

SCHEDULE 17

Article 39(6) and (7)

Ralstonia solanacearum

PART A

Special measures for the control of *Ralstonia solanacearum*

1. In this Schedule—

“agricultural land” means land used or capable of use for the purposes of a trade or business in connection with agriculture;

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

“specified plant material” means plants (including tubers), other than true seed, of *Solanacearum tuberosum* L., and plants, other than fruit or seeds, of *Lycopersicon lycopersicum* (L) Karsten ex Farw.; and

“*R solanacearum*” means *Ralstonia solanacearum* (Smith) Yabuuchi *et al.*, the cause of Potato brown rot.

Commencement Information

I1 Sch. 17 Pt. A 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 *R solanacearum* for the purposes of Article 5(1)(a)(ii) of Directive [98/57/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 used or disposed of in accordance with paragraph 3.

Commencement Information

I2 Sch. 17 Pt. A para. 2 in force at 3.10.2005, see [art. 1\(1\)](#)

3. The methods by which material can be required to be used or disposed of in paragraph 2 are—

(a) by incineration;

(b) as animal feed after heat treatment such that there is no risk of *R solanacearum* surviving;

(c) by deep burial at a disposal site at which there is no risk of seepage to agricultural land or contact with water sources which are or could be used for irrigation of agricultural land;

(d) 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 the inspector is satisfied that the waste disposal facilities conform to the provisions laid down in Annex VII to Directive [98/57/EC](#); or

(e) in any way not referred to in paragraphs (a) to (d) in regard to which it has been established to the satisfaction of the inspector that there is no identifiable risk of *R solanacearum* spreading.

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Commencement Information

I3 Sch. 17 Pt. A 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)(a)(iii) and Article 5(1)(c)(iii) of Directive 98/57/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 used or disposed of in accordance with paragraph 5.

Commencement Information

I4 Sch. 17 Pt. A 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 in are—

- (a) in the case of potato tubers, by use as ware potatoes which are intended for consumption and which are, packed at sites which the inspector is satisfied have appropriate waste disposal facilities such that there is no identifiable risk of *R solanacearum* spreading and are intended and ready for direct delivery and use without re-packing;
- (b) in the case of potato tubers, by use as ware potatoes which are intended for industrial processing and which are, processed 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 facilities are present such that there is no identifiable risk of *R solanacearum* spreading;
- (c) in the case of potato tubers, by use or disposal, other than destruction, and in respect of which the inspector is satisfied that there is no identifiable risk of *R solanacearum* spreading; or
- (d) in the case of plants, other than potato tubers, including stem and foliage debris, by—
 - (i) disposal by destruction; or
 - (ii) use or disposal, other than destruction, and in respect of which the inspector is satisfied that there is no identifiable risk of *R solanacearum* spreading.

Commencement Information

I5 Sch. 17 Pt. A 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 and any other object including packaging material designated by an inspector to be contaminated for the purposes of Article 5(1)(a)(ii) of Directive 98/57/EC or determined by him to be possibly contaminated for the purposes of Article 5(1)(a)(iii) and Article 5(1)(c)(iii) of that Directive shall either—

- (a) be disposed of by destruction; or
- (b) be cleansed and, where appropriate, disinfected, such that there is no identifiable risk of *R solanacearum* spreading.

Commencement Information

I6 Sch. 17 Pt. A para. 6 in force at 3.10.2005, see [art. 1\(1\)](#)

7. Anything cleansed and, where appropriate disinfected in accordance with paragraph 6(b) shall no longer be treated as contaminated for the purposes of Directive [98/57/EC](#).

Commencement Information

I7 Sch. 17 Pt. A 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 the measures referred to in paragraphs 9 to 16 as appropriate to be implemented in a zone demarcated by an inspector under Article 39(7).

Commencement Information

I8 Sch. 17 Pt. A para. 8 in force at 3.10.2005, see [art. 1\(1\)](#)

9. Subject to paragraph 12, where a place of production is designated by an inspector to be contaminated for the purposes of Article 5(1)(a)(ii) of Directive [98/57/EC](#), the notice referred to in paragraph 8 may require that, with regard to any field or any unit of protected crop production at that place, which has also been so designated, the measures referred to in paragraph 10 or 11 shall apply.

