

## SCHEDULE 16

Article 39(3)

### Potato brown 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)(ii) of Directive 98/57/EC;

“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 contaminated place of production is designated as contaminated for the purposes of Article 5(1)(a)(ii) of Directive 98/57/EC;

“notice” (“*hysbysiad*”) means, in [F1Parts A to C], a notice under article 32;

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

“possibly contaminated” (“*halogedig o bosibl*”) means determined by an inspector as possibly contaminated for the purposes of Article 5(1)(a)(iii) or (c)(iii) of Directive 98/57/EC;

“susceptible material” (“*deunydd sy'n dueddol o gael plâu neu glefydau*”) means plants (including tubers), other than true seed, of *Solanum tuberosum* L. or plants, other than fruit or seeds, of *Solanum lycopersicum* L.

#### Textual Amendments

F1 Words in Sch. 16 para. 1 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), 6(a)

## PART A

#### [F2Official surveys and testing

1A. The Welsh Ministers must ensure that annual systematic official surveys are carried out to identify the presence of Potato brown rot on susceptible material originating in Wales in accordance with Article 2 of [Directive 98/57/EC](#).

#### Textual Amendments

F2 Sch. 16 paras. 1A-1C inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), 6(b)

1B. Where the presence of Potato brown rot is suspected, the Welsh Ministers must ensure that—

(a) official testing is carried out to confirm or refute its presence—

**Status:** Point in time view as at 20/03/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Plant Health (Wales) Order 2018 (revoked), SCHEDULE 16. (See end of Document for details)

- (i) in the case of susceptible material, using the method set out in Annex 2 to [Directive 98/57/EC](#) and in accordance with the conditions specified in point 1 of Annex 3 to [Directive 98/57/EC](#);
  - (ii) in any other case, using any officially approved method;
- (b) pending the confirmation or refutation of its presence, where suspect diagnostic visual symptoms of Potato brown rot have been seen and a positive result in a rapid screening test has been obtained or a positive result in the screening tests specified in point 2 of section 1 and section 3 of Annex 2 to [Directive 98/57/EC](#) has been obtained—
- (i) the movement of all plants and tubers from all crops, 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 brown 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 are taken to prevent any spread of Potato brown rot.

**Textual Amendments**

**F2** Sch. 16 paras. 1A-1C inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(b)**

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

**Textual Amendments**

**F2** Sch. 16 paras. 1A-1C inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(b)**

**Textual Amendments**

**F2** Sch. 16 paras. 1A-1C inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(b)**

## [<sup>F3</sup>PART B

**Textual Amendments**

**F3** Sch. 16 Pt. B inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(b)**

### Measures to be taken following confirmation of the presence of Potato brown rot

**1D.** If the presence of Potato brown rot is confirmed following official testing carried out pursuant to paragraph 1B, the Welsh Ministers must ensure that the actions specified in paragraphs 1E to 1G are taken in accordance with sound scientific principles, the biology of Potato brown rot and the relevant production, marketing and processing systems of host plants of Potato brown rot.

**1E.** In the case of susceptible material, the actions are—

- (a) an investigation by an inspector to determine the extent and the primary sources of the contamination in accordance with Annex 4 to [Directive 98/57/EC](#);
- (b) further official testing, including on all clonally related seed potato stocks;
- (c) the designation of the following as contaminated by an inspector—
  - (i) the susceptible material and consignment or lot from which the sample was taken;
  - (ii) any objects which have been in contact with that sample;
  - (iii) any unit or field of protected crop production and any place of production of the susceptible material from which the sample was taken;
- (d) a determination by an inspector of the extent of probable contamination through pre- or post-harvest contact, through production, irrigation or spraying links or through clonal relationship;
- (e) the demarcation of a zone by an inspector on the basis of the designation under sub-paragraph (c), the determination made under sub-paragraph (d) and the possible spread of Potato brown rot in accordance with point 2(i) of Annex 5 to [Directive 98/57/EC](#).

