SCHEDULE 17

RALSTONIA SOLANACEARUM

PART B

Demarcation of zones for the control of *Ralstonia solanacearum*

1. The National Assembly must, where it considers it necessary to ensure that the provisions referred to in item 6 are complied with, make notice available to the public, by such measures as it considers appropriate, of the demarcation under article 39(7) of any zone and such notice must—

(a) subject to paragraph (b), include a declaration that the provisions of paragraph 6 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 apply.

2. The zone must 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.

3. For the purposes of this Order, a notice made available to the public in accordance with paragraph (1) must 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 or her occupation or of which he or she 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.

4. Any premises which are partly inside and partly outside a demarcated zone must be deemed to be wholly inside that zone for the purposes of this Schedule.

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

6. When a declaration has been made pursuant to paragraph 1 that the provisions of this paragraph 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, must 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 must 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, must 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 must be carried out under the supervision of an inspector.