

SCHEDULE 2

PART 4

Measures for the control of European populations of Potato cyst nematode

Interpretation

7. In this Part—

“field” (“*cae*”) means an area which has been demarcated as a field for the purposes of [^{F1}this Part];

“host plants” (“*planhigion cynhaliol*”) means plants with roots of *Capsicum* spp., *Solanum lycopersicum* L. or *Solanum melongena* L.;

“infested field” (“*cae a heigiwyd*”) means a field which is recorded as infested pursuant to paragraph 9(1);

“notice” (“*hysbysiad*”) means a notice under regulation 15(1);

“Potato cyst nematode” (“*Llyngyr tatws*”) means any cyst-forming nematode of the species *Globodera pallida* (Stone) Behrens or *Globodera rostochiensis* (Wollenweber) Behrens that infests and multiplies on potatoes, including any strain or pathotype of any such nematode;

[^{F2}“specified measures” (“*mesurau penodedig*”) means—

- (a) for the purposes of paragraph 9(2), the official re-sampling of the field and official testing of the samples, carried out at least three years after appropriate officially approved control measures have been taken in the field or, in any other case, at least five years after the year in which the Potato cyst nematodes were found or potatoes were last grown in the field;
- (b) for the purposes of paragraphs 11(3) and 15—
 - (i) the disinfection of the bulbs or plants by appropriate methods that ensure that there is no identifiable risk of Potato cyst nematodes spreading;
 - (ii) the removal of soil from the bulbs or plants by washing or brushing them until they are practically free of soil, so as to ensure that there is no identifiable risk of Potato cyst nematodes spreading;]

“susceptible bulbs” (“*bylbiau sy'n dueddol o gael plâu neu glefydau*”) means bulbs, tubers or rhizomes, grown in soil and intended for planting, of *Allium ascalonicum* L., *Allium cepa* L., *Dahlia* spp., *Gladiolus* Tourn. Ex L., *Hyacinthus* spp., *Iris* spp., *Lilium* spp., *Narcissus* L. or *Tulipa* L., other than those for which there is evidence by their packaging or by other means that they are intended for sale to final consumers not involved in professional plant or cut flower production;

“susceptible material” (“*deunydd sy'n dueddol o gael plâu neu glefydau*”) means host plants, susceptible bulbs or susceptible plants;

“susceptible plants” (“*planhigion sy'n dueddol o gael plâu neu glefydau*”) means plants with roots of *Allium porrum* L., *Asparagus officinalis* L., *Beta vulgaris* L., *Brassica* spp. or *Fragaria* L.

Textual Amendments

- F1** Words in Sch. 2 para. 7 substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), 17(2)(a)

Changes to legislation: There are currently no known outstanding effects for the *The Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020, PART 4*. (See end of Document for details)

F2 Words in Sch. 2 para. 7 inserted (31.12.2020) by *The Plant Health (Amendment etc.) (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1628)*, regs. 1(2)(b), **17(2)(b)**

Commencement Information

I1 Sch. 2 para. 7 in force at 27.3.2020, see reg. 1

[^{F3}Official testing

7A. Any official testing of samples for the purposes of this Part must be carried out in accordance with EPPO PM 7/40 and EPPO PM 7/119.]

Textual Amendments

F3 Sch. 2 para. 7A inserted (31.12.2020) by *The Plant Health (Amendment etc.) (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1628)*, regs. 1(2)(b), **17(3)**

Official investigations and surveys

8.—[^{F4}(1)] The Welsh Ministers must ensure that—

- (a) official investigations are carried out in accordance with [^{F5}this Part] for the presence of Potato cyst nematodes in fields in which seed potatoes or susceptible material intended for the production of plants for planting are to be planted or stored, and
- (b) official surveys are carried out in accordance with [^{F6}this Part] for the presence of Potato cyst nematodes in fields used for the production of potatoes, other than those intended for the production of seed potatoes.

[^{F7}(2)] An official investigation of a field for the purposes of paragraph 8(1)(a) must be carried out—

- (a) prior to the proposed planting or storing, and
- (b) unless there is documentary evidence of a previous official investigation confirming that no Potato cyst nematodes were found during the investigation and that potatoes or host plants were not present at the time of that investigation and have not been grown in the field since that investigation, between the harvesting of the last crop in the field and the proposed planting of seed potatoes or other susceptible material.