**1F.** In the case of host plants, other than susceptible material, where the production of susceptible material is identified to be at risk by an inspector, the actions are—

- (a) an investigation by an inspector to determine the extent and the primary sources of the contamination in accordance with Annex 4 to [Directive 98/57/EC](#);
- (b) the designation by an inspector of host plants from which the sample was taken as contaminated;
- (c) a determination of the probable contamination by an inspector;
- (d) the demarcation of a zone by an inspector on the basis of the designation under sub-paragraph (b), the determination made under sub-paragraph (c) and the possible spread of Potato brown rot in accordance with point 2(i) of Annex 5 to [Directive 98/57/EC](#).

**1G.** In the case of surface water and associated wild solanaceous host plants where production of susceptible material is identified by an inspector to be at risk through irrigation, spraying or flooding of surface water, the actions are—

- (a) an investigation by an inspector to establish the extent of the contamination, which includes an official survey at appropriate times on samples of surface water and, if present, wild solanaceous host plants;
- (b) the designation of surface water from which the sample was taken by an inspector, to the extent appropriate and on the basis of the investigation under sub-paragraph (a);
- (c) a determination by an inspector of the probable contamination on the basis of the designation made under sub-paragraph (b);
- (d) the demarcation of a zone by an inspector on the basis of the designation under sub-paragraph (b), the determination made under sub-paragraph (c) and the possible spread of Potato brown rot in accordance with point 2(ii) of Annex 5 to [Directive 98/57/EC](#).]

*Status: Point in time view as at 20/03/2019.*

*Changes to legislation: There are currently no known outstanding effects for the The Plant Health (Wales) Order 2018 (revoked), SCHEDULE 16. (See end of Document for details)*

## [<sup>F4</sup>PART C]

### Special measures for the control of Potato brown rot

#### Textual Amendments

- F4** Sch. 16 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), **6(b)**

#### Susceptible material or objects contaminated or possibly contaminated with Potato brown 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. [<sup>F5</sup>Where susceptible material or any object has been designated as contaminated or possibly contaminated under Part B, an inspector must serve a notice requiring that]—
  - (a) [<sup>F6</sup>in the case of] contaminated susceptible material[<sup>F7</sup>, the material] be subjected to any measure that complies with point 1 of Annex VI to Directive [98/57/EC](#);
  - (b) [<sup>F8</sup>in the case of] possibly contaminated susceptible material[<sup>F9</sup>, the material] be used or disposed of in accordance with point 2 of Annex VI to Directive [98/57/EC](#);
  - (c) [<sup>F10</sup>in the case of] a contaminated object or a possibly contaminated object[<sup>F10</sup>, the object] be—
    - (i) disposed of by destruction; or
    - (ii) cleansed and disinfected so that there is no identifiable risk of Potato brown rot [<sup>F11</sup>surviving or] spreading.

#### Textual Amendments

- F5** Words in Sch. 16 para. 3 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(c)(i)**
- F6** Words in Sch. 16 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), **6(c)(ii)(aa)**
- F7** Words in Sch. 16 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), **6(c)(ii)(bb)**
- F8** Words in Sch. 16 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), **6(c)(iii)(aa)**
- F9** Words in Sch. 16 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), **6(c)(iii)(bb)**
- F10** Words in Sch. 16 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), **6(c)(iv)(aa)**
- F11** Words in Sch. 16 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), **6(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 [98/57/EC](#).

#### Textual Amendments

- F5** Words in Sch. 16 para. 3 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(c)(i)**
- F6** Words in Sch. 16 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), **6(c)(ii)(aa)**
- F7** Words in Sch. 16 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), **6(c)(ii)(bb)**
- F8** Words in Sch. 16 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), **6(c)(iii)(aa)**
- F9** Words in Sch. 16 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), **6(c)(iii)(bb)**
- F10** Words in Sch. 16 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), **6(c)(iv)(aa)**
- F11** Words in Sch. 16 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), **6(c)(iv)(bb)**

#### Measures which may be required in relation to a contaminated place of production

5. An inspector [<sup>F12</sup>must] serve the following notices in relation to a contaminated place of production which is in a zone demarcated by an inspector under [<sup>F13</sup>Part B]—

- (a) in the case of a contaminated field or unit of protected crop production, 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 and, where the inspector is satisfied that the risk of volunteer potato and tomato plants and other naturally-found host plants of Potato brown rot has been eliminated, a notice containing the third set of eradication measures.

