

SCHEDULE 16

Potato brown rot

PART B

Demarcation of zones for the control of Potato brown rot

14. This Part applies where an inspector has demarcated a zone in relation to a confirmed finding of Potato brown rot under article 40(7).

15. The Department may, by notice, specify—

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

17. Any premises which are partly inside and partly outside a demarcated zone shall be deemed to be wholly inside that zone for the purposes of this Schedule.

18. A notice published in accordance with paragraph 16 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
- (c) any person who operates machinery or carries out any other activity in relation to the production of potatoes or tomatoes within the demarcated zone.

19. The Department may specify in a notice under paragraph 15 that—

- (a) any machinery or stores 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;
- (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;

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- (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;
 - (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 an 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 an inspector.
20. The Department may only specify—
- (a) the measures referred to in paragraph 19(a) to (d) where the zone has been demarcated for the purposes of Article 5(1)(a)(iv) of [Directive 98/57/EC](#);
 - (b) the measures referred to in paragraph 19(e) and (f) where the zone has been demarcated for the purposes of Article 5(1)(c)(iii) of [Directive 98/57/EC](#).