

SCHEDULE 2

Specific measures relating to certain solanaceous species

PART 7

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

Demarcated zones

47.—(1) The Scottish Ministers must, where it is considered necessary to ensure that any provision of sub-paragraph (5) is complied with, make notice available to the public, by such measures as they consider appropriate, of the demarcation under paragraphs 39(2)(e), (3)(d) or (4) (d) of this schedule of any zone and such notice must—

- (a) subject to head (b), include a declaration that the provisions of sub-paragraph (5) 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 sub-paragraph (5) is to apply.

(2) The zone remains demarcated for the purposes of this Part of this schedule until such date as may be specified in the notice referred to in sub-paragraph (1) or in any further notice relating to the demarcated zone which a plant health inspector may issue varying the controls in the demarcated zone or its extent or ending it.

(3) For the purposes of this Part of this schedule, a notice made available to the public in accordance with sub-paragraph (1) is deemed to have been served on—

- (a) any occupier or other person in charge of any premises within the demarcated zone,
- (b) any person—
 - (i) with a right to use any surface water, or
 - (ii) who has on premises in their occupation or of which they have charge any surface water, designated as contaminated pursuant to sub-paragraph (5)(b), and
- (c) any person who operates machinery or carries out any other activity in relation to the production of potatoes or tomatoes within the demarcated zone.

(4) Any premises which are partly inside and partly outside a demarcated zone are deemed to be wholly inside that zone for the purposes of this Part of this schedule, except where the part which is outside the demarcated zone is not in Scotland.

(5) When a declaration has been made pursuant to sub-paragraph (1) that the provisions of this paragraph apply—

- (a) where the zone has been demarcated in accordance with paragraph 39(2)(e) or 39(3)(d) of this schedule—
 - (i) machinery and storage facilities at premises within the zone which are used for growing, storing or handling potato tubers or tomatoes within the zone and premises within the zone from which machinery for potato and tomato production is operated under contract, must be cleansed and, where appropriate, disinfected in accordance with paragraph 40(3)(b) of this schedule,
 - (ii) with regard to potato crops in the zone, only basic seed potatoes and pre-basic seed potatoes grown under official control may be planted,
 - (iii) during the specified period seed potatoes must be handled separately from all other potatoes at all premises within the zone, or a system of cleansing and, where

Changes to legislation: There are currently no known outstanding effects for the *The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019, Paragraph 47. (See end of Document for details)*

appropriate, disinfection must be carried out between the handling of seed and ware potatoes, and

- (iv) with regard to tomato crops in the zone, during the specified period only tomato plants grown from seed which meets the requirements of the ^{F1}... Plant Health Regulation or, if vegetatively propagated, tomato plants produced from such seed and grown under official control may be planted,
- (b) where surface water has been designated by a plant health inspector as contaminated in accordance with paragraph 39(4)(b) of this schedule—
 - (i) the use of water designated as contaminated for the irrigation and spraying of specified plant material and where appropriate, other host plants, is prohibited without the written authorisation of a plant health inspector, and
 - (ii) if liquid waste discharges have been contaminated, the disposal of waste from industrial processing or packaging premises which handle specified plant material must be carried out under the supervision of a plant health inspector.
- (6) The Scottish Ministers must ensure that during the specified period—
 - (a) premises growing, storing or handling potato tubers and premises which operate potato machinery under contract are supervised by plant health inspectors,
 - (b) an official survey is carried out in accordance with [^{F2}EPPO PM 7/21],
 - (c) a programme is established, where appropriate, for the replacement of all seed potato stocks over an appropriate period of time.

(7) For the purposes of sub-paragraphs (5) and (6), “the specified period” means the period specified in the notice referred to in sub-paragraph (1), which must be at least three growing seasons following the year in which the relevant zone was demarcated.

Textual Amendments

- F1** Word in sch. 2 para. 47(5)(a)(iv) 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), **27(g)(i)** (with reg. 32)
- F2** Words in sch. 2 para. 47(6)(b) 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(g)(ii)** (with reg. 32)

Commencement Information

- I1** Sch. 2 para. 47 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 47.