#### Textual Amendments

- F12** Word in Sch. 16 para. 5 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(d)(i)**
- F13** Words in Sch. 16 para. 5 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(d)(ii)**

6. The first set of eradication measures are—

- (a) the measures to be taken in the field or the unit from the date of receipt of the notice and for at least four growing years from the start of the first growing year so as to eliminate any volunteer potato and tomato plants and other host plants, including solanaceous weeds, of Potato brown rot;
- (b) a prohibition on the planting of any of the following in the field or the unit during that period—
  - (i) potato tubers, plants or true seeds;
  - (ii) tomato plants or seeds;
  - (iii) taking into account the biology of Potato brown rot, other host plants or plants of the species *Brassica* for which there is a risk of Potato brown rot surviving;
  - (iv) crops for which there is a risk of Potato brown rot spreading;

**Status:** Point in time view as at 20/03/2019.

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- (c) a requirement that in the first potato [<sup>F14</sup>or tomato] cropping season following that period only potatoes for ware production be planted in the field or the unit, provided that the field or the unit has been found free from volunteer potato and tomato plants and other host plants, including solanaceous weeds, [<sup>F15</sup>during official inspections] of Potato brown rot, for at least the two consecutive growing years prior to planting<sup>F16</sup>, and that harvested tubers or tomato plants be subjected to official testing using the method set out in Annex 2 to [Directive 98/57/EC](#); and
- (d) a requirement that an appropriate rotation cycle be applied in subsequent potato or tomato cropping seasons, which must be at least two years where potatoes are to be planted for seed production.

#### Textual Amendments

- F14** Words in Sch. 16 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), **6(e)(i)**
- F15** Words in Sch. 16 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), **6(e)(ii)**
- F16** Words in Sch. 16 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), **6(e)(iii)**

#### 7. The second set of eradication measures are—

- (a) the measures to be taken in the field or the unit from the date of receipt of the notice and for five growing years from the start of the first growing year so as to eliminate volunteer potato and tomato plants and other naturally-found host plants, including solanaceous weeds, of Potato brown rot;
- (b) a requirement that—
  - (i) during the first three of those growing years, the field or the unit be maintained—
    - (aa) in bare fallow;
    - (bb) in cereals, if the inspector is satisfied that there is no risk of Potato brown rot spreading;
    - (cc) in permanent pasture with frequent close cutting or intensive grazing; or
    - (dd) as grass for seed production;
  - (ii) [<sup>F17</sup>during the fourth and fifth growing years,] only non-host plants of Potato brown rot for which there is no risk of Potato brown rot surviving or spreading be planted in the field or the unit; and
  - (iii) a requirement that in the first potato or tomato cropping season following that period only potatoes for seed or ware production be planted<sup>F18</sup>, provided that the field or the unit has been found free from volunteer potato and tomato plants and other host plants, including solanaceous weeds, during official inspections of Potato brown rot, for at least the two consecutive growing years prior to planting, and that harvested tubers or tomato plants be subjected to official testing using the method set out in Annex 2 to [Directive 98/57/EC](#).

#### Textual Amendments

- F17** Words in Sch. 16 para. 7(b)(ii) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(f)(i)**