(3) In the case of a field in which seed potatoes or host plants intended for the production of plants for planting are to be planted or stored, an official investigation for the purposes of paragraph 8(1)(a) must include soil sampling of the field at the appropriate sampling rate and official testing of the samples.

(4) In the case of a field in which susceptible bulbs or susceptible plants, intended for the production of plants for planting, are to be planted or stored, an official investigation for the purposes of paragraph 8(1)(a) must include—

- (a) soil sampling of the field at the appropriate sampling rate and official testing of the samples, or
- (b) verification, based on the results of appropriate officially approved testing, that Potato cyst nematodes have not been present in the field during the previous 12 years or verification, based on the known cropping history of the field, that no potatoes or host plants have been grown in the field in the previous 12 years.

(5) An official survey for the purposes of paragraph 8(1)(b) must include soil sampling of the field at the appropriate sampling rate on at least 0.5% of the acreage used for the production of potatoes in the relevant year and official testing of the samples.

(6) Paragraph 8(1)(a) does not apply where the Welsh Ministers have established that there is no risk of Potato cyst nematodes spreading and—

- (a) any susceptible material intended for the production of plants for planting is to be used within the same place of production situated within an officially defined area,
- (b) seed potatoes are to be used within the same place of production situated within an officially defined area, or
- (c) in the case of any susceptible bulbs or susceptible plants intended for the production of plants for planting, the harvested plants are to be subject to officially approved measures.

(7) For the purposes of sub-paragraphs (3) to (5)—

- (a) “the appropriate sampling rate”, in relation to a field, is the minimum sampling rate specified in the following table—

<i>Sub-paragraph</i>	<i>Field</i>	<i>Rate</i>
(3) and (4)	Field ≤ 8 hectares	1,500 ml of soil per hectare collected from at least 100 cores/hectare
	Field > 8 hectares	First 8 1,500 ml of soil per hectare
		Each additional 400 ml of soil per hectare
	Field ≤ 4 hectares that meets at least one of the criteria in paragraph (b)	400 ml of soil per hectare
	Field > 4 hectares that meets at least one of the criteria in paragraph (b)	First 4 400 ml of soil per hectare
		Each additional 200 ml of soil per hectare
(5)	Field ≤ 4 hectares	Any of the following: —400 ml of soil per hectare —targeted sampling of at least 400 ml of soil following the visual examination of roots with visual symptoms, or —where the harvested potatoes can be traced to the field in which they were grown, 400 ml of soil

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<i>Sub-paragraph</i>	<i>Field</i>	<i>Rate</i>
		associated with the harvested potatoes.
(b)	the criteria are—	
	(i) documentary evidence exists to show that potatoes or host plants have not been grown or were not present in the field in the six years prior to the official investigation;	
	(ii) no Potato cyst nematodes have been found during the last two successive official investigations in samples of 1,500 ml soil/hectare and no potatoes or host plants, other than those for which the official investigation is required, have been grown in the field since the first of those two investigations;	
	(iii) no Potato cyst nematodes or Potato cyst nematodes without live content have been found in the last official investigation which consisted of a sample size of at least 1,500 ml soil/hectare and no potatoes or host plants, other than those for which the official investigation is required, have been grown in the field since the last official investigation.]	

Textual Amendments

- F4** Sch. 2 para. 8 renumbered as Sch. 2 para. 8(1) (31.12.2020) by [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **17(5)**
- F5** Words in Sch. 2 para. 8(a) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **17(4)(a)**
- F6** Words in Sch. 2 para. 8(b) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **17(4)(b)**
- F7** Sch. 2 para. 8(2)-(7) inserted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **17(5)**

Commencement Information

- I2** Sch. 2 para. 8 in force at 27.3.2020, see reg. 1

Official records of investigations and surveys

9.—(1) The Welsh Ministers must ensure that the results of each official investigation or official survey carried out pursuant to paragraph 8 are recorded to indicate whether Potato cyst nematodes were found in the fields during the investigation or survey.

(2) Where the [^{F8}relevant specified measures] have been taken in a field which has been recorded as infested pursuant to sub-paragraph (1) and, following the completion of those measures, it is officially confirmed that Potato cyst nematodes are no longer present in the field, the Welsh Ministers must ensure that the record is updated accordingly.