Commencement Information

I9 Sch. 17 Pt. A 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 four growing years from the start of the next growing year:
 - (i) such measures as may be required to eliminate volunteer potato and tomato plants as well as other host plants of *R solanacearum* including solanaceous weeds as appropriate; and
 - (ii) that the following shall not be planted—
 - (aa) potato tubers and plants;
 - (bb) tomato plants and seeds;
 - (cc) taking into account the biology of *R solanacearum*, other host plants and plants of species of *Brassica* for which there is a risk of *R solanacearum* surviving; or
 - (dd) crops for which there is a risk of *R solanacearum* spreading;
- (b) in the first potato cropping season following the period referred to in paragraph (a), if potatoes are to be planted, only certified seed potatoes may be planted, for ware production only, provided that the field or unit of production has been free from volunteer potato and tomato plants and other host plants including solanaceous weeds for at least the two consecutive growing years prior to planting; and

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- (c) in the potato or tomato cropping season which follows that referred to in paragraph (b) and following an appropriate rotation cycle, if potatoes are to be planted, that only certified seed potatoes may be planted, and only for seed or ware production.

Commencement Information

I10 Sch. 17 Pt. A 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 five growing years from the start of the next growing year—
- (i) such measures as may be required to eliminate volunteer potato and tomato plants as well as other host plants of *R solanacearum* including solanaceous weeds as appropriate; and
 - (ii) that the field or unit of production shall be maintained during the first three growing years—
 - (aa) in bare fallow;
 - (bb) in cereals if the inspector is satisfied that there is no identifiable risk of *R solanacearum* spreading;
 - (cc) in permanent pasture with frequent close cutting or intensive grazing; or
 - (dd) as grass for seed production;
 followed by planting in the succeeding two growing years with non-host plants of *R solanacearum* for which there is no identified risk of that organism surviving or spreading; and
- (b) in the first potato or tomato cropping season which follows the period referred to in paragraph (a), if potatoes are to be planted, that only certified seed potatoes may be planted, and only for seed or ware production.

Commencement Information

I11 Sch. 17 Pt. A para. 11 in force at 3.10.2005, see art. 1(1)

12. Where a place of production is designated by an inspector to be contaminated for the purposes of Article 5(1)(a)(ii) of Directive 98/57/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 or potato plants or other host plants of *R solanacearum* including tomato plants and seeds without the written authorisation 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 13, have been complied with.

Commencement Information

I12 Sch. 17 Pt. A para. 12 in force at 3.10.2005, see art. 1(1)

13. The measures referred to in paragraph 12(b) are—

- (a) a complete change of growing medium in the unit; and

- (b) cleansing and, where appropriate, disinfection of the unit and all equipment which is used in it,

for the purpose of eliminating *R solanacearum* and removing all host plant material.

Commencement Information

I13 Sch. 17 Pt. A para. 13 in force at 3.10.2005, see [art. 1\(1\)](#)

- 14.** The authorisation referred to in paragraph 12(a) may require that—
- (a) where the 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; and
 - (b) controls on irrigation and spraying programmes, which may include a prohibition on such programmes, shall be introduced as appropriate to prevent the spread of *R solanacearum*.

Commencement Information

I14 Sch. 17 Pt. A para. 14 in force at 3.10.2005, see [art. 1\(1\)](#)

15. Where a place of production is designated by an inspector to be contaminated for the purposes of Article 5(1)(a)(ii) of Directive [98/57/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 following the start of the next growing year no potato tubers or potato plants or other host plants of *R solanacearum* shall be planted, save that if an inspector is satisfied that any risk of the occurrence of volunteer potato plants and tomato plants and other host plants of *R solanacearum* including solanaceous weeds has been eliminated certified seed potatoes may be planted for ware production only;
- (b) if potatoes are to be planted, in the first growing year following that specified in paragraph (a), only certified seed potatoes may be planted, and only for seed or ware production;
- (c) if potatoes are to be planted, in the second growing year following that specified in paragraph (a) and, where appropriate, in any subsequent growing year which may be specified in the notice, only certified seed potatoes may be planted, and only for seed or ware production; and
- (d) from the date of the receipt of the notice and in each of the growing years referred to in this paragraph, measures shall be taken to eliminate volunteer potatoes and tomato plants and other host plants of *R solanacearum* including solanaceous weeds as appropriate.

Commencement Information

I15 Sch. 17 Pt. A 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)(ii) of Directive [98/57/EC](#), the notice referred to in paragraph 8 may require that upon receipt of the notice and throughout the subsequent growing years up to and including the first potato or tomato cropping season permitted by paragraph 10(b) or 11(b)—

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- (a) all machinery and storage facilities at the place of production which are used for potato or tomato production shall be cleansed and, where appropriate, disinfected in accordance with paragraph 6(b); and
- (b) such controls on irrigation and spraying programmes, which may include a prohibition on such programmes, shall be introduced as the inspector considers appropriate for the prevention of the spread of *R solanacearum*.

