

SCHEDULE 2

Specific measures relating to certain solanaceous species

PART 2

General provisions relating to the planting of certain solanaceous species

General restrictions on the planting of potatoes

2.—(1) A person must not knowingly plant, or knowingly cause or permit to be planted, any potatoes or any potatoes produced from potatoes, which have been grown in a third country other than [^{F1}any third country to which the prohibition in Article 40(1) of the Plant Health Regulation does not apply].

(2) A person must not knowingly plant, or knowingly cause or permit to be planted, any potatoes unless—

[^{F2}(a) they derive in direct line from potato material which has been obtained under an approved programme for the certification of potatoes which has been officially approved by a competent authority or a CD authority,]

(b) they have been found to be free from Potato Ring Rot in official tests using the methods set out in [^{F3}EPPO PM 7/59],

(c) they have been found to be free from *Ralstonia solanacearum* (Smith) Yabuuchi *et al.* in official tests using the methods set out in [^{F4}EPPO PM 7/21].

(3) A person must not knowingly plant, or knowingly cause or permit to be planted, any potatoes other than—

(a) potatoes which may be marketed in Scotland under the Seed Potatoes Regulations,

(b) one year's direct progeny of the potatoes referred to in head (a) where that direct progeny has been grown by that person.

(4) Any person who is involved in the planting of potatoes must retain and make available to a plant health inspector the following documents in relation to the potatoes—

(a) their official labels,

(b) the invoices or delivery notes for the potatoes,

(c) the crop inspection report issued under the Seed Potatoes Regulations, where potatoes, or their direct progeny, marketed or marketable under those Regulations were produced by the report holder.

(5) Sub-paragraphs (3) and (4) do not apply where—

(a) the area to be planted is less than 0.1 hectare, or

(b) the area is intended for the production of early potatoes.

(6) In sub-paragraph (5)(b), “early potatoes” means potatoes—

(a) which are harvested before they are completely mature,

(b) which are marketed immediately after they have been harvested, and

(c) whose skins can be easily removed without peeling.

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019, PART 2. (See end of Document for details)

Textual Amendments

- F1** Words in sch. 2 para. 2(1) substituted (31.12.2020) by [The Plant Health \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/466\)](#), regs. 1(1)(c), **23(a)(i)** (with reg. 32)
- F2** Sch. 2 para. 2(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), **23(a)(ii)(aa)** (with reg. 32)
- F3** Words in sch. 2 para. 2(2)(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), **23(a)(ii)(bb)** (with reg. 32)
- F4** Words in sch. 2 para. 2(2)(c) substituted (31.12.2020) by [The Plant Health \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/466\)](#), regs. 1(1)(c), **23(a)(ii)(cc)** (with reg. 32)

Commencement Information

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

Special Measures

3.—(1) The special measures in sub-paragraph (2) apply to suppress or control the spread of the plant pests referred to in that sub-paragraph.

(2) The special measures are—

- (a) in respect of Potato Wart Disease, those set out in Part 3 of this schedule,
- (b) in respect of Potato Cyst Nematode, those set out in Parts 4 and 5 of this schedule,
- (c) in respect of Potato Ring Rot, those set out in Part 6 of this schedule,
- (d) in respect of *Ralstonia solanacearum* (Smith) Yabuuchi *et al.*, those set out in Part 7 of this schedule.

(3) This paragraph is subject to any additional or stricter measures which a plant health inspector considers necessary under regulation 15 or 16.

Commencement Information

- I2** Sch. 2 para. 3 in force at 14.12.2019, see reg. 1(1)

Potato Cyst Nematode

4.—(1) Seed potatoes and the plants listed in Part 5 of this schedule must not be planted unless they were grown in a sampling unit which has undergone an official soil test carried out in accordance with Part 4 of this schedule and no Potato Cyst Nematode was found.

(2) The official soil test referred to in sub-paragraph (1) must be carried out—

- (a) in the period between the harvesting of the last crop in the sampling unit and the planting of the crop that requires the official soil test, ^{F5}...
- (b) no more than four years prior to the planting of the crop that requires the official soil test, provided that evidence is available to show that no Potato Cyst Nematode was found and that potatoes or the plants listed in Part 5 of this schedule were not present at the time of the official soil test and have not been grown in the sampling unit since that official soil test ^{F6}, and
- (c) in accordance with EPPO PM 7/40 and EPPO PM 7/119.]

(3) Sub-paragraph (1) does not apply where—

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the *The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019, PART 2*. (See end of Document for details)

- (a) in the case of seed potatoes and the plants listed in [F7tables B and C of Part 5] of this schedule, they were—
- (i) planted on the same holding where they were harvested, or
 - (ii) not grown in soil,
- (b) in the case of plants listed in [F7tables B and C of Part 5] of this schedule, 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, or
- (c) in the case of plants listed in Part 5 of this schedule, official tests show that the sampling unit in which they were grown has been free of Potato Cyst Nematode for 12 years before they were planted, or there is evidence that no potatoes or plants listed Part 5 of this schedule have been grown in that sampling unit in the previous 12 years.

Textual Amendments

- F5** Word in sch. 2 para. 4(2) 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), **23(b)(i)** (with reg. 32)
- F6** Sch. 2 para. 4(2)(c) and preceding word inserted (31.12.2020) by [The Plant Health \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/466\)](#), regs. 1(1)(c), **23(b)(ii)** (with reg. 32)
- F7** Words in sch. 2 para. 4(3)(a)(b) substituted (31.12.2020) by [The Plant Health \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/466\)](#), regs. 1(1)(a), **5(6)(b)** (with reg. 32)

Commencement Information

- I3** Sch. 2 para. 4 in force at 14.12.2019, see reg. 1(1)

Official surveys

5. A plant health inspector must perform an official survey on sampling units used for the production of potatoes, other than those intended for the production of seed potatoes, in accordance with [F8Part 4 of this schedule].

Textual Amendments

- F8** Words in sch. 2 para. 5 substituted (31.12.2020) by [The Plant Health \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/466\)](#), regs. 1(1)(c), **23(c)** (with reg. 32)

Commencement Information

- I4** Sch. 2 para. 5 in force at 14.12.2019, see reg. 1(1)

[F95A. An official survey conducted under this Part or Part 4 of this schedule shall be conducted on at least 0.5% of the acreage used in the relevant year for the production of seed potatoes.]

Textual Amendments

- F9** Sch. 2 para. 5A inserted (31.12.2020) by [The Plant Health \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/466\)](#), regs. 1(1)(c), **23(d)** (with reg. 32)

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the *The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019, PART 2*. (See end of Document for details)

Textual Amendments

- F8** Words in sch. 2 para. 5 substituted (31.12.2020) by [The Plant Health \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/466\)](#), regs. 1(1)(c), **23(c)** (with reg. 32)
- F9** Sch. 2 para. 5A inserted (31.12.2020) by [The Plant Health \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/466\)](#), regs. 1(1)(c), **23(d)** (with reg. 32)

Commencement Information

- I4** Sch. 2 para. 5 in force at 14.12.2019, see reg. 1(1)

^{F10}**6.**

Textual Amendments

- F10** Sch. 2 para. 6 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), **23(e)** (with reg. 32)

Status:

Point in time view as at 31/12/2020.

Changes to legislation:

There are currently no known outstanding effects for the The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019, PART 2.