

SCHEDULE 2

PART 6

Measures for the control of Potato brown rot

24. In this Part—

“certified seed potatoes” (“*tatws hadyd ardystiedig*”) means pre-basic seed potatoes, basic seed potatoes or certified seed potatoes within the meaning given in regulation 2(1) of the Seed Potatoes Regulations;

“contaminated” (“*halogedig*”) means designated by a plant health inspector as contaminated [F1] pursuant to paragraph 26(2)(c);

“first growing year” (“*blwyddyn dyfu gyntaf*”), in the case of measures to be taken in relation to a contaminated place of production, means the first growing year following the growing year in which the contaminated place of production is designated as contaminated [F1] pursuant to paragraph 26(2)(c);

“notice” (“*hysbysiad*”), in relation to a notice to be given by a plant health inspector, means a notice under regulation 15(1);

“object” (“*gwrthrych*”) means any item of machinery, vehicle, vessel, store or other object, including packaging material;

“possibly contaminated” (“*halogedig o bosibl*”) means determined by a plant health inspector to be possibly contaminated [F2] pursuant to paragraph 26(2)(d);

“relevant RNQP requirements” (“*gofynion PRHG perthnasol*”), in relation to plants for planting of *Solanum lycopersicum* L., means—

- (a) in the case of plants for planting produced before 14 December 2019, the requirements that applied to those plants for planting under, or by virtue of, Council Directive [2000/29/EC](#);
- (b) in the case of plants for planting produced on or after 14 December 2019, the requirements that apply to those plants for planting under, or by virtue of, the Phytosanitary Conditions Regulation;

“susceptible material” (“*deunydd sy'n dueddol o gael plâu neu glefydau*”) means plants (including tubers), other than true seed, of *Solanum tuberosum* L. or plants, other than fruit or seeds, of *Solanum lycopersicum* L.;

“zone” (“*parth*”) means any area, including any individual premises.

Textual Amendments

F1 Words in Sch. 2 para. 24 substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **19(2)(a)**

F2 Words in Sch. 2 para. 24 substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **19(2)(b)**

Commencement Information

I1 Sch. 2 para. 24 in force at 27.3.2020, see reg. 1

Official surveys and testing

25.—(1) The Welsh Ministers must ensure that annual systematic official surveys are carried out in Wales to identify the presence of Potato brown rot on susceptible material ^{F3}....

[^{F4}(1A) Those surveys must be based on a risk assessment to identify other possible sources of contamination threatening the production of susceptible material and include targeted official surveys in production areas, based on the relevant risk assessment, to identify the presence of Potato brown rot on—

- (a) relevant material, other than susceptible material,
- (b) surface water which is used for irrigation or spraying of susceptible material, and
- (c) liquid waste discharged from industrial processing or packaging premises handling susceptible material.

(1B) Those surveys must also be based on the biology of Potato brown rot and the relevant production systems and must include—

- (a) in the case of susceptible material comprising plants of *Solanum tuberosum* L., visual inspection of the growing crop at appropriate times, or the sampling of both seed and other potatoes in the growing season or in store, which must include official visual inspection by cutting of tubers;
- (b) in the case of seed potatoes and, where appropriate, other potatoes, official testing of samples using the method set out in EPPO PM 7/21;
- (c) in the case of susceptible material comprising plants of *Solanum lycopersicum* L., visual inspection at appropriate times of at least the growing crop of plants intended for replanting for professional use;
- (d) for host plants, other than susceptible material, and for water including liquid waste, official testing.

(1C) The collection of samples for the purposes of sub-paragraph (1B) must be based on sound scientific and statistical principles and the biology of Potato brown rot and take into account relevant potato production systems of susceptible material and other host plants of Potato brown rot.]

