

SCHEDULE 2

PART 6

Measures for the control of Potato brown rot

Measures to be taken in demarcated zones for the control of Potato brown rot

30.—(1) This paragraph applies where a plant health inspector has demarcated a zone in relation to a confirmed finding of Potato brown rot under paragraph 26(3)(d) or 4(d).

(2) The Department may, by notice, specify further prohibitions, restrictions and other measures which are to apply in the demarcated zone to prevent the risk of Potato brown rot surviving or spreading.

(3) The Department may, in particular, specify in a notice under paragraph (2), that—

- (a) any machinery or 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, only certified seed potatoes or seed potatoes grown under official control may be planted during the specified period;
- (c) 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 during the specified period;
- (d) in the case of tomato crops, 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 during the specified period;
- (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 a plant health 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 a plant health inspector.

(4) A notice under sub-paragraph (2)—

- (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;
- (d) must specify the date on which each measure takes effect and for how long;
- (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.

(5) Any premises which are partly within and partly outside a demarcated zone must be treated as within that zone for the purposes of this paragraph, except where the part which is outside the demarcated zone is not in Northern Ireland.

(6) A notice published in accordance with sub-paragraph (4) 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
 - (iii) any person who operates machinery or carries out any other activity in relation to the production of potatoes or tomatoes within the demarcated zone.

(7) The Department may only specify the measures referred to in sub-paragraph (3) where the zone has been demarcated—

- (a) in relation to measures referred to in paragraphs (a) to (d) of that sub-paragraph for the purposes of Article 5(1)(a)(iv) of [Directive 98/57/EC](#);
- (b) in relation to the measures referred to in paragraphs (e) and (f) of that sub-paragraph for the purposes of Article 5(1)(c)(iii) of [Directive 98/57/EC](#).

(8) The Department must ensure that—

- (a) premises growing, storing or handling potato tubers and premises which operate potato machinery under contract are supervised by plant health inspectors during the specified period;
- (b) an official survey is carried out in accordance with Article 2 of [Directive 98/57/EC](#) during the specified period;
- (c) a programme is established, where appropriate, for the replacement of all seed potato stocks over an appropriate period of time.

(9) For the purposes of sub-paragraphs (3) and (8), the “specified period”, in relation to a zone demarcated pursuant to paragraph 26(3)(d) or (4)(d), must be at least three growing seasons following the year in which the zone was demarcated.