

SCHEDULE 16

Article 39(6)

Special measures for the control of Potato Ring Rot

1. In this Schedule—

“specified plant material” means tubers or plants of *Solanum tuberosum* L; and

“certified seed potatoes” means seed potatoes as defined by regulation 2(1) of the Seed Potatoes Regulations.

**Commencement Information**

**I1** Sch. 16 para. 1 in force at 3.10.2005, see [art. 1\(1\)](#)

2. Where specified plant material is designated by an inspector to be contaminated with Potato Ring Rot for the purposes of Article 5(1)(a) of Directive [93/85/EC](#)—

(a) without prejudice to article 20, no person shall knowingly plant that material or knowingly cause or permit it to be planted; and

(b) a notice under article 32 may require that material to be disposed of in accordance with paragraph 3.

**Commencement Information**

**I2** Sch. 16 para. 2 in force at 3.10.2005, see [art. 1\(1\)](#)

3. The methods by which material can be required to be disposed of are—

(a) by destruction;

(b) by industrial processing at a plant to which the specified plant material is to be delivered direct within such time as may be specified in the notice and in respect of which an inspector is satisfied that—

(i) appropriate waste disposal facilities are present such that there is no identifiable risk of Potato Ring Rot spreading; and

(ii) there is an appropriate system of disinfection of storage areas and departing vehicles;  
or

(c) by any method other than those referred to in paragraphs (a) and (b) and in respect of which an inspector is satisfied that there is no identifiable risk of Potato Ring Rot spreading.

**Commencement Information**

**I3** Sch. 16 para. 3 in force at 3.10.2005, see [art. 1\(1\)](#)

4. Where specified plant material is determined by an inspector to be possibly contaminated for the purposes of Article 5(1)(b) of Directive [93/85/EC](#)—

(a) without prejudice to article 20, no person shall knowingly plant that material or knowingly cause or permit it to be planted; and

(b) a notice under article 32 may require the material to be used or disposed of in accordance with paragraph 5.

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**Commencement Information**

**I4** Sch. 16 para. 4 in force at 3.10.2005, see [art. 1\(1\)](#)

5. The methods by which material can be required to be used or disposed of are—
- (a) use as ware potatoes which are intended for consumption, and which are packed and are intended and ready for direct delivery and use without re-packing;
  - (b) use as ware potatoes which are intended for industrial processing, by processing at a plant to which the potatoes are delivered direct within such time as may be specified in the notice and in respect of which the inspector is satisfied the appropriate waste disposal and disinfection facilities are present such that there is no identifiable risk of Potato Ring Rot spreading; or
  - (c) by any method other than those referred to in paragraphs (a) and (b) and in respect of which an inspector is satisfied that there is no identifiable risk of Potato Ring Rot spreading.

**Commencement Information**

**I5** Sch. 16 para. 5 in force at 3.10.2005, see [art. 1\(1\)](#)

6. A notice under article 32 may require that any machinery, vehicle, vessel, store or any part of such machinery, vehicle, vessel or store or any other object including packaging material designated by an inspector as contaminated for the purposes of Article 5(1)(a) of Directive [93/85/EC](#) or determined by him to be possibly contaminated for the purposes of Article 5(1)(b) of the Directive shall either—
- (a) be disposed of by destruction; or
  - (b) be cleansed and disinfected, such that there is no identifiable risk of Potato Ring Rot spreading.

**Commencement Information**

**I6** Sch. 16 para. 6 in force at 3.10.2005, see [art. 1\(1\)](#)

7. Anything cleansed and disinfected in accordance with paragraph 6(b) shall no longer be treated as contaminated for the purposes of Directive [93/85/EC](#).

**Commencement Information**

**I7** Sch. 16 para. 7 in force at 3.10.2005, see [art. 1\(1\)](#)

8. Without prejudice to paragraph 6, a notice under article 32 may require any of the measures referred to in paragraphs 9 to 16 as appropriate to be implemented.

**Commencement Information**

**I8** Sch. 16 para. 8 in force at 3.10.2005, see [art. 1\(1\)](#)

9. Subject to paragraph 13, where a place of production is designated by an inspector as contaminated for the purposes of Article 5(1)(a) of Directive [93/85/EC](#), the notice referred to in

paragraph 8 may require that, with regard to any field at that place, which has also been so designated, the measures referred to in paragraph 10 or 11 shall apply.

**Commencement Information**

**I9** Sch. 16 para. 9 in force at 3.10.2005, see [art. 1\(1\)](#)

**10.** The measures referred to in paragraph 9 are—

- (a) from the date of the receipt of the notice and for at least three growing years from the start of the next growing year—
  - (i) such measures as may be required to to eliminate volunteer potato plants and other naturally found host plants of Potato Ring Rot; and
  - (ii) that the following shall not be planted—
    - (aa) tubers, plants or true seeds or potato;
    - (bb) naturally found host plants of Potato Ring Rot; and
    - (cc) crops for which there is a risk of Potato Ring Rot surviving or spreading;
- (b) in the first potato cropping season following the period referred to in paragraph (a), that certified seed potatoes may be planted, for ware production only, provided that the field has been free from volunteer potato plants for at least the two consecutive growing years prior to planting; and
- (c) in the potato cropping season which follows that referred to in paragraph (b) and following an appropriate rotation cycle, that only certified seed potatoes may be planted, and only for seed or ware production.

