

SCHEDULE 15

Article 39(6)

Special measures for the control of Potato Cyst Nematode

1. If, as a result of an official test, Potato Cyst Nematode is recorded, an inspector shall demarcate the contaminated plot.

Commencement Information

I1 Sch. 15 para. 1 in force at 3.10.2005, see [art. 1\(1\)](#)

2. Subject to paragraph 5, no person shall distribute as seed potatoes any seed potatoes which an inspector is satisfied are contaminated with or likely to be contaminated with Potato Cyst Nematode, unless they have been treated in such a way that, to the satisfaction of an inspector, they are no longer contaminated.

Commencement Information

I2 Sch. 15 para. 2 in force at 3.10.2005, see [art. 1\(1\)](#)

3. Subject to paragraph 5, where contaminated land is demarcated under paragraph 1—
(a) no potatoes shall be grown on it; and
(b) no plants intended for transplanting shall be grown, stored or moved on it.

Commencement Information

I3 Sch. 15 para. 3 in force at 3.10.2005, see [art. 1\(1\)](#)

4. Where an inspector is satisfied that Potato Cyst Nematode is no longer present on a plot which is demarcated under paragraph 1, he shall revoke that demarcation.

Commencement Information

I4 Sch. 15 para. 4 in force at 3.10.2005, see [art. 1\(1\)](#)

5. Provided there is no risk of the spread of Potato Cyst Nematode and the control of the pest is not prejudiced, an inspector may, by notice in writing, authorise—
(a) the growing on a contaminated plot of potatoes, other than seed potatoes, which are resistant to pathotypes of Potato Cyst Nematode found on that contaminated plot;
(b) the growing on a contaminated plot of potatoes, other than seed potatoes, provided that such potatoes are to be harvested before the cysts of Potato Cyst Nematode mature; or
(c) the growing on a contaminated plot of potatoes other than seed potatoes where the ground has been decontaminated by appropriate means.

Commencement Information

I5 Sch. 15 para. 5 in force at 3.10.2005, see [art. 1\(1\)](#)

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Plant Health (England) Order 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

6. A potato variety shall be regarded as being resistant to a particular pathotype of Potato Cyst Nematode for the purposes of paragraph 5(a) if, when that variety is grown, a natural and annual decrease in the population of that pathotype is found to occur.

Commencement Information

I6 Sch. 15 para. 6 in force at 3.10.2005, see [art. 1\(1\)](#)

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Plant Health (England) Order 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- Sch. 15 substituted by [S.I. 2010/1510 art. 7Sch.](#)

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

- Order revoked by [S.I. 2015/610 art. 49\(1\)](#)