**F18** Words in Sch. 16 para. 7(b)(iii) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(f)(ii)**

- 8.** The third set of eradication measures are—
- (a) a requirement that from the date of receipt of the notice and for the first growing year [<sup>F19</sup>no host plants of Potato brown rot be planted or] only the following potatoes and tomato plants be planted in the field—
    - (i) certified seed potatoes for ware production;
    - (ii) tomato plants grown from seed which meets the requirements of Directive [2000/29/EC](#), for fruit production;
  - (b) a requirement that, if potatoes are to be planted in the first subsequent growing year, only the following potatoes be planted for seed or ware production in that year—
    - (i) certified seed potatoes;
    - (ii) seed potatoes officially tested for the absence of Potato brown rot and grown under official control at a place of production which is not contaminated;
  - (c) a requirement that, if tomato plants are to be planted in the first subsequent growing year, only the following tomato plants be planted for plant or fruit production in that year—
    - (i) tomato plants grown from seed which meets the requirements of Directive [2000/29/EC](#);
    - (ii) if vegetatively propagated, tomato plants grown from seed which meets the requirements of Directive [2000/29/EC](#) and grown under official control at a place of production which is not contaminated;
  - (d) a requirement, in the case of potatoes, that in the second subsequent growing year and any other subsequent growing year, only certified seed potatoes or seed potatoes grown under official control from certified seed potatoes be planted for seed or ware production in the field;
  - (e) a requirement, in the case of tomatoes, that during the second subsequent growing year and any other subsequent growing year, only tomato plants grown from seed which meets the requirements of Directive [2000/29/EC](#) or if, vegetatively propagated, tomato plants grown from seed which meets the requirements of Directive [2000/29/EC](#) and grown under official control be planted for plant or fruit production in the field; and
  - (f) the measures to be taken in the field from the date of receipt of the notice to the end of the growing year specified in the notice so as to eliminate volunteer potato plants, and naturally-found host plants, of Potato brown rot<sup>F20</sup>;
  - (g) official inspections of growing crops at appropriate times and official testing of harvested potatoes in accordance with the method set out in Annex 2 to [Directive 98/57/EC](#)].

#### Textual Amendments

**F19** Words in Sch. 16 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), **6(g)(i)**

**F20** Sch. 16 para. 8(g) and semicolon inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(g)(ii)**

- 9.** [<sup>F21</sup>Except where the Welsh Ministers have published a notice under Part D, a notice in relation to a contaminated place of production must]—

*Status: Point in time view as at 20/03/2019.*

*Changes to legislation: There are currently no known outstanding effects for the The Plant Health (Wales) Order 2018 (revoked), SCHEDULE 16. (See end of Document for details)*

- (a) require for a specified period that all machinery and storage facilities at the place of production which are used for potato or tomato production be cleansed and, where appropriate, disinfected so that there is no identifiable risk of Potato brown rot spreading;
- (b) prohibit any irrigation or spraying programme at the place of production or specify how any irrigation or spraying programme at the place of production must be carried out for the purpose of preventing the spread of Potato brown rot.

#### Textual Amendments

- F21** Words in Sch. 16 para. 9 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(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.

#### Textual Amendments

- F12** Word in Sch. 16 para. 5 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(d)(i)**
- F13** Words in Sch. 16 para. 5 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(d)(ii)**
- F14** Words in Sch. 16 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), **6(e)(i)**
- F15** Words in Sch. 16 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), **6(e)(ii)**
- F16** Words in Sch. 16 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), **6(e)(iii)**
- F17** Words in Sch. 16 para. 7(b)(ii) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(f)(i)**
- F18** Words in Sch. 16 para. 7(b)(iii) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(f)(ii)**
- F19** Words in Sch. 16 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), **6(g)(i)**
- F20** Sch. 16 para. 8(g) and semicolon inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(g)(ii)**
- F21** Words in Sch. 16 para. 9 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(h)**

#### Additional measures applicable in relation to units 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, tomato plants or seeds or other host plants of Potato brown rot 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 brown rot [<sup>F22</sup>and to remove all host plants of Potato brown rot] 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 of the equipment used on the unit has been cleansed and disinfected to eliminate Potato brown rot and remove all host plant material.



**Textual Amendments**

**F22** Words in Sch. 16 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), **6(i)**

- 13.** An authorisation under paragraph 11 may—
- (a) in relation to potato production, specify that only certified seed potatoes or mini-tubers or micro-plants derived from officially tested sources may be used in the production;
  - (b) in relation to tomato production, specify that only seed which meets the requirements of Directive [2000/29/EC](#) or, if vegetatively propagated, tomato plants produced from seed which meets the requirements of Directive [2000/29/EC](#) and grown under official control, may be used in the production;
  - (c) prohibit any irrigation or spraying programme at the place of production;
  - (d) specify how any irrigation or spraying programme at the place of production must be carried out for the purpose of preventing the spread of Potato brown rot.