(2) Where the presence of Potato brown rot is suspected, the Welsh Ministers must ensure that—

- (a) official testing is carried out to confirm whether it is present—
 - (i) in the case of susceptible material, using the method set out in [^{F5}EPPO PM 7/21];
 - (ii) in any other case, using any officially approved method;
- (b) pending the confirmation of its presence or the refutation of its suspected presence, where suspect diagnostic visual symptoms of Potato brown rot have been seen, and a positive result in a rapid screening test has been obtained, or a positive result in the screening tests [^{F6}referred to in EPPO PM 7/21] has been obtained—
 - (i) the movement of all plants and tubers from all crops, lots or consignments from which the samples have been taken, other than those which are under official control, is prohibited, except where it has been established that there is no identifiable risk of Potato brown rot spreading,
 - (ii) steps are taken to trace the origin of the suspected occurrence, and
 - (iii) additional appropriate precautionary measures based on the level of estimated risk are taken to prevent any spread of Potato brown rot.

(3) A notice may contain measures for the purposes of sub-paragraph (2)(b)(i) to (iii).

Textual Amendments

- F3** Words in Sch. 2 para. 25(1) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **19(3)(a)**
- F4** Sch. 2 para. 25(1A)-(1C) inserted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **19(3)(b)**
- F5** Words in Sch. 2 para. 25(2)(a)(i) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **19(3)(c)(i)**
- F6** Words in Sch. 2 para. 25(2)(b) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **19(3)(c)(ii)**

Commencement Information

- I2** Sch. 2 para. 25 in force at 27.3.2020, see reg. 1

Measures to be taken following the confirmation of the presence of Potato brown rot

26.—(1) If the presence of Potato brown rot is confirmed following official testing carried out pursuant to paragraph 25(2)(a), the Welsh Ministers must ensure that the actions specified in subparagraphs (2) to (4) are taken in accordance with sound scientific principles, the biology of Potato brown rot and the relevant production, marketing and processing systems of host plants of Potato brown rot.

(2) In the case of susceptible material, the actions are—

- (a) an investigation by a plant health inspector to determine the extent and the primary sources of the contamination [^{F7}which includes investigation of the following—;
- (i) potatoes which are growing or have been harvested that are clonally related to any contaminated potatoes;
 - (ii) tomatoes which are growing or have been harvested that are from the same source as any contaminated tomatoes;
 - (iii) potatoes or tomatoes which are growing or have been harvested that are under official control and are suspected to be contaminated with Potato brown rot;
 - (iv) potatoes which are growing or have been harvested that are clonally related to any potatoes that have been grown at the contaminated place of production;
 - (v) potatoes or tomatoes which are growing nearby the contaminated place of production, including those sharing production equipment and facilities directly or through a common contractor;
 - (vi) surface water used for irrigation and spraying from any source confirmed or suspected to be contaminated with Potato brown rot;
 - (vii) surface water used for irrigation and spraying from a source used in common with the contaminated and possibly contaminated places of production;
 - (viii) places of production which are flooded or have been flooded with contaminated or possibly contaminated surface water;
 - (ix) surface water used for irrigation or spraying of the contaminated place of production or flooded fields at the contaminated place of production;]
- (b) further official testing, including on all clonally related seed potato stocks;
- (c) the designation of the following as contaminated by a plant health inspector—
- (i) the susceptible material and consignment or lot from which the sample was taken;
 - (ii) any objects which have been in contact with that sample;

