

SCHEDULE 15

Article 39(3)

Special measures for the control of Potato ring rot

Interpretation

1. In this Schedule—

“certified seed potatoes” (“*tatws hadyd ardystiedig*”) means pre-basic seed potatoes, basic seed potatoes or certified seed potatoes as defined by regulation 2(1) of the Seed Potatoes Regulations;

“contaminated” (“*halogedig*”) means designated by an inspector as contaminated for the purposes of Article 5(1)(a) of Directive 93/85/EEC;

“first growing year” (“*blwyddyn dyfu gyntaf*”), in the case of measures to be taken in relation to a contaminated place of production, means the first growing year following the growing year in which the place of production is designated as contaminated for the purposes of Article 5(1)(a) of Directive 93/85/EEC;

“notice” (“*hysbysiad*”) means ^[F1]in Part A to C] a notice under article 32;

“object” (“*gwrthrych*”) means any machinery, vehicle, vessel, store or other object, including packaging material;

^[F2]“official testing” (“*profion swyddogol*”) means testing in an official laboratory or an officially supervised laboratory;

“possibly contaminated” (“*halogedig o bosibl*”) means determined by an inspector as possibly contaminated for the purposes of Article 5(1)(b) of Directive 93/85/EEC;

“susceptible material” (“*deunydd sy'n dueddol o gael plâu neu glefydau*”) means tubers or plants of *Solanum tuberosum* L.

Textual Amendments

- F1** Words in Sch. 15 para. 1 inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(a)(ii)**
- F2** Words in Sch. 15 para. 1 inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(a)(i)**

^[F3]PART A

Textual Amendments

- F3** Sch. 15 Pt. A inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(b)**

Official surveys and testing

1A. The Welsh Ministers must ensure that systematic official surveys for Potato ring rot are carried out on tubers of *Solanum tuberosum* L. and, where appropriate, on plants of *Solanum tuberosum* L., originating in Wales in accordance with Article 2(1) of [Directive 93/85/EEC](#).

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Changes to legislation: There are currently no known outstanding effects for the The Plant Health (Wales) Order 2018 (revoked), SCHEDULE 15. (See end of Document for details)

1B. Where the presence of Potato ring rot in susceptible material is suspected, the Welsh Ministers must ensure that—

- (a) official testing is carried out using the method set out in Annex 1 to [Directive 93/85/EEC](#) and in accordance with the conditions specified in point 1 of Annex 2 to [Directive 93/85/EEC](#) to confirm or refute its presence;
- (b) the following are retained and appropriately conserved pending completion of the official testing—
 - (i) all tubers sampled, and wherever possible, all plants sampled;
 - (ii) any remaining extract and additional preparation material for the screening tests;
 - (iii) all relevant documentation; and
- (c) pending the confirmation or refutation of its presence, where suspect diagnostic visual symptoms of Potato ring rot have been seen or symptoms of Potato ring rot have been identified by a positive immunofluorescence test or other appropriate positive test—
 - (i) the movement of all lots or consignments from which the samples have been taken, other than those which are under official control, is prohibited, except where it has been established that there is no identifiable risk of Potato ring rot spreading;
 - (ii) steps are taken to trace the origin of the suspected occurrence; and
 - (iii) additional appropriate precautionary measures based on the level of estimated risk to prevent any spread of the plant pest are taken.

1C. A notice may contain measures for the purposes of paragraph 1B(c)(i) to (iii).]

[^{F4}PART B

Textual Amendments

F4 Sch. 15 Pt. B inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(b)**

Measures to be taken following the confirmation of the presence of Potato ring rot

1D. If the presence of Potato ring rot is confirmed in a sample of susceptible material following official testing carried out pursuant to paragraph 1B(a) or 1E, the Welsh Ministers must ensure that—

- (a) the susceptible material, the consignment or lot and any object from which the sample was taken and, where appropriate, the place of production and field from which the susceptible material was harvested is designated as contaminated by an inspector;
- (b) an inspector determines the extent of the probable contamination through pre- or post-harvest contact or through any production link with anything designated as contaminated under sub-paragraph (a), taking into account the provisions in point 1 of Annex 3 to [Directive 93/85/EEC](#);
- (c) a zone is demarcated by an inspector on the basis of the designation made under sub-paragraph (a), taking into account the provisions in point 2 of Annex 3 to [Directive 93/85/EEC](#).

