
STATUTORY INSTRUMENTS

1999 No. 2126

The Plant Health (Amendment) (England) Order 1999

Title, extent and commencement

1. This Order may be cited as the Plant Health (Amendment) (England) Order 1999, shall apply only to England and shall come into force on 21st August 1999.

Amendment of the Plant Health (Great Britain) Order 1993

2.—(1) The Plant Health (Great Britain) Order 1993 ^{M1} shall be amended in its application to England in accordance with the following paragraphs of this article.

(2) The heading of article 18 shall be changed from “Miscellaneous potato provisions” to “Miscellaneous provisions for certain solanaceous species” and—

(a) after paragraph (2) of that article there shall be inserted the following—

“(2A) Without prejudice to paragraph (1) of this article, no person shall knowingly plant or knowingly cause or permit to be planted any potatoes unless they derive in direct line from potato material which has been obtained under an officially approved programme within the European Community or Switzerland and which has been found to be free from *Ralstonia solanacearum* (Smith) Yabuuchi et al. in official tests using the method set out in Annex II of Directive 98/57/EC of 20 July 1998 on the control of *Ralstonia solanacearum* (Smith) Yabuuchi et al. ^{M2}.”; and

(b) for paragraph (7) of that article there shall be substituted the following—

“(7) Without prejudice to article 22 or 23, the special measures in respect of Potato Wart Disease, Potato Cyst Nematode, Potato Ring Rot and *Ralstonia solanacearum* (Smith) Yabuuchi et al. set out in Schedules 11, 12, 13 and 13A respectively shall be adopted to control the spread of those plant pests.”.

(3) After article 23 (actions which may be taken by an inspector) there shall be inserted the following article—

“Demarcation of zones for the control of RALSTONIA SOLANACEARUM (Smith) Yabuuchi et al.

23A.—(1) Upon the confirmation of the presence of *Ralstonia solanacearum* (Smith) Yabuuchi et al. in a sample taken pursuant to article 2 or article 5 of Directive 98/57/EC of 20 July 1998 on the control of *Ralstonia solanacearum* (Smith) Yabuuchi et al., an inspector may demarcate a zone as described in article 5(1)(a)(iv) or article 5(1)(c)(iii) of that Directive, to prevent the spread of that organism.

(2) The inspector shall publish notice of the demarcation under paragraph (1) above of any zone and such notice shall—

(a) subject to sub-paragraph (b) below, include a declaration that the provisions of paragraph 11 of Schedule 13A shall apply in the demarcated zone with effect from the date which is specified in the notice; and

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(b) where appropriate, specify those areas of surface water within the zone to which the prohibition on irrigation and spraying in paragraph 11 of Schedule 13A shall apply.

(3) The zone shall remain demarcated for the purposes of this Order until such date as may be specified in the notice referred to in paragraph (2) above or in any further notice relating to the demarcated zone which an inspector may issue varying the controls in the demarcated zone or its extent or ending it.

(4) An inspector shall publish notice pursuant to sub-paragraph (2) or (3) above by means of—

- (a) a notice in the London and Edinburgh Gazettes; and
- (b) one or more newspapers circulating in the locality of the demarcated zone.

(5) For the purposes of the exercise in relation to any person of any power contained in article 26, 27, 28 or 32, and for the purposes of the application to him of article 33, a notice published in accordance with paragraph (4) above shall be taken to have been served on him.

(6) The declaration referred to in paragraph (2) above shall not prejudice the requirements of any notice which may be served under article 22 or article 23 on any premises within the demarcated zone and any other special measures set out in Schedule 13A for the control of *Ralstonia solanacearum* (Smith) Yabuuchi et al.

(7) Subject to paragraph (8), any premises which are partly inside and partly outside a demarcated zone shall be deemed to be wholly inside that zone for the purposes of this article.

(8) Paragraph (7) shall not apply in respect of any part of any premises which is situated outside England.”

(4) In the following provisions—

- (a) section 2(b) in Part A of Schedule 1;
- (b) the items numbered 25.4, 25.7 and 25.8 in section 1 Part A of Schedule 4; and
- (c) the items numbered 19.1, 19.3, 19.5 and 19.7 in section 2 Part A of Schedule 4

for the words “*Pseudomonas solanacearum* (Smith) Smith” wherever they occur, there shall be substituted *Ralstonia solanacearum* (Smith) Yabuuchi et al ^{M3}.

(5) After Schedule 13 (special measures for the control of potato ring rot) there shall be inserted the Schedule set out in the Schedule to this Order.

(6) In Schedule 16 there shall be inserted at the end the following—

“Council Directive [98/57/EC](#)

OJ No. L235, 21.8.98, p. 1.”

Marginal Citations

- M1** [S.I. 1993/1320](#); amended by [S.I. 1993/3213](#), 1995/1358 and 2929, 1996/25, 1165 and 3242, 1997/1145 and 2907 and 1998/349, 1121 and 2245.
- M2** O.J. L235, 21.8.98, p. 1.
- M3** *Ralstonia solanacearum* (Smith) Yabuuchi et al. was formerly known as *Pseudomonas solanacearum* (Smith) Smith.

27th July 1999

Jeff Rooker
Minister of State, Ministry of Agriculture,
Fisheries and Food

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- [Order revoked by S.I. 2005/2530 Sch. 19](#)