- (iii) any unit or field of protected crop production and any place of production of the susceptible material from which the sample was taken;
 - (d) a determination by a plant health inspector of the extent of probable contamination through pre- or post-harvest contact, through production, irrigation or spraying links or through clonal relationship;
 - (e) the demarcation of a zone by a plant health inspector on the basis of the designation under paragraph (c), the determination made under paragraph (d) and the possible spread of Potato brown rot, [^{F8}having regard to the relevant factors].
- (3) In the case of host plants, other than susceptible material, where the production of susceptible material is identified to be at risk by a plant health inspector, the actions are—
- (a) an investigation by a plant health inspector to determine the extent and the primary sources of the contamination [^{F9}which includes an investigation of the things referred to in sub-paragraph (2)(a)(i) to (ix)];
 - (b) the designation by a plant health inspector of host plants from which the sample was taken as contaminated;
 - (c) a determination of the probable contamination by a plant health inspector;
 - (d) the demarcation of a zone by a plant health inspector on the basis of the designation under paragraph (b), the determination made under paragraph (c) and the possible spread of Potato brown rot, [^{F10}having regard to the relevant factors].
- (4) In the case of surface water and associated wild solanaceous host plants where production of susceptible material is identified by a plant health inspector to be at risk through irrigation, spraying or flooding of surface water, the actions are—
- (a) an investigation by a plant health inspector to establish the extent of the contamination, which includes an official survey at appropriate times on samples of surface water and, if present, wild solanaceous host plants;
 - (b) the designation of surface water from which the sample was taken by a plant health inspector, to the extent appropriate and on the basis of the investigation under paragraph (a);
 - (c) a determination by a plant health inspector of the probable contamination on the basis of the designation made under paragraph (b);
 - (d) the demarcation of a zone by a plant health inspector on the basis of the designation under paragraph (b), the determination made under paragraph (c) and the possible spread of Potato brown rot, [^{F11}having regard to the relevant factors].
- [^{F12}(5) The “relevant factors” are—
- (a) for the purposes of sub-paragraphs (2)(e) and (3)(d)—
 - (i) the proximity of other places of production growing susceptible material;
 - (ii) the common production and use of seed potato stocks;
 - (iii) places of production using surface water for irrigation or spraying of susceptible material where there is or has been a risk of surface water run-off from the contaminated place of production;
 - (b) for the purposes of sub-paragraph (4)(d)—
 - (i) places of production producing susceptible material adjacent to, or which are at risk from flooding by, contaminated surface water;
 - (ii) any discrete irrigation basin associated with the contaminated surface water;

- (iii) water bodies connected with the contaminated surface water having regard to the direction and rate of flow of the contaminated surface water and the presence of wild solanaceous host plants.]

Textual Amendments

- F7** Words in Sch. 2 para. 26(2)(a) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **19(4)(a)(i)**
- F8** Words in Sch. 2 para. 26(2)(e) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **19(4)(a)(ii)**
- F9** Words in Sch. 2 para. 26(3)(a) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **19(4)(b)(i)**
- F10** Words in Sch. 2 para. 26(3)(d) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **19(4)(b)(ii)**
- F11** Words in Sch. 2 para. 26(4)(d) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **19(4)(c)**
- F12** Sch. 2 para. 26(5) inserted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **19(4)(d)**

Commencement Information

- I3** Sch. 2 para. 26 in force at 27.3.2020, see reg. 1

Restrictions in relation to susceptible material or objects contaminated or possibly contaminated with Potato brown rot

- 27.—(1) No person may knowingly plant or knowingly cause or permit to be planted—
- (a) any contaminated susceptible material, or
 - (b) any possibly contaminated susceptible material.
- (2) Where susceptible material or an object has been designated as contaminated or possibly contaminated under paragraph 26(2), a plant health inspector must serve a notice requiring that—
- (a) in the case of contaminated susceptible material, the material be subjected to any [^{F13}officially approved disposal method that ensures that there is no identifiable risk of Potato brown rot spreading];
 - (b) in the case of possibly contaminated susceptible material, the material be used or disposed of [^{F14}by an officially approved disposal method that ensures that there is no identifiable risk of Potato brown rot spreading];
 - (c) in the case of a contaminated object or a possibly contaminated object, the object be—
 - (i) disposed of by destruction, or
 - (ii) cleansed and disinfected so that there is no identifiable risk of Potato brown rot surviving or spreading.
- (3) Anything cleansed and disinfected in accordance with sub-paragraph (2) may no longer be treated as contaminated for the purposes of [^{F15}this Part].