**Textual Amendments**

**F22** Words in Sch. 16 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), **6(i)**

**[<sup>F23</sup>PART D]**

Demarcation of zones for the control of Potato brown rot

**Textual Amendments**

**F23** Sch. 16 Pt. B renumbered as Sch. 16 Pt. D (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(j)**

- 14.** This Part applies where an inspector has demarcated a zone in relation to a confirmed finding of Potato brown rot under [<sup>F24</sup>Part B].

**Textual Amendments**

**F24** Words in Sch. 16 para. 14 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(k)**

- 15.** The Welsh Ministers may, by notice, specify—
- (a) how long the zone is to remain demarcated;
  - (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 in relation to each measure whether it applies generally or to an area of surface water in the demarcated zone;

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*Changes to legislation: There are currently no known outstanding effects for the The Plant Health (Wales) Order 2018 (revoked), SCHEDULE 16. (See end of Document for details)*

- (d) must specify the date on which each measure takes effect;
- (e) must be published in a manner appropriate to bring it to the attention of the public; and
- (f) 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;
- (b) any person who—
  - (i) has a right to use any contaminated surface water;
  - (ii) has any contaminated surface water on premises within the demarcated zone which the person occupies or is in charge of; 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.

19. [F<sup>25</sup>A notice under paragraph 15 must specify that]—

- (a) any machinery or [F<sup>26</sup>storage facilities] at premises within the demarcated zone which are used for growing, storing or handling potato tubers or tomatoes within the zone, or any premises within the zone from which machinery for potato or tomato production is operated under contract, must be cleansed and, where appropriate, disinfected so that there is no identifiable risk of Potato brown rot surviving or spreading;
- (b) in the case of potato crops, [F<sup>27</sup>during the specified period] only certified seed potatoes or seed potatoes grown under official control may be planted;
- (c) [F<sup>28</sup>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;
- (d) in the case of tomato crops, [F<sup>29</sup>during the specified period] only tomato plants grown from seed which meets the requirements of Directive 2000/29/EC or, if vegetatively propagated, tomato plants produced from such seed and grown under official control may be planted;
- (e) contaminated surface water must not be used for the irrigation or the spraying of specified plant material and, where appropriate, other host plants of Potato brown rot, without the prior written authorisation of an inspector;
- (f) if liquid waste discharges have been contaminated, any waste from industrial processing or packaging premises in the zone which handle specified plant material must be disposed of under the supervision of an inspector.

#### Textual Amendments

- F25** Words in Sch. 16 para. 19 substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(1)(i)**
- F26** Words in Sch. 16 para. 19(a) substituted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(1)(ii)**
- F27** Words in Sch. 16 para. 19(b) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(1)(iii)**

**Status:** Point in time view as at 20/03/2019.

**Changes to legislation:** There are currently no known outstanding effects for the *The Plant Health (Wales) Order 2018 (revoked)*, SCHEDULE 16. (See end of Document for details)

**F28** Words in Sch. 16 para. 19(c) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(l)(iv)**

**F29** Words in Sch. 16 para. 19(d) inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(l)(v)**

**20.** The Welsh Ministers may only specify—

- (a) the measures referred to in paragraph 19(a) to (d) where the zone has been demarcated for the purposes of Article 5(1)(a)(iv) of Directive [98/57/EC](#);
- (b) the measures referred to in paragraph 19(e) and (f) where the zone has been demarcated for the purposes of Article 5(1)(c)(iii) of Directive [98/57/EC](#).

[<sup>F30</sup>**21.** 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 inspectors;
- (b) an official survey is carried out in accordance with Article 2 of [Directive 98/57/EC](#);
- (c) a programme is established, where appropriate, for the replacement of all seed potato stocks over an appropriate period of time.]

#### Textual Amendments

**F30** Sch. 16 paras. 21, 22 inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(m)**

[<sup>F30</sup>**22.** For the purposes of paragraphs 19 and 21, 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.]

#### Textual Amendments

**F30** Sch. 16 paras. 21, 22 inserted (20.3.2019) by [The Plant Health \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/674\)](#), regs. 1(2)(a), **6(m)**

**Status:**

Point in time view as at 20/03/2019.

**Changes to legislation:**

There are currently no known outstanding effects for the The Plant Health (Wales) Order 2018 (revoked), SCHEDULE 16.