1E. Where susceptible material has been designated as contaminated under paragraph 1D(a), the Welsh Ministers must ensure that testing is carried out on potato stocks which are clonally related to that susceptible material in the manner specified in paragraph 1B in order to determine the probable primary source of infection and the extent of the probable contamination.

1F. Any such testing must be carried out on as much susceptible material as is necessary to determine the probable primary source of infection and the extent of the probable contamination.

1G. Any designation by an inspector under this Part must be made by notice.

1H. Where any susceptible material or object is determined by an inspector under paragraph 1D(b) to be possibly contaminated, the inspector must by notice designate that material or object as possibly contaminated.]

[^{F5}PART C]

Textual Amendments

- F5** Sch. 15 Pt. C heading inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(b)**

Susceptible material or objects contaminated or possibly contaminated with Potato ring rot

- 2.** No person may knowingly plant or knowingly cause or permit to be planted—
- (a) any contaminated susceptible material; or
 - (b) any possibly contaminated susceptible material.
- 3.** [^{F6}Where susceptible material or an object has been designated as contaminated or possibly contaminated under Part B, an inspector must serve a notice requiring that]—
- (a) [^{F7}in the case of] contaminated susceptible material[^{F8}, the material] be disposed of by destruction or by any other measure that complies with point 1 of Annex IV to Directive [93/85/EEC](#);
 - (b) [^{F9}in the case of] possibly contaminated susceptible material[^{F10}, the material] be used or disposed of in accordance with point 2 of Annex IV to Directive [93/85/EEC](#);
 - (c) [^{F11}in the case of] a contaminated object or a possibly contaminated object[^{F11}, the object] be—
 - (i) disposed of by destruction; or
 - (ii) cleansed and disinfected so that there is no identifiable risk of Potato ring rot [^{F12}surviving or] spreading.

Textual Amendments

- F6** Words in Sch. 15 para. 3 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(c)(i)**
- F7** Words in Sch. 15 para. 3(a) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(c)(ii)(aa)**
- F8** Words in Sch. 15 para. 3(a) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(c)(ii)(bb)**
- F9** Words in Sch. 15 para. 3(b) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(c)(iii)(aa)**
- F10** Words in Sch. 15 para. 3(b) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(c)(iii)(bb)**
- F11** Words in Sch. 15 para. 3(c) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(c)(iv)(aa)**

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F12 Words in Sch. 15 para. 3(c)(ii) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(c)(iv)(bb)**

4. Anything cleansed and disinfected in accordance with paragraph 3(c)(ii) may no longer be treated as contaminated for the purposes of Directive 93/85/EEC.

Textual Amendments

- F6** Words in Sch. 15 para. 3 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(c)(i)**
- F7** Words in Sch. 15 para. 3(a) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(c)(ii)(aa)**
- F8** Words in Sch. 15 para. 3(a) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(c)(ii)(bb)**
- F9** Words in Sch. 15 para. 3(b) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(c)(iii)(aa)**
- F10** Words in Sch. 15 para. 3(b) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(c)(iii)(bb)**
- F11** Words in Sch. 15 para. 3(c) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(c)(iv)(aa)**
- F12** Words in Sch. 15 para. 3(c)(ii) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(c)(iv)(bb)**

Measures ^{F13} ... in relation to a contaminated place of production

5. An inspector [^{F14}must] serve the following notices in relation to a contaminated place of production—

- (a) in the case of a contaminated field, a notice containing the first set of eradication measures or a notice containing the second set of eradication measures;
- (b) in the case of a field which is not contaminated, a notice containing the third set of eradication measures.

