THE SCHEDULE Article 2(5)

NEW SCHEDULE 13A TO THE PLANT HEALTH (GREAT BRITAIN) ORDER 1993

"SCHEDULE 13A Article 18(7)

SPECIAL MEASURES FOR THE CONTROL OF RALSTONIA SOLANACEARUM (SMITH) YABUUCHI ET AL.

1.—(1) In this Schedule —

"agricultural land" means land used or capable of use for the purposes of a trade or business in connection with agriculture;

"the Directive" means Council Directive 98/57/EC of 20 July 1998 on the control of Ralstonia solanacearum (Smith) Yabuuchi et al.;

"R. solanacearum" means Ralstonia solanacearum (Smith) Yabuuchi et al;

"specified plant material" means plants (including tubers), other than true seed, of Solanum tuberosum L., and plants, other than fruits and seeds, or Lycopersicon lycopersicum (L.) Karsten ex Farw.

(2) Notwithstanding the limitation of the application of this Schedule to Wales, in this Schedule "inspector", in relation to any designation or determination, includes any person authorised by the appropriate Minister to be an inspector in any part of Great Britain.

2.—(1) This paragraph applies to specified plant material which has been designated by an inspector to be contaminated with R. solanacearum for the purposes of article 5(1)(a)(ii) of the Directive.

(2) Without prejudice to article 4, no person shall knowingly plant or knowingly cause or permit to be planted any specified plant material which has been designated as described in sub-paragraph (1) above.

(3) A notice under article 22 may require the specified plant material to be used or disposed of —

(a) by incineration;

(b) as animal feed after heat treatment such that there is no risk of R. solanacearum surviving;

(c) by deep burial at a disposal site at which there is no risk of seepage to agricultural land or contact with water sources which are or could be used for irrigation of agricultural land;

(d) by industrial processing at a plant —

(i) to which the specified plant material is to be delivered direct within such time as may be specified in the notice; and

(ii) in respect of which the inspector is satisfied that the waste disposal facilities conform to the provisions laid down in Annex VII to the Directive; or

(e) in any way not referred to in paragraphs (a) to (d) above in regard to which it has been established to the satisfaction of the inspector that there is no identifiable risk of R. solanacearum spreading.

3.—(1) This paragraph applies to specified plant material which has been determined by an inspector to be probably contaminated for the purposes of article 5(1)(a)(iii) and article 5(1)(c)(iii) of the Directive.

(2) Without prejudice to article 4, no person shall knowingly plant or knowingly cause or permit to be planted any specified plant material which has been determined as described in sub-paragraph (1) above.

(3) A notice under article 22 may require the specified plant material to be used or disposed of as follows —

(a) in the case of potato tubers:

(i) used as ware potatoes which are intended for consumption and are —

(aa) packed at sites which the inspector is satisfied have appropriate waste disposal facilities such that there is no identifiable risk of R. solanacearum spreading; and

(bb) intended and ready for direct delivery and use without re-packing;

(ii) used as ware potatoes which are intended for industrial processing at a plant —

(aa) to which the potatoes are delivered direct within such time as may be specified in the notice; and

(bb) which the inspector is satisfied has appropriate waste disposal facilities such that there is no identifiable risk of R. solanacearum spreading; or

(iii) in any way not referred to paragraphs (i) and (ii) above in regard to which it has been established to the satisfaction of the inspector that there is no identifiable risk of R. solanacearum spreading;

(b) in the case of plants other than potato tubers, including stem and foliage debris, disposed of by destruction or used or disposed of in any other way in regard to which it has been established to the satisfaction of the inspector that there is no identifiable risk of R. solanacearum spreading.

4.—(1) A notice under article 22 may require that any machinery, vehicle, vessel, store, or any part of such machinery, vehicle, vessel or store and any other object including packaging material designated by an inspector as contaminated for the purposes of article 5(1)(a)(ii) of the Directive or determined by him to be probably contaminated for the purposes of article 5(1)(a)(iii) and article 5(1)(c)(iii) of the Directive shall either —

(a) be disposed of by destruction; or

(b) be cleansed and, where appropriate, disinfected, such that there is no identifiable risk of R. solanacearum spreading.