**Commencement Information**

**I10** Sch. 16 para. 10 in force at 3.10.2005, see [art. 1\(1\)](#)

**11.** The measures referred to in paragraph 9 are—

- (a) from the date of receipt of the notice and for four growing years from the start of the next growing year—
  - (i) such measures as may be required to eliminate volunteer potato plants and other naturally found host plants of Potato Ring Rot; and
  - (ii) that the field shall be maintained in bare fallow, permanent pasture with frequent close cutting or intensive grazing; and
- (b) in the first potato cropping season following the period referred to in paragraph (a), that certified seed potatoes may be planted, for seed or ware production only.

**Commencement Information**

**I11** Sch. 16 para. 11 in force at 3.10.2005, see [art. 1\(1\)](#)

**12.** Where an inspector is satisfied that a place of production is contaminated for the purposes of Article 5(1)(a) of Directive [93/85/EC](#), the notice referred to in paragraph 8 may require that with regard to any fields at that place other than those referred to in paragraph 9—

- (a) from the date of receipt of the notice and for one growing year from the start of the next growing year—

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- (i) the following shall not be planted—
  - (aa) tubers, plants or true seed of potato;
  - (bb) naturally found host plants of Potato Ring Rot; or
- (ii) certified seed potatoes may be planted, for ware production only, where an inspector is satisfied that the risk of volunteer potato plants and other naturally found host plants of Potato Ring Rot have been eliminated;
- (b) for at least two growing years following the period referred to in (a), that certified seed potatoes may be planted, for seed or ware production only; and
- (c) from the date of receipt of the notice for the growing years referred to in (a) and (b), measures shall be taken to eliminate volunteer potato plants and naturally found host plants of Potato Ring Rot.

**Commencement Information**

**I12** Sch. 16 para. 12 in force at 3.10.2005, see [art. 1\(1\)](#)

**13.** Where an inspector is satisfied that a place of production is contaminated for the purposes of Article 5(1)(a) of Directive [93/85/EC](#) and a unit of protected crop production at that place has also been so designated and complete replacement of the growing medium is possible in that unit—

- (a) no person shall plant in the unit any potato tubers, plants or true seeds without the written authority of an inspector; and
- (b) an authorisation under paragraph (a) shall not be granted unless the measures specified in the notice referred to in paragraph 8, which shall include at least those specified in paragraph 14, have been complied with.

**Commencement Information**

**I13** Sch. 16 para. 13 in force at 3.10.2005, see [art. 1\(1\)](#)

**14.** The measures referred to in paragraph 13(b) are—

- (a) a complete change of growing medium in the unit; and
- (b) cleansing and disinfection of the unit and all equipment which is used on it,

for the purpose of eliminating Potato Ring Rot and removing all host plant material.

**Commencement Information**

**I14** Sch. 16 para. 14 in force at 3.10.2005, see [art. 1\(1\)](#)

**15.** The authorisation referred to in paragraph 13(a) may require that where an authorisation is granted for potato production, production shall be from certified seed potatoes or from mini-tubers or micro-plants derived from officially tested sources.

**Commencement Information**

**I15** Sch. 16 para. 15 in force at 3.10.2005, see [art. 1\(1\)](#)

**16.** Where a place of production is designated by an inspector to be contaminated for the purposes of Article 5(1)(a) of Directive [93/85/EC](#), the notice referred to in paragraph 8 may require that upon

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receipt of the notice and throughout the subsequent growing years up to and including the first potato cropping season permitted by paragraph 10(b) or 11(b), all machinery and storage facilities at the place of production which are used for potato production shall be cleansed and disinfected as appropriate in accordance with paragraph 6(b).

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**Commencement Information**

**I16** Sch. 16 para. 16 in force at 3.10.2005, see [art. 1\(1\)](#)

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### Changes and effects yet to be applied to :

- Sch. 16 para. 5 omitted by [S.I. 2007/1893 art. 2\(6\)\(e\)](#)
- Sch. 16 para. 3 substituted by [S.I. 2007/1893 art. 2\(6\)\(c\)](#)
- Sch. 16 para. 11(b) substituted by [S.I. 2007/1893 art. 2\(6\)\(h\)](#)
- Sch. 16 para. 1 words substituted by [S.I. 2007/1893 art. 2\(6\)\(a\)](#)
- Sch. 16 para. 2 words substituted by [S.I. 2007/1893 art. 2\(6\)\(b\)](#)
- Sch. 16 para. 4 words substituted by [S.I. 2007/1893 art. 2\(6\)\(d\)\(i\)](#)
- Sch. 16 para. 4 words substituted by [S.I. 2007/1893 art. 2\(6\)\(d\)\(ii\)](#)
- Sch. 16 para. 6 words substituted by [S.I. 2007/1893 art. 2\(6\)\(f\)](#)
- Sch. 16 para. 7 words substituted by [S.I. 2007/1893 art. 2\(6\)\(f\)](#)
- Sch. 16 para. 9 words substituted by [S.I. 2007/1893 art. 2\(6\)\(f\)](#)
- Sch. 16 para. 12 words substituted by [S.I. 2007/1893 art. 2\(6\)\(i\)\(i\)](#)
- Sch. 16 para. 13 words substituted by [S.I. 2007/1893 art. 2\(6\)\(j\)](#)
- Sch. 16 para. 16 words substituted by [S.I. 2007/1893 art. 2\(6\)\(j\)](#)

### 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)