Textual Amendments

F14 Word in Sch. 15 para. 5 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(d)(ii)**

6. The first set of eradication measures are—

- (a) the measures to be taken in the field from the date of receipt of the notice and for at least three growing years from the start of the first growing year so as to eliminate volunteer potato plants, and other naturally-found host plants, of Potato ring rot;
- (b) a prohibition on the planting of any of the following in the field during that period—
 - (i) potato tubers, plants or true seeds;
 - (ii) naturally-found host plants of Potato ring rot;
 - (iii) crops for which there is a risk of Potato ring rot surviving or spreading;
- (c) a requirement that in the first potato cropping season following that period only potatoes for ware production be planted in the field, provided that the field has been found free from volunteer potato plants and other naturally-found host plants of Potato ring rot for at least two consecutive growing years prior to planting^{F15}, and that the harvested tubers

be subjected to official testing using the method set out in Annex 1 to [Directive 93/85/EEC](#); and

- (d) a requirement that in the next potato cropping season only potatoes for seed or ware production be planted in the field following an appropriate rotation cycle (which must be at least two years where the potatoes are to be planted for seed production).

Textual Amendments

F15 Words in Sch. 15 para. 6(c) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(e)**

7. The second set of eradication measures are—

- (a) the measures to be taken in the field from the date of receipt of the notice and for four growing years from the start of the first growing year so as to eliminate volunteer potato plants, and other naturally-found host plants, of Potato ring rot;
- (b) a requirement that, during that period, the field be maintained in bare fallow or in permanent pasture with frequent close cutting or intensive grazing; and
- (c) a requirement that in the first potato cropping season following that period only potatoes for [^{F16}seed or] ware production be planted, provided that the field has been found free from volunteer potato plants and other naturally-found host plants of Potato ring rot for at least two consecutive growing years prior to planting^{F17}, and that the harvested tubers be subjected to official testing using the method set out in Annex 1 to [Directive 93/85/EEC](#).

Textual Amendments

F16 Words in Sch. 15 para. 7(c) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(f)(i)**

F17 Words in Sch. 15 para. 7(c) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(f)(ii)**

8. The third set of eradication measures are—

- (a) [^{F18}where an inspector is satisfied that the risk of volunteer potato plants and other naturally-found host plants of Potato ring rot has been eliminated,] a prohibition on the planting of any of the following in the field from the date of receipt of the notice and for the first growing year—
- (i) potato tubers, plants or true seeds;
 - (ii) naturally-found host plants of Potato ring rot; and
 - (iii) certified seed potatoes, unless they are for ware production only ^{F19} ...;
- (b) a requirement that in the subsequent growing year only the following potatoes be planted for seed or ware production—
- (i) certified seed potatoes; and
 - (ii) seed potatoes officially tested for the absence of Potato ring rot and grown under official control at a place of production which is not a contaminated place of production;
- (c) a requirement that during at least the third growing year only certified seed potatoes or seed potatoes grown under official control from certified seed potatoes be planted for seed or ware production; and

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- (d) the measures to be taken in the field from the date of receipt of the notice to the end of the third growing year so as to eliminate volunteer potato plants, and naturally-found host plants, of Potato ring rot [^{F20}and a requirement that official testing be carried out on harvested tubers in each field using the method set out in Annex 1 to [Directive 93/85/EEC](#)].

Textual Amendments

- F18** Words in Sch. 15 para. 8(a) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(g)(i)(aa)**
- F19** Words in Sch. 15 para. 8(a)(iii) omitted (20.3.2019) by virtue of [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(g)(i)(bb)**
- F20** Words in Sch. 15 para. 8(d) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(g)(ii)**

9. [^{F21}Except where the Welsh Ministers have published a notice under Part D, a notice must] in relation to a contaminated place of production specify that all machinery and storage facilities at the place of production which are used for potato production must be cleansed and disinfected so that there is no identifiable risk of Potato ring rot spreading throughout the period specified in the notice.

Textual Amendments

- F21** Words in Sch. 15 para. 9 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(h)**

10. The measures which may be specified in a notice under paragraph 5 or 9 may be included in a notice with other appropriate measures.

[^{F22}**10A.** Where an inspector serves a notice containing the first set of eradication measures, the Welsh Ministers must ensure that an official survey is carried out in relation to the field mentioned in paragraph 6(d) in accordance with Article 2 of [Directive 93/85/EEC](#).]