(2) Anything cleansed and, where appropriate, disinfected in accordance with sub-paragraph (1) above shall no longer be treated as contaminated for the purposes of the Directive.

5. Without prejudice to article 4 or article 30A, no person shall knowingly hold or handle R. solanacearum or any specified plant material or other object or material contaminated with that organism otherwise than in compliance with the provisions of this Schedule.

6. Without prejudice to paragraphs 2 to 4 of this Schedule, a notice under article 22 may require the measures referred to in paragraphs 7 to 10 below (as appropriate) to be implemented in a zone demarcated by an inspector under article 23A.

7.—(1) Subject to paragraph 8 below, where a place of production has been designated by an inspector as contaminated for the purposes of article 5(1)(a)(ii) of the Directive, the notice referred to in paragraph 6 may require that, with regard to any field or with regard to any unit of protected crop production at that place, which has also been so designated, the measures referred to in either sub-paragraph (2) or sub-paragraph (3) below shall apply.

(2) The measures referred to in this sub-paragraph are:

(a) from the date of the receipt of the notice and for at least four growing years from the start of the next growing year:

(i) measures to eliminate volunteer potato and tomato plants as well as other host plants of R. solanacearum including solanaceous weeds as appropriate;

(ii) the following shall not be planted —

— potato tubers and plants;

— tomato plants and seeds;

— taking into account the biology of R. solanacearum, other host plants and plants of species of Brassica for which there is an identified risk of R. solanacearum surviving;

— crops for which there is an identified risk of R. solanacearum spreading;

(b) in the first potato or tomato cropping season following the period referred to in paragraph (a) above, if potatoes are to be planted, only classified seed potatoes as defined by regulation 2(1) of the Seed Potatoes Regulations 1991(**1**) may be planted, for ware production only, provided that the field or unit of production has been free from volunteer potato and tomato plants and other host plants including solanaceous weeds for at least the two consecutive growing years prior to planting;

(c) in the potato or tomato cropping season which follows that referred to in paragraph (b) above and following an appropriate rotation cycle, if potatoes are to be planted, only classified seed potatoes as defined by regulation 2(1) of the Seed Potatoes Regulations 1991 may be planted, and only for seed or ware production.

(3) The measures referred to in this sub-paragraph are:

(a) from the date of receipt of the notice and for five growing years from the start of the next growing year:

(i) measures to eliminate volunteer potato and tomato plants as well as other host plants of R. solanacearum including solanaceous weeds as appropriate;

(ii) the field or unit of production shall be maintained during the first three growing years —

— in bare fallow;

— in cereals if the inspector is satisfied that there is no identified risk of R. solanacearum spreading;

— in permanent pasture with frequent close cutting or intensive grazing; or

— as grass for seed production

followed by planting in the succeeding two growing years with non-host plants of R. solanacearum for which there is no identified risk of that organism surviving or spreading;

(b) in the first potato or tomato cropping season which follows the period referred to in sub-paragraph (3)(a) of this paragraph, if potatoes are to be planted, only classified seed potatoes as defined by regulation 2(1) of the Seed Potatoes Regulations 1991 may be planted, and only for seed or ware production.

8.—(1) Where a place of production has been designated by an inspector as contaminated for the purposes of article 5(1)(a)(ii) of the Directive and a unit of protected crop production at that place has also been so designated and complete replacement of the growing medium is possible in that unit —

(a) no person shall plant in the unit any potato tubers or potato plants or other host plants of R. solanacearum including tomato plants and seeds without the written authorisation of an inspector;

(**1**) S.I. 1991/2206; amended by S.I. 1992/1031, 1993/1878, 1994/2592, 1997/1474.

(b) such authorisation shall not be granted unless the measures specified in the notice referred to in paragraph 6, which should include at least those specified in sub paragraph (2) below, have been complied with.

(2) The measures referred to in sub-paragraph (1)(b) above are —

(a) a complete change of growing medium in the unit; and

(b) cleansing and, where appropriate, disinfection of the unit and all equipment which is used in it,

for the purpose of eliminating R. solanacearum and removing all host plant material.