Textual Amendments

- F8** Words in Sch. 2 para. 9(2) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **17(6)**

Commencement Information

- I3** Sch. 2 para. 9 in force at 27.3.2020, see reg. 1

Notices in relation to infested fields and contaminated susceptible material

10.—(1) A plant health inspector must serve a notice in writing on the occupier or other person in charge of an infested field which specifies the boundaries of the infested field.

(2) The notice may not be withdrawn until it is confirmed, in accordance with paragraph 9(2), that Potato cyst nematode is no longer present in the field.

(3) A plant health inspector must by notice designate as contaminated any susceptible material which comes from a field that has been officially recorded as infested under paragraph 9(1) or any susceptible material which has been in contact with soil in which Potato cyst nematodes have been found.

Commencement Information

I4 Sch. 2 para. 10 in force at 27.3.2020, see reg. 1

Prohibition on the planting of potatoes in infested fields

11.—(1) Unless authorised to do so by an inspector, no person may—

(a) plant any potatoes that are intended for the production of seed potatoes in an infested field, or

(b) plant or store any susceptible material which is intended for planting in an infested field.

(2) A plant health inspector may authorise the planting of susceptible bulbs or susceptible plants in an infested field.

(3) An authorisation under sub-paragraph (2) must be by notice and must contain [^{F9}one of the relevant specified measures].

Textual Amendments

F9 Words in Sch. 2 para. 11(3) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), 17(7)

Commencement Information

I5 Sch. 2 para. 11 in force at 27.3.2020, see reg. 1

Suppression of Potato cyst nematodes

12.—(1) No person may plant any potatoes that are not intended for the production of seed potatoes in an infested field unless authorised to do so by a plant health inspector.

(2) An authorisation under sub-paragraph (1) must be by notice and may only be given if the inspector is satisfied that all reasonable steps to suppress Potato cyst nematodes in the field have been taken in accordance with the official control programme adopted by the Welsh Ministers for the suppression of Potato cyst nematodes.

Commencement Information

I6 Sch. 2 para. 12 in force at 27.3.2020, see reg. 1

Changes to legislation: There are currently no known outstanding effects for the The Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020, PART 4. (See end of Document for details)

Controls on contaminated seed potatoes etc.

13.—(1) No person may plant any seed potatoes or any host plants which have been designated as contaminated pursuant to paragraph 10(3), unless authorised to do so by an inspector.

(2) An authorisation under sub-paragraph (1) must be by notice and must contain the measures which the inspector considers necessary to decontaminate those seed potatoes or host plants.

Commencement Information

17 Sch. 2 para. 13 in force at 27.3.2020, see reg. 1

Controls on potatoes for industrial processing or grading

14.—(1) No person may move any potatoes which have been designated as contaminated pursuant to paragraph 10(3) and are intended for industrial processing or grading, unless authorised to do so by an inspector.

(2) An authorisation under sub-paragraph (1) must be by notice and must require the potatoes to be delivered to a processing or grading plant that has appropriate and officially approved waste disposal procedures that ensure that there is no risk of Potato cyst nematodes spreading.

Commencement Information

18 Sch. 2 para. 14 in force at 27.3.2020, see reg. 1

Controls on contaminated bulbs etc.

15. No person may plant any susceptible bulbs or susceptible plants which have been designated as contaminated pursuant to paragraph 10(3), unless they have been subject to [F10 one of the relevant specified measures] and an inspector has confirmed by notice that they are no longer contaminated.

Textual Amendments

F10 Words in Sch. 2 para. 15 substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **17(7)**

Commencement Information

19 Sch. 2 para. 15 in force at 27.3.2020, see reg. 1

Further investigations for the presence of Potato cyst nematodes

16. If any suspected occurrence or confirmed presence of Potato cyst nematodes in Wales results from a breakdown or change in the effectiveness of a resistant potato variety which relates to an exceptional change in the composition of nematode species, pathotype or virulence group, the Welsh Ministers must ensure that the species of Potato cyst nematode and, where applicable, the pathotype and virulence group involved are investigated and confirmed by appropriate methods.

Commencement Information

110 Sch. 2 para. 16 in force at 27.3.2020, see reg. 1

Changes to legislation:

There are currently no known outstanding effects for the The Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020, PART 4.