Textual Amendments

- F22** Sch. 15 para. 10A inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(i)**

Textual Amendments

- F13** Words in Sch. 15 para. 5 heading omitted (20.3.2019) by virtue of [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(d)(i)**
- F14** Word in Sch. 15 para. 5 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(d)(ii)**
- F15** Words in Sch. 15 para. 6(c) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(e)**
- F16** Words in Sch. 15 para. 7(c) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(f)(i)**
- F17** Words in Sch. 15 para. 7(c) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(f)(ii)**
- F18** Words in Sch. 15 para. 8(a) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(g)(i)(aa)**

- F19** Words in Sch. 15 para. 8(a)(iii) omitted (20.3.2019) by virtue of [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(g)(i)(bb)**
- F20** Words in Sch. 15 para. 8(d) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(g)(ii)**
- F21** Words in Sch. 15 para. 9 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(h)**
- F22** Sch. 15 para. 10A inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(i)**

Additional measures applicable in relation to unit of protected crop production

11. Where it is possible to replace all of the growing medium in a contaminated unit of protected crop production, no person may plant in the unit any potato tubers, plants or true seeds without the written authorisation of an inspector.

12. An inspector may not grant an authorisation under paragraph 11 unless—

- (a) all of the measures to eliminate Potato ring rot [^{F23}and to remove all host plants] which are specified in a notice in relation to the place of production in which the unit is situated have been complied with;
- (b) the growing medium in the unit has been completely changed; and
- (c) the unit and all equipment used on the unit has been cleansed and disinfected to eliminate Potato ring rot and to remove all host plant material.

Textual Amendments

- F23** Words in Sch. 15 para. 12(a) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(j)**

13. Where an authorisation is granted under paragraph 11, the authorisation may specify that only certified seed potatoes, mini-tubers or micro-plants derived from officially tested sources may be used in the production.

Textual Amendments

- F23** Words in Sch. 15 para. 12(a) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(j)**

[^{F24}PART D

Textual Amendments

- F24** Sch. 15 Pt. D inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **5(k)**

Demarcation of zones for the control of Potato ring rot

14. This Part applies where an inspector has demarcated a zone pursuant to paragraph 1D(c).

15. The Welsh Ministers may, by notice, specify—

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- (a) how long the zone is to remain demarcated; and
- (b) the measures which apply in the demarcated zone.

16. A notice under paragraph 15—

- (a) must be in writing;
- (b) must describe the extent of the demarcated zone;
- (c) must specify the date on which each measure takes effect;
- (d) must be published in a manner appropriate to bring it to the attention of the public; and
- (e) may be amended, suspended or revoked, in whole or in part, by further notice.

17. Any premises which are partly within and partly outside a demarcated zone must be treated as within that zone for the purposes of this Schedule, except where the part which is outside the demarcated zone is not in Wales.

18. A notice published in accordance with paragraph 16 is to be treated as having been served on—

- (a) any occupier or other person in charge of any premises within the demarcated zone; and
- (b) any person who operates machinery or carries out any other activity in relation to the production of potatoes within the demarcated zone.

19. A notice under paragraph 15 must specify that—

- (a) any machinery or storage facilities at premises within the demarcated zone which are used for potato production must be cleansed and disinfected in an appropriate manner so that there is no identifiable risk of Potato ring rot surviving or spreading;
- (b) during the specified period, only certified seed potatoes or seed potatoes grown under official control may be planted and any seed potatoes grown in a place of production which is possibly contaminated must be officially tested after harvesting;
- (c) during the specified period, potatoes intended for planting must be handled separately from all other potatoes at premises within the zone or that a system of cleansing and, where appropriate, disinfection must be carried out between the handling of seed and ware potatoes.

20. The Welsh Ministers must ensure that during the specified period—

- (a) premises growing, storing or handling potato tubers and premises which operate potato machinery under contract are supervised by an inspector;
- (b) an official survey is carried out in accordance with Article 2 of [Directive 93/85/EEC](#);
- (c) a programme is established, where appropriate, for the replacement of all seed potato stocks over an appropriate period of time.

21. For the purposes of paragraphs 19 and 20, the “specified period” means the period specified in the notice, which must be at least three growing seasons following the year in which the relevant zone was demarcated.]

Status:

Point in time view as at 28/03/2019.

Changes to legislation:

There are currently no known outstanding effects for the The Plant Health (Wales) Order 2018 (revoked), SCHEDULE 15.