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Pt. 7A inserted by [S.I. 2008/2411 art. 2\(5\)](#)
- Pt. 7A omitted by [S.I. 2014/979 art. 4\(1\)](#)
- Sch. 1 Pt. C inserted by [S.I. 2014/2385 art. 14\(3\)](#)
- Sch. 5 Pt. A para. 2A inserted by [S.I. 2013/2687 art. 11](#)
- Sch. 5 Pt. A para. 2A substituted by [S.I. 2014/2385 art. 17\(1\)\(c\)](#)
- Sch. 5 Pt. A para. 2(e)-(j) substituted for 2(e)-(f) by [S.I. 2014/2385 art. 17\(1\)\(b\)](#)
- Sch. 6 Pt. A para. 7(ca) inserted by [S.I. 2009/587 art. 2\(10\)](#)
- Sch. 6 Pt. A para. 3B inserted by [S.I. 2013/1477 art. 11\(a\)](#)
- Sch. 6 Pt. A para. 1011 inserted by [S.I. 2013/1477 art. 11\(c\)](#)
- Sch. 6 Pt. B para. A1-A3 inserted by [S.I. 2014/2385 art. 18\(2\)](#)
- Sch. 6 Pt. A para. 8 substituted by [S.I. 2013/1477 art. 11\(b\)](#)
- Sch. 6 Pt. A para. 8 word substituted by [S.I. 2014/2385 art. 18\(1\)\(c\)](#)
- Sch. 7 Pt. A para. 3B inserted by [S.I. 2013/1477 art. 12\(a\)](#)
- Sch. 7 Pt. A para. 1011 inserted by [S.I. 2013/1477 art. 12\(c\)](#)
- Sch. 8 Pt. A para. 5(ea) inserted by [S.I. 2012/697 reg. 4\(2\)\(b\)](#)
- Sch. 16 para. 10(b)(c) substituted by [S.I. 2007/1893 art. 2\(6\)\(g\)](#)
- Sch. 16 para. 12(b)-(d) substituted for Sch. 16 para. (b)(c) by [S.I. 2007/1893 art. 2\(6\)\(i\)\(ii\)](#)
- Sch. 17 Pt. A para. 14(aa) inserted by [S.I. 2007/1893 art. 2\(7\)\(i\)](#)
- Sch. 17 Pt. B para. 6(a)(iv) inserted by [S.I. 2007/1893 art. 2\(8\)\(d\)](#)
- Sch. 17 Pt. A para. 10(b)(c) substituted by [S.I. 2007/1893 art. 2\(7\)\(f\)\(ii\)](#)
- Sch. 17 Pt. A para. 10(a)(ii)(aa) words substituted by [S.I. 2007/1893 art. 2\(7\)\(f\)\(i\)](#)
- art. 5(1A) inserted by [S.I. 2014/2385 art. 4\(b\)](#)
- art. 12(2)(aa) inserted by [S.I. 2006/2307 art. 2\(4\)\(a\)](#)
- art. 12(2)(aa) substituted by [S.I. 2013/1477 art. 5\(a\)](#)
- art. 12(2)(cc) inserted by [S.I. 2006/2307 art. 2\(4\)\(b\)](#)
- art. 12(2)(cc) substituted by [S.I. 2013/1477 art. 5\(c\)](#)
- art. 12(2)(cc) word substituted by [S.I. 2014/2385 art. 6\(b\)](#)
- art. 19(1A) inserted by [S.I. 2014/2385 art. 7\(b\)](#)
- art. 19(3) inserted by [S.I. 2008/2411 art. 2\(3\)](#)
- art. 19(3)-(5) substituted for art. 19(3) by [S.I. 2012/3033 art. 2\(2\)](#)
- art. 19(5) substituted by [S.I. 2013/23 art. 2\(2\)](#)
- art. 19(6)-(8) inserted by [S.I. 2013/23 art. 2\(3\)](#)
- art. 19(6) substituted by [S.I. 2014/979 art. 3\(1\)](#)
- art. 19(6)(a) words inserted by [S.I. 2013/2687 art. 5\(a\)](#)
- art. 19(6)(b) words inserted by [S.I. 2013/2687 art. 5\(b\)](#)
- art. 19(8) substituted by [S.I. 2014/979 art. 3\(2\)](#)
- art. 20(1)(a)(aa) substituted for art. 20(1)(a) by [S.I. 2014/2385 art. 8](#)
- art. 21(8)(9) inserted by [S.I. 2013/2687 art. 6](#)
- art. 21(8) substituted for art. 21(8)(9) by [S.I. 2014/2385 art. 9](#)
- art. 22(1)(1A) substituted for art. 22(1) by [S.I. 2013/2687 art. 7](#)

- art. 22(3)(4) inserted by S.I. 2013/1477 art. 6
- art. 22(4) substituted by S.I. 2014/2385 art. 10(b)
- art. 24(5) added by S.I. 2006/2307 art. 2(6)
- art. 24(5) words inserted by S.I. 2013/2687 art. 8
- art. 42(1A) inserted by S.I. 2006/2307 art. 2(8)(b)
- art. 42(2)(bb) inserted by S.I. 2014/2385 art. 13
- art. 43(1A) inserted by S.I. 2006/2307 art. 2(9)(b)
- art. 44A inserted by S.I. 2012/697 reg. 3(1)
- art. 45(1)(a)(viA) inserted by S.I. 2006/2307 art. 2(10)(a)
- art. 45(1)(a)(xiB) inserted by S.I. 2008/2411 art. 2(7)
- art. 45(1)(a)(xiva) inserted by S.I. 2012/697 reg. 3(2)(a)(ii)
- art. 45(1)(a)(xiA) words inserted by S.I. 2006/2307 art. 2(10)(b)
- art. 45(1)(a)(xiii)-(xv) substituted for art. 45(1)(a)(xiii)(xiv) by S.I. 2010/1510 art. 6
- art. 45(4A) inserted by S.I. 2012/697 reg. 3(2)(b)