

SCHEDULE 2

Specific measures relating to certain solanaceous species

PART 7

Measures for the control of *Ralstonia solanacearum* (Smith) Yabuuchi *et al.*

Measures to be taken following the confirmation of the presence of *R. solanacearum*

39.—(1) If the presence of *R. solanacearum* is confirmed following official testing carried out pursuant to paragraph 38(2) of this schedule, the Scottish Ministers must ensure that the actions specified in sub-paragraphs (2) to (4) are taken in accordance with sound scientific principles, the biology of *R. solanacearum* and the relevant production, marketing and processing systems of host plants of *R. solanacearum*.

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

- (a) an investigation by a plant health inspector to determine the extent and the primary sources of the contamination [F1 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 *R. solanacearum*,
 - (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 *R. solanacearum*,
 - (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 specified plant 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 specified plant 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,

Changes to legislation: There are currently no known outstanding effects for the *The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019, Paragraph 39. (See end of Document for details)*

- (e) the demarcation of a zone by a plant health inspector on the basis of the designation under head (c), the determination made under head (d) and the possible spread of *R. solanacearum*^[F2] having regard to the relevant factors].
- (3) In the case of host plants, other than specified plant material, where the production of specified plant 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 ^[F3] 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 head (b), the determination made under head (c) and the possible spread of *R. solanacearum*^[F4] having regard to the relevant factors].
- (4) In the case of surface water and associated wild solanaceous host plants where production of specified plant 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 head (a),
 - (c) a determination by a plant health inspector of the probable contamination on the basis of the designation made under head (b),
 - (d) the demarcation of a zone by a plant health inspector on the basis of the designation under head (b), the determination made under head (c) and the possible spread of *R. solanacearum*^[F5] having regard to the relevant factors].
- ^[F6](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.]

Changes to legislation: There are currently no known outstanding effects for the *The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019, Paragraph 39.* (See end of Document for details)

Textual Amendments

- F1** Words in sch. 2 para. 39(2)(a) substituted (31.12.2020) by [The Plant Health \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/466\)](#), regs. 1(1)(c), [27\(b\)\(i\)\(aa\)](#) (with reg. 32)
- F2** Words in sch. 2 para. 39(2)(e) substituted (31.12.2020) by [The Plant Health \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/466\)](#), regs. 1(1)(c), [27\(b\)\(i\)\(bb\)](#) (with reg. 32)
- F3** Words in sch. 2 para. 39(3)(a) substituted (31.12.2020) by [The Plant Health \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/466\)](#), regs. 1(1)(c), [27\(b\)\(ii\)\(aa\)](#) (with reg. 32)
- F4** Words in sch. 2 para. 39(3)(d) substituted (31.12.2020) by [The Plant Health \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/466\)](#), regs. 1(1)(c), [27\(b\)\(ii\)\(bb\)](#) (with reg. 32)
- F5** Words in sch. 2 para. 39(4)(d) substituted (31.12.2020) by [The Plant Health \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/466\)](#), regs. 1(1)(c), [27\(b\)\(iii\)](#) (with reg. 32)
- F6** Sch. 2 para. 39(5) inserted (31.12.2020) by [The Plant Health \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/466\)](#), regs. 1(1)(c), [27\(b\)\(iv\)](#) (with reg. 32)

Commencement Information

- I1** Sch. 2 para. 39 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, Paragraph 39.