraph shall not apply as respects those premises.

(4) No person shall remove for transplanting elsewhere from any premises declared infected with wart disease of potatoes any plants which have been grown or stored on those premises.

(5) No person shall sell or offer or expose for sale for planting or deliver or knowingly cause or permit to be sold, offered or exposed for sale for planting or delivered for planting or knowingly cause or permit to be planted any potatoes from a crop grown on premises declared infected with wart disease of potatoes.

Prohibition of misdescription of potatoes

35.—(1) No person shall sell or offer or expose for sale or knowingly cause or permit to be sold or offered or exposed for sale as potatoes of an approved immune variety any potatoes which are not of an approved immune variety.

(2) A person shall not be liable to conviction for a contravention of article 34(2) if he proves to the satisfaction of the court that the potatoes were sold to him as potatoes of an approved immune variety and that he did not know that the potatoes were not of an approved immune variety.

Restriction on the removal of soil from infected premises

36. No person shall remove, or knowingly cause or permit to be removed, any soil from any premises declared infected with wart disease of potatoes, so that it may be used or disposed of where that disease is not present.

Beet cyst nematode

Restriction on the planting of certain plants

37. No person shall sow or plant or knowingly cause or permit to be sown or planted any seed or other plant of the families Chenopodiaceae and Cruciferae including sugar beet, fodder beet, spinach beet, Swiss chard (also known as seakale beet), red beet, mangel, cabbage, kale, cauliflower, broccoli, calabrese, Brussels sprout, turnip, swede, rape or coleseed (including turnip rape and swede rape), mustard, cress or kohlrabi on any premises declared infected with beet cyst nematode.

Progressive wilt disease

Destruction of dead and dying bines and leaves of hop plants etc.

38. The occupier or other person in charge of any farm who knows or suspects that progressive wilt disease exists thereon, shall with all practicable speed from time to time destroy by fire on the farm all dead and dying bines and leaves of hop plants which may be present there.

Restriction on the movement of hop plants etc.

39. No person shall move or knowingly cause or permit to be moved any hop plant (other than a hop cone), used hop pole or used hop picking machine from or into any farm in England or Wales.

Restriction on the planting or movement for planting of hop plants grown in certain counties

40. Subject to article 39, no person shall—

- (a) plant or knowingly cause or permit to be planted outside Kent, East Sussex or West Sussex any hop plant grown in those counties;
- (b) plant or knowingly cause or permit to be planted outside Surrey, Hampshire, Oxfordshire, Kent, East Sussex, or West Sussex any hop plant grown in Surrey, Hampshire or Oxfordshire; or
- (c) plant or knowingly cause or permit to be planted outside Hereford and Worcester, Shropshire, Surrey, Hampshire, Oxfordshire, Kent, East Sussex or West Sussex any hop plant grown in Hereford and Worcester or Shropshire.

Restriction on the planting or sale for planting of certain hop plants

41.—(1) For the purposes of this article “the specified area” means the area comprising the counties of—

- (a) East Sussex,
- (b) West Sussex except that part which lies west of the A24 road, and
- (c) Kent except that part which lies east of a line following the A20 road from Folkestone to Maidstone, the A229 road from Maidstone to Rochester, the A2 road from Rochester to Strood, the A228 road from Strood and the B2001 road to Grain.

(2) No person shall—

- (a) plant or knowingly cause or permit to be planted outside the specified area; or
- (b) sell, in the knowledge that such plant is intended for planting outside the specified area,

any hop plant other than a hop plant of one of the following varieties, namely

Brewers Gold
Bullion
Fuggle
Male 1/63/45
Male 12/97/91
Male 24/68/8
Male 24/68/103
Northern Brewer
Omega
Silks B
Silks C
True Golding varieties
Wye Challenger
Wye Northdown
Wye Target
Wye Viking
Wye Yeoman
Zenith

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