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SCOTTISH STATUTORY INSTRUMENTS

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**2010 No. 206**

**The Plant Health (Scotland) Amendment Order 2010**

**Amendment of article 39 (miscellaneous provisions for certain solanaceous species)**

7. In article 39 (miscellaneous provisions for certain solanaceous species)—
- (a) in paragraph (6), before “control” insert “suppress or”; and
  - (b) after paragraph (7), insert—
    - “(8) Subject to paragraph (10), seed potatoes and the plants listed in Schedule 15A must not be planted unless they were grown in a sampling unit which has undergone an official soil test carried out in accordance with paragraphs 1 to 6 of Schedule 15 and no Potato Cyst Nematode was found.
    - (9) The official soil test referred to in paragraph (8) must be carried out either—
      - (a) in the period between the harvesting of the last crop in the sampling unit and the planting of the crop that requires the official soil test; or
      - (b) no more than four years prior to the planting of the crop that requires the official soil test, provided that evidence is available to show that no Potato Cyst Nematode was found and that potatoes or the plants listed in table A of Schedule 15A were not present at the time of the official soil test and have not been grown in the sampling unit since that official soil test.
    - (10) Paragraph (8) does not apply where—
      - (a) seed potatoes and the plants listed in Schedule 15A are—
        - (i) planted on the same holding where they were harvested;
        - (ii) not grown in soil; or
        - (iii) harvested before 31st December 2010;
      - (b) in the case of plants listed in table B of Schedule 15A, they have been washed or brushed until practically free of soil so that there is, to the satisfaction of an inspector, no identifiable risk of Potato Cyst Nematode spreading; or
      - (c) in the case of plants listed in table B or C of Schedule 15A, official tests show that the sampling unit in which they were grown has been free of Potato Cyst Nematode for 12 years before they were planted, or there is evidence that no potatoes or plants listed in table A of Schedule 15A have been grown in that sampling unit in the previous 12 years.”.