Textual Amendments

- F13** Words in Sch. 2 para. 27(2)(a) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **19(5)(a)(i)**

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F14 Words in Sch. 2 para. 27(2)(b) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **19(5)(a)(ii)**

F15 Words in Sch. 2 para. 27(3) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **19(5)(b)**

Commencement Information

I4 Sch. 2 para. 27 in force at 27.3.2020, see reg. 1

Measures which may be required in relation to a contaminated place of production

28.—(1) A plant health inspector must serve the following notices on any occupier or other person who is in charge of a contaminated place of production which is in a zone demarcated by a plant health inspector under paragraph 26(2)(e)—

- (a) in relation to a contaminated field or a unit of protected crop production which is part of the place of production, a notice containing the first set of eradication measures or a notice containing the second set of eradication measures;
 - (b) in relation to a field which is part of the place of production but is not contaminated and, where the inspector is satisfied that the risk of volunteer potato and tomato plants and other naturally found host plants of Potato brown rot has been eliminated, a notice containing the third set of eradication measures.
- (2) The first set of eradication measures is—
- (a) the measures to be taken in the field or the unit from the date of receipt of the notice and for at least four growing years from the start of the first growing year, so as to eliminate any volunteer potato and tomato plants and other host plants, including solanaceous weeds, of Potato brown rot,
 - (b) a prohibition on the planting of any of the following in the field or the unit during that period—
 - (i) potato tubers, plants or true seeds;
 - (ii) tomato plants or seeds;
 - (iii) taking into account the biology of Potato brown rot, other host plants or plants of the species *Brassica* in respect of which there is a risk of Potato brown rot surviving;
 - (iv) crops in respect of which there is a risk of Potato brown rot spreading,
 - (c) a requirement that, in the first potato or tomato cropping season following that period, only potatoes for ware production be planted in the field or the unit, that the potatoes only be planted if the field or the unit has been found free from volunteer potato and tomato plants and other host plants, including solanaceous weeds, during official inspections of Potato brown rot, for at least the two consecutive growing years prior to planting, and that harvested tubers or tomato plants be subjected to official testing using the method set out in ^{F16}EPPO PM 7/21], and
 - (d) a requirement that an appropriate rotation cycle be applied in subsequent potato or tomato cropping seasons, which must be at least two years where potatoes are to be planted for seed production.
- (3) The second set of eradication measures is—
- (a) the measures to be taken in the field or the unit from the date of receipt of the notice and for five growing years from the start of the first growing year so as to eliminate volunteer potato and tomato plants and other naturally found host plants, including solanaceous weeds, of Potato brown rot,
 - (b) a requirement that—

- (i) during the first three of those growing years, the field or the unit be maintained—
 - (aa) in bare fallow,
 - (bb) in cereals, if the inspector is satisfied that there is no risk of Potato brown rot spreading,
 - (cc) in permanent pasture with frequent close cutting or intensive grazing, or
 - (dd) as grass for seed production;
 - (ii) during the fourth and fifth growing years, only non-host plants of Potato brown rot in respect of which there is no risk of Potato brown rot surviving or spreading be planted in the field or the unit, and
- (c) a requirement that, in the first potato or tomato cropping season following that period, only potatoes for seed or ware production be planted, that the potatoes only be planted if the field or the unit has been found free from volunteer potato and tomato plants and other host plants, including solanaceous weeds, during official inspections of Potato brown rot, for at least the two consecutive growing years prior to planting, and that harvested tubers or tomato plants be subjected to official testing using the method set out in [F¹⁷EPPO PM 7/21].
- (4) The third set of eradication measures is—
- (a) a requirement that from the date of receipt of the notice and for the first growing year no host plants of Potato brown rot be planted or only the following potatoes and tomato plants be planted in the field—
 - (i) certified seed potatoes for ware production;
 - (ii) tomato plants grown from seed which meets the relevant RNQP requirements for fruit production,
 - (b) a requirement that, if potatoes are to be planted in the first subsequent growing year, only the following potatoes be planted for seed or ware production in that year—
 - (i) certified seed potatoes;
 - (ii) seed potatoes officially tested for the absence of Potato brown rot and grown under official control at a place of production which is not contaminated,
 - (c) a requirement that, if tomato plants are to be planted in the first subsequent growing year, only the following tomato plants be planted for plant or fruit production in that year—
 - (i) tomato plants grown from seed which meets the relevant RNQP requirements;
 - (ii) if vegetatively propagated, tomato plants grown from seed which meets the relevant RNQP requirements and grown under official control at a place of production which is not contaminated,
 - (d) a requirement, in the case of potatoes, that, in the second subsequent growing year and any other subsequent growing year, only certified seed potatoes or seed potatoes grown under official control from certified seed potatoes be planted for seed or ware production in the field,
 - (e) a requirement, in the case of tomatoes, that during the second subsequent growing year and any other subsequent growing year, only tomato plants grown from seed which meets the relevant RNQP requirements or if, vegetatively propagated, tomato plants grown from seed which meets the relevant RNQP requirements and grown under official control be planted for plant or fruit production in the field,
 - (f) the measures to be taken in the field from the date of receipt of the notice to the end of the growing year specified in the notice so as to eliminate volunteer potato plants, and naturally found host plants, of Potato brown rot, and

