

SCHEDULE 3

Regulation 68

“SCHEDULE 15

Article 39(6)

Potato Cyst Nematode

**Interpretation**

1. In this Schedule—

“host plants” means the plants listed in table A of Schedule 15A;

“infested sampling unit” means a sampling unit which is recorded as infested under paragraph 12;

“notice” means a notice under article 32;

“susceptible bulbs” means the bulbs, tubers and rhizomes listed in table C of Schedule 15A;

susceptible material” means host plants, susceptible bulbs or susceptible plants;

“susceptible plants” means the plants listed in table B of Schedule 15A;

“specified measures” means—

- (a) for the purposes of paragraph 11, the official re-sampling of the field and official testing of the samples, carried out at least three years after appropriate officially approved measures have been taken in the field or, in any other case, at least six years after the year in which the Potato Cyst Nematode were found or potatoes were last grown in the field;
- (b) for the purposes of paragraphs 17 and 23—
  - (i) the disinfection of the bulbs or plants by appropriate methods that ensures that there is no identifiable risk of Potato Cyst Nematode spreading;
  - (ii) the removal of soil from the bulbs or plants by washing or brushing them until they are practically free of soil, so as to ensure that there is no identifiable risk of Potato Cyst Nematode spreading.

**Official testing**

2. Any official testing of samples for the purposes of this Schedule must be carried out in accordance with EPP0 PM 7/40 and EPP0 PM 7/119.

**Official investigations and surveys**

3. The Scottish Ministers must ensure that—

- (a) official investigations are carried out in accordance with this Schedule for the presence of Potato Cyst Nematode in sampling units in which seed potatoes or susceptible material intended for the production of plants for planting are to be planted or stored;
- (b) official surveys are carried out in accordance with this Schedule for the presence of Potato Cyst Nematode in sampling units used for the production of potatoes, other than those intended for the production of seed potatoes.

4. An official investigation of a sampling unit for the purposes of paragraph 3(a) must be carried out—

- (a) prior to the proposed planting or storing; and
- (b) between the harvesting of the last crop in the sampling unit and the proposed planting of seed potatoes or other susceptible material.

5. In the case of a sampling unit in which seed potatoes or host plants intended for the production of plants for planting are to be planted or stored, an official investigation for the purposes of paragraph 3(a) must include soil sampling of the sampling unit at the appropriate sampling rate and official testing of the samples.

6. In the case of a sampling unit in which susceptible bulbs or susceptible plants, intended for the production of plants for planting, are to be planted or stored, an official investigation for the purposes of paragraph 3(a) must include soil sampling of the sampling unit at the appropriate sampling rate and official testing of the samples.

7. An official survey for the purposes of paragraph 3(b) must include soil sampling of the sampling unit at the appropriate sampling rate on at least 0.5% of the acreage used for the production of potatoes in the relevant year and official testing of the samples.

8. Paragraph 3(a) does not apply where the Scottish Ministers have established that there is no risk of Potato Cyst Nematode spreading and—

- (a) any susceptible material intended for the production of plants for planting is to be used within the same place of production situated in an official defined area;
- (b) seed potatoes are to be used within the same place of production situated in an officially defined area; or
- (c) in the case of any susceptible bulbs or susceptible plants intended for the production of plants for planting, the harvested plants are to be subject to officially approved measures.

9. For the purposes of paragraphs 5 to 7—

- (a) “the appropriate sampling rate”, