

## SCHEDULE 17

### Ralstonia solanacearum

## 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**

**I1** 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.

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**Commencement Information**

**I2** 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.

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**Commencement Information**

**I3** 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.

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**Commencement Information**

**I4** Sch. 17 Pt. B para. 4 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

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

**Commencement Information**

**I5** 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**

**I6** Sch. 17 Pt. B 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 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)