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- (g) official inspections of growing crops at appropriate times and official testing of harvested potatoes in accordance with the method set out in [F18EPPO PM 7/21].
- (5) A notice served by a plant health inspector under sub-paragraph (1)(a) containing the first set of eradication measures must additionally—
- (a) include a requirement that all machinery and storage facilities at the place of production which are used for potato production be cleansed and disinfected immediately and following the first growing year,
 - (b) specify the appropriate methods for cleansing and disinfecting the machinery and storage facilities, and
 - (c) prohibit any irrigation or spraying programme at the place of production or specify how any irrigation or spraying programme at the place of production must be carried out, for the purpose of preventing the spread of Potato brown rot.
- (6) The measures which may be specified in a notice under sub-paragraph (1) or (5) may be included in a notice with other appropriate measures.
- (7) The person on whom a notice is served pursuant to sub-paragraph (1) must ensure that the measures specified in the notice are taken in the required manner.

Textual Amendments

- F16** Words in Sch. 2 para. 28(2)(c) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **19(6)**
- F17** Words in Sch. 2 para. 28(3)(c) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **19(6)**
- F18** Words in Sch. 2 para. 28(4)(g) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **19(6)**

Commencement Information

- I5** Sch. 2 para. 28 in force at 27.3.2020, see reg. 1

Additional measures in relation to units of protected crop production

29.—(1) This paragraph applies to the planting of any potato tubers, plants or true seeds in a contaminated unit of protected crop production where it is possible to replace all of the growing medium in the unit.

(2) No person may plant any potato tubers, plants or true seeds, tomato plants or seeds or other host plants of Potato brown rot in the unit without the written authorisation of a plant health inspector.

(3) A plant health inspector may not grant an authorisation under sub-paragraph (2) unless—

- (a) all of the measures to eliminate Potato brown rot and to remove all host plants of Potato brown rot which are specified in a notice in relation to the place of production in which the unit is situated have been complied with,
- (b) the growing medium in the unit has been completely changed, and
- (c) the unit and all of the equipment used on the unit have been cleansed and disinfected to eliminate Potato brown rot and remove all host plant material.

(4) An authorisation under sub-paragraph (2) may—

- (a) in relation to potato production, specify that only certified seed potatoes or mini-tubers or micro-plants derived from officially tested sources may be used in the production;

- (b) in relation to tomato production, specify that only seed which meets the relevant RNQP requirements or, if vegetatively propagated, tomato plants produced from seed which meets the relevant RNQP requirements and grown under official control, may be used in the production;
- (c) prohibit any irrigation or spraying programme at the place of production;
- (d) specify how any irrigation or spraying programme at the place of production must be carried out for the purpose of preventing the spread of Potato brown rot.

Commencement Information

I6 Sch. 2 para. 29 in force at 27.3.2020, see reg. 1

Measures to be taken in demarcated zones for the control of Potato brown rot

30.—(1) This paragraph applies where a plant health inspector has demarcated a zone in relation to a confirmed finding of Potato brown rot under paragraph 26(3)(d) or (4)(d).

