
STATUTORY RULES OF NORTHERN IRELAND

2018 No. 184

The Plant Health Order (Northern Ireland) 2018

PART 7

Certain solanaceous species: planting and control of relevant plant pests

Miscellaneous provisions for certain solanaceous species

40.—(1) No person may knowingly plant, or knowingly cause or permit to be planted, any potatoes or any potatoes produced from those potatoes, which have been grown in a third country, other than Switzerland.

(2) No person may knowingly plant or knowingly cause or permit to be planted any potatoes unless—

- (a) they derive in direct line from potato material which has been obtained under an officially approved programme in the European Union or Switzerland;
- (b) they have been found to be free from Potato brown rot in official tests using the methods set out in Annex II to [Directive 98/57/EC](#); and
- (c) they have been found to be free from Potato ring rot in official tests using the methods set out in Annex I to [Directive 93/85/EEC](#).

(3) No person may knowingly plant any potatoes, or knowingly cause or permit any potatoes to be planted, in Northern Ireland other than—

- (a) potatoes which may be marketed in Northern Ireland under the Seed Potatoes Regulations; or
- (b) one year's direct progeny of the potatoes referred to in sub-paragraph (a) where that direct progeny has been grown by that person.

(4) Any person who is involved in the planting of potatoes in Northern Ireland must retain and make available to an inspector the following documentation in relation to the potatoes—

- (a) their official labels;
- (b) the invoices and delivery notes for the potatoes;
- (c) in the case of potatoes marketed or marketable under the Seed Potatoes Regulations or potatoes which are their direct progeny and have been produced by the certificate holder, the certificate of classification.

(5) The following have effect in relation to the control of certain plant pests—

- (a) Schedule 13 (special measures for the control of Potato wart disease);
- (b) Schedule 14 (special measures for the control of Potato cyst nematode);
- (c) Schedule 15 (special measures for the control of Potato ring rot); and
- (d) Schedule 16 (special measures for the control of Potato brown rot).

(6) Where the presence of Potato brown rot is confirmed to be present on a sample taken in accordance with Articles 2 and 5 of [Directive 98/57/EC](#), an inspector may demarcate a zone in accordance with Article 5(1)(a)(iv) or 5(1)(c)(ii) of that Directive to prevent the spread of that plant pest.

Inspection and control of potato plant health *Dickeya* spp.

41.—(1) An inspector may at any reasonable time enter onto any premises on which the inspector reasonably believes that potatoes have been planted, stored, processed or packed and carry out such investigations as the inspector considers necessary for the purpose of establishing whether any potatoes are infected with *Dickeya* spp.

(2) An inspector may take and remove samples of potato or soil for the purpose of establishing whether any potatoes are infected with *Dickeya* spp.

(3) Where an inspector reasonably suspects that potatoes are infected with *Dickeya* spp. the inspector may serve a notice requiring the potato grower or occupier of the premises to take such steps, in such manner and within such time as may be specified in the notice, as appear to the inspector to be necessary to prevent the spread of *Dickeya* spp. to other potatoes.