Commencement Information

I16 Sch. 17 Pt. A para. 16 in force at 3.10.2005, see [art. 1\(1\)](#)

PART B

Demarcation of zones for the control of *Ralstonia solanacearum*

1. The Secretary of State shall make notice available to the public, by such measures as she considers appropriate, of the demarcation under article 39(7) of any zone and such notice shall—
- (a) subject to paragraph (b), include a declaration that the provisions of paragraph 6 shall 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 paragraph 6 shall apply.

Commencement Information

I17 Sch. 17 Pt. B para. 1 in force at 3.10.2005, see [art. 1\(1\)](#)

2. 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 1 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.

Commencement Information

I18 Sch. 17 Pt. B para. 2 in force at 3.10.2005, see [art. 1\(1\)](#)

3. For the purposes of this Order, a notice made available to the public in accordance with paragraph (1) shall be 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 his occupation or of which he has charge any surface water, designated as contaminated pursuant to paragraph 6(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.

Commencement Information

I19 Sch. 17 Pt. B para. 3 in force at 3.10.2005, see [art. 1\(1\)](#)

4. 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 Schedule.

Commencement Information

I20 Sch. 17 Pt. B para. 4 in force at 3.10.2005, see [art. 1\(1\)](#)

5. Paragraph 4 shall not apply in respect of any part of any premises which is situated outside England.

Commencement Information

I21 Sch. 17 Pt. B para. 5 in force at 3.10.2005, see [art. 1\(1\)](#)

6. When a declaration has been made pursuant to paragraph 1 that the provisions of this paragraph shall apply—

- (a) where the zone has been demarcated for the purposes of Article 5(1)(a)(iv) of Directive [98/57/EC](#)—
 - (i) machinery and stores 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, shall be cleansed and, where appropriate, disinfected in accordance with paragraph 6(b) of Part A;
 - (ii) with regard to potato crops in the zone, only certified seed potatoes may be planted; and
 - (iii) potatoes intended for planting shall be handled separately from all other potatoes at all premises within the zone;
- (b) where surface water has been designated by an inspector as contaminated for the purposes of Article 5(1)(c)(ii) of Directive [98/57/EC](#)—
 - (i) the use of water designated as contaminated for the irrigation and spraying of specified plant material and where appropriate, other host plants, shall be prohibited without the written authorisation of an inspector, in order to prevent the spread of *R solanacearum*; and
 - (ii) if liquid waste discharges have been contaminated, the disposal of waste from industrial processing or packaging premises which handle specified plant material shall be carried out under the supervision of an inspector.

Commencement Information

I22 Sch. 17 Pt. B para. 6 in force at 3.10.2005, see [art. 1\(1\)](#)

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Changes and effects yet to be applied to :

- Sch. 17 Pt. A para. 3 omitted by [S.I. 2007/1893 art. 2\(7\)\(c\)](#)
- Sch. 17 Pt. A para. 5 omitted by [S.I. 2007/1893 art. 2\(7\)\(e\)](#)
- Sch. 17 Pt. A para. 15 substituted by [S.I. 2007/1893 art. 2\(7\)\(j\)](#)
- Sch. 17 Pt. A para. 14(a) word omitted by [S.I. 2007/1893 art. 2\(7\)\(i\)](#)
- Sch. 17 Pt. B para. 6(a)(ii) word omitted by [S.I. 2007/1893 art. 2\(8\)\(b\)](#)
- Sch. 17 Pt. B para. 1 words inserted by [S.I. 2006/2307 art. 2\(25\)](#)
- Sch. 17 Pt. A para. 1 words inserted by [S.I. 2007/1893 art. 2\(7\)\(a\)](#)
- Sch. 17 Pt. A para. 11(a)(i) words inserted by [S.I. 2007/1893 art. 2\(7\)\(g\)\(i\)](#)
- Sch. 17 Pt. B para. 6(a)(iii) words inserted by [S.I. 2007/1893 art. 2\(8\)\(c\)](#)
- Sch. 17 Pt. A para. 2(b) words substituted by [S.I. 2007/1893 art. 2\(7\)\(b\)](#)
- Sch. 17 Pt. A para. 4(b) words substituted by [S.I. 2007/1893 art. 2\(7\)\(d\)](#)
- Sch. 17 Pt. A para. 11(b) words substituted by [S.I. 2007/1893 art. 2\(7\)\(g\)\(ii\)](#)
- Sch. 17 Pt. A para. 12(a) words substituted by [S.I. 2007/1893 art. 2\(7\)\(h\)](#)
- Sch. 17 Pt. A para. 16 words substituted by [S.I. 2007/1893 art. 2\(7\)\(k\)](#)
- Sch. 17 Pt. B para. 6(a)(ii) words substituted by [S.I. 2007/1893 art. 2\(8\)\(a\)](#)

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)