(2) The Welsh Ministers may, by notice, specify further prohibitions, restrictions and other measures which are to apply in the demarcated zone to prevent the risk of Potato brown rot surviving or spreading.

(3) The Welsh Ministers may, in particular, specify in a notice under sub-paragraph (2) that—

- (a) any machinery or storage facilities at premises within the demarcated zone which are used for growing, storing or handling potato tubers or tomatoes within the zone, or any premises within the zone from which machinery for potato or tomato production is operated under contract, must be cleansed and, where appropriate, disinfected so that there is no identifiable risk of Potato brown rot surviving or spreading;
- (b) in the case of potato crops, only certified seed potatoes or seed potatoes grown under official control may be planted during the specified period;
- (c) potatoes intended for planting must be handled separately from all other potatoes at premises within the zone or that a system of cleansing and, where appropriate, disinfection must be carried out between the handling of seed potatoes and the handling of ware potatoes during the specified period;
- (d) in the case of tomato crops, only tomato plants grown from seed which meets the relevant RNQP requirements or, if vegetatively propagated, tomato plants produced from such seed and grown under official control may be planted during the specified period;
- (e) contaminated surface water must not be used for the irrigation or the spraying of specified plant material and, where appropriate, other host plants of Potato brown rot, without the prior written authorisation of a plant health inspector;
- (f) if liquid waste discharges have been contaminated, any waste from industrial processing or packaging premises in the zone which handle specified plant material must be disposed of under the supervision of a plant health inspector.

(4) A notice under sub-paragraph (2)—

- (a) must be in writing,
- (b) must describe the extent of the demarcated zone,
- (c) must specify in relation to each measure whether it applies generally or to an area of surface water in the demarcated zone,
- (d) must specify the date on which each measure takes effect and for how long,
- (e) must be published in a manner appropriate to bring it to the attention of the public, and

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- (f) may be amended, suspended or revoked, in whole or in part, by further notice.
- (5) Any premises which are partly within and partly outside a demarcated zone must be treated as within that zone for the purposes of this paragraph, except where the part which is outside the demarcated zone is not in Wales.
- (6) A notice published in accordance with sub-paragraph (4) is to be treated as having been served on—
- (a) any occupier or other person in charge of any premises within the demarcated zone;
 - (b) any person who—
 - (i) has a right to use any contaminated surface water,
 - (ii) has any contaminated surface water on premises within the demarcated zone which the person occupies or is in charge of, and
 - (iii) operates machinery or carries out any other activity in relation to the production of potatoes or tomatoes within the demarcated zone.
- (7) The Welsh Ministers may only specify the measures referred to in sub-paragraph (3) where the zone has been demarcated—
- (a) in relation to measures referred to in paragraphs (a) to (d) of that sub-paragraph for the purposes of [F19]paragraph 26(3)(d)];
 - (b) in relation to the measures referred to in paragraphs (e) and (f) of that sub-paragraph for the purposes of [F20]paragraph 26(4)(d)].
- (8) The Welsh Ministers must ensure that—
- (a) premises growing, storing or handling potato tubers and premises which operate potato machinery under contract are supervised by plant health inspectors during the specified period;
 - (b) an official survey is carried out in accordance with [F21]EPPO PM 7/21] during the specified period;
 - (c) a programme is established, where appropriate, for the replacement of all seed potato stocks over an appropriate period of time.
- (9) For the purposes of sub-paragraphs (3) and (8), “the specified period”, in relation to a zone demarcated pursuant to paragraph 26(3)(d) or (4)(d), must be at least three growing seasons following the year in which the zone was demarcated.

Textual Amendments

- F19** Words in Sch. 2 para. 30(7)(a) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **19(7)(a)(i)**
- F20** Words in Sch. 2 para. 30(7)(b) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **19(7)(a)(ii)**
- F21** Words in Sch. 2 para. 30(8)(b) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **19(7)(b)**

Commencement Information

- I7** Sch. 2 para. 30 in force at 27.3.2020, see reg. 1

Changes to legislation:

There are currently no known outstanding effects for the The Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020, PART 6.