(3) The authorisation referred to in paragraph (1)(a) above may require that —

(a) where the authorisation is granted for potato production, production shall be from classified seed potatoes as defined by regulation 2(1) of the Seed Potatoes Regulations 1991 or from mini-tubers or micro-plants derived from officially tested sources;

(b) controls on irrigation and spraying programmes, which may include a prohibition on such programmes, shall be introduced as appropriate to prevent the spread of R. solanacearum.

9. Where a place of production has been designated by an inspector as contaminated under article 5(1)(a)(ii) of the Directive, the notice referred to in paragraph 6 may require that with regard to any fields at that place other than those referred to in paragraph 7 above —

(a) from the date of receipt of the notice and for one growing year following the start of the next growing year no potato tubers or potato plants or other host plants of R. solanacearum shall be planted, save that if an inspector is satisfied that any risk of the occurrence of volunteer potato plants and tomato plants and other host plants of R. solanacearum including solanaceous weeds has been eliminated classified seed potatoes as defined by regulation 2(1) of the Seed Potatoes Regulations 1991 may be planted for ware production only;

(b) if potatoes are to be planted, in the first growing year following that specified in paragraph (a) above, only classified seed potatoes as defined by regulation 2(1) of the Seed Potatoes Regulations 1991 may be planted, and only for seed or ware production;

(c) if potatoes are to be planted, in the second growing year following that specified in paragraph (a) above and, where appropriate, in any subsequent growing year which may be specified in the notice, only classified seed potatoes as defined by regulation 2(1) of the Seed Potatoes Regulations 1991 may be planted, and only for seed or ware production;

(d) from the date of the receipt of the notice and in each of the growing years referred to in this paragraph, measures shall be taken to eliminate volunteer potato and tomato plants and other host plants of R. solanacearum including solanaceous weeds as appropriate.

10. Where a place of production has been designated by an inspector as contaminated for the purposes of article 5(1)(a)(ii) of the Directive, the notice referred to in paragraph 6 may require that upon receipt of the notice and throughout the subsequent growing years up to and including the first potato or tomato cropping season permitted by paragraph 7(2)(b) or 7(3)(b) above —

(a) all machinery and storage facilities on the place of production which are used for potato or tomato production shall be cleansed and, where appropriate, disinfected in accordance with paragraph 4(1)(b) of this Schedule;

(b) controls on irrigation and spraying programmes, which may include a prohibition on such programmes, shall be introduced as the inspector considers appropriate for the prevention of the spread of R. solanacearum.

11. When a declaration has been made pursuant to article 23A(2) that the provisions of this paragraph shall apply —

(a) where the zone has been demarcated for the purposes of article 5(1)(a)(iv) of the Directive:

(i) machinery and stores at —

(aa) premises growing, storing or handling potato tubers or tomatoes within the zone; and

(bb) premises within the zone from which machinery for potato or tomato production is operated under contract

shall be cleansed and, where appropriate, disinfected in accordance with paragraph 4(1)(b) of this Schedule;

(ii) with regard to potato crops in the zone, only classified seed potatoes as defined by regulation 2(1) of the Seed Potatoes Regulations 1991 may be planted;

(iii) potatoes intended for planting shall be handled separately from all other potatoes on 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 the Directive —

(i) the use of water designated as contaminated for the irrigation and spraying of:

(aa) specified plant material; and

(bb) where appropriate, other host plants

shall be prohibited without the written authorisation of an inspector, in order to prevent the spread of R.solanacearum;

(ii) the authorisation referred to in paragraph (i) above shall be granted where it has been established to the satisfaction of the inspector on the basis of the results obtained in the survey which is required to be conducted under paragraph 4.2(a)(ab) of Annex VI to the Directive that there is no identifiable risk of R. solanacearum spreading; and

(iii) if liquid waste discharges have been contaminated, the disposal of waste from industrial processing or packaging premises which handle specified plant material shall be carried out under the supervision of an inspector."