STATUTORY INSTRUMENTS

2019 No. 621

The Plant Health (Northern Ireland) (Amendment) Regulations 2019

Amendment of Schedule 15

5. In Schedule 15—

(a) in paragraph 1, at the appropriate places insert—

“”official testing” means testing in an official laboratory or an officially supervised laboratory;

”zone” means any area, including any individual premises.”;

(b) after paragraph 1 insert—

“PART A

Official surveys and testing

1A. The Department must ensure that systematic official surveys for Potato ring rot are carried out on tubers of *Solanum tuberosum* L. and, where appropriate, on plants of *Solanum tuberosum* L., originating in Northern Ireland in accordance with Article 2(1) of Directive 93/85/EEC(**1**).

1B. Where the presence of Potato ring rot in susceptible material is suspected, the Department must ensure that—

(a) official testing is carried out using the method set out in Annex 1 to Directive 93/85/EEC and in accordance with the conditions specified in point 1 of Annex 2 to Directive 93/85/EEC to confirm or refute its presence; and

(b) the following are retained and appropriately conserved pending completion of the official testing—

(i) all tubers samples, and wherever possible, all plants sampled;

(ii) any remaining extract and additional preparation material for the screening tests;

(iii) all relevant documentation; and

(c) pending the confirmation or refutation of its presence, where suspect diagnostic visual symptoms of Potato ring rot have been seen or symptoms of Potato ring rot have been identified by a positive immunofluorescence test or other appropriate positive test—

(i) the movement of all lots or consignments from which the samples have been taken, other than those which are under official control, is prohibited,

(**1**) OJNo. L 259, 18.10.1993, p. 1, as amended by Directive 2006/56/EC (OJ No. L 182, 4.7.2006, p. 1).

except where it has been established that there is no identifiable risk of Potato ring rot spreading;

(ii) steps are taken to trace the origin of the suspected occurrence; and

(iii) additional appropriate precautionary measures based on the level of estimated risk to prevent any spread of the plant pest are taken.

1C. A notice may contain measures for the purposes of paragraph 1B(b)(i) to (iii).

PART B

Measures to be taken following the confirmation of the presence of Potato ring rot

1D. If the presence of Potato ring rot is confirmed in a sample of susceptible material following official testing carried out pursuant to paragraph 1B(a) or 1E, the Department must ensure that—

(a) the susceptible material, the consignment or lot and any object from which the sample was taken and, where appropriate, the place of production and field from which the susceptible material was harvested is designated as contaminated by an inspector;

(b) an inspector determines the extent of the probable contamination through pre- or post-harvest contact or through any production link with anything designated as contaminated under sub-paragraph (a), taking into account the provisions in point 1 of Annex 3 to Directive 93/85/EEC;

(c) a zone is demarcated by an inspector on the basis of the designation made under sub-paragraph (a), taking into account the provisions in point 2 of Annex 3 to Directive 93/85/EEC.

1E. Where susceptible material has been designated as contaminated under paragraph 1D(a), the Department must ensure that testing is carried out on potato stocks which are clonally related to that susceptible material in the manner specified in paragraph 1B in order to determine the probable primary source of infection and the extent of the probable contamination.

1F. Any such testing must be carried out on as much susceptible material as is necessary to determine the probable primary source of infection and the extent of the probable contamination.

1G. Any designation by an inspector under this Part must be made by notice.

1H. Where any susceptible material or object is determined by an inspector under paragraph 1D(b) to be possibly contaminated, the inspector must by notice designate that material or object as possibly contaminated.
PART C";

(c) in paragraph 3—

(i) for the words before sub-paragraph (a) substitute "Where susceptible material or an object has been designated as contaminated or possibly contaminated under Part B, an inspector must serve a notice requiring that";

(ii) in sub-paragraphs (a) and (b)—

(aa) at the beginning insert "in the case of";

(bb) after "material" insert ", the material";

(iii) in sub-paragraph (c)—

(aa) at the beginning insert "in the case of" and after "object", in the second place it occurs, insert ", the object";

(bb) in paragraph (ii), after "Potato ring rot" insert "surviving or";

(d) in paragraph 5—

(i) in the heading, omit "which may be required";

(ii) in the words before sub-paragraph (a), for "may" substitute "must";

(e) in paragraph 6(c), at the end insert ", and that the harvested tubers be subjected to official testing using the method set out in Annex 1 to Directive 93/85/EEC";

(f) in paragraph 7(c)—

(i) after "potatoes for" insert "seed or";

(ii) at the end insert ", and that the harvested tubers be subjected to official testing using the method set out in Annex 1 to Directive 93/85/EEC";

(g) in paragraph 8—

(i) in sub-paragraph (a)—

(aa) at the beginning insert "where an inspector is satisfied that the risk of volunteer potato plants and other naturally-found host plants of Potato ring rot has been eliminated,";

(bb) in paragraph (iii), omit the words from "and an" to the end;

(ii) in sub-paragraph (d), at the end, insert "and a requirement that official testing be carried out on harvested tubers in each field using the method set out in Annex 1 to Directive 93/85/EEC.";

(h) in paragraph 9, for "A notice may" substitute "Except where the Department has published a notice under Part D, a notice must";

(i) after paragraph 10 insert—

"**10A.** Where an inspector serves a notice containing the first set of eradication measures, the Department must ensure that an official survey is carried out in relation to the field mentioned in paragraph 6(d) in accordance with Article 2 of Directive 93/85/EEC.";

(j) for paragraph 12 substitute—

"**12.** An inspector may not grant an authorisation under paragraph 11 unless—

(a) all of the measures to eliminate Potato ring rot and to remove all host plants which are specified in a notice in relation to the place of production in which the unit is situated have been complied with;

(b) the growing medium in the unit has been completely changed; and

(c) the unit and all equipment used on the unit has been cleansed and disinfected to eliminate Potato ring rot and to remove all host plant material.";

(k) after paragraph 13 insert—

"PART D

Demarcation of zones for the control of Potato ring rot

14. This Part applies where an inspector has demarcated a zone pursuant to paragraph 1D(c).

15. The Department may, by notice, specify—

(a) how long the zone is to remain demarcated; and

(b) the measures which apply in the demarcated zone.

16. A notice under paragraph 15—

(a) must be in writing;

(b) must describe the extent of the demarcated zone;

(c) must specify the date on which each measure takes effect;

(d) must be published in a manner appropriate to bring it to the attention of the public; and

(e) may be amended, suspended or revoked, in whole or in part, by further notice.

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

18. A notice published in accordance with paragraph 15 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 operates machinery or carries out any other activity in relation to the production of potatoes within the demarcated zone.

19. A notice under paragraph 15 must specify that—

(a) any machinery or storage facilities at premises within the demarcated zone which are used for potato production must be cleansed and disinfected in an appropriate manner so that there is no identifiable risk of Potato ring rot surviving or spreading;

(b) during the specified period, only certified seed potatoes or seed potatoes grown under official control may be planted and any seed potatoes grown in a place of production which is possibly contaminated must be officially tested after harvesting;

(c) during the specified period, 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.

20. The Department must ensure that during the specified period—

(a) premises growing, storing or handling potato tubers and premises which operate potato machinery under contract are supervised by inspectors;

(b) an official survey is carried out in accordance with Article 2 of Directive 93/85/EEC;

(c) a programme is established, where appropriate, for the replacement of all seed potato stocks over an appropriate period of time.

21. For the purposes of paragraphs 19 and 20, the "specified period", in relation to a zone demarcated pursuant to paragraph 1D(c), must be at least three growing seasons after the year in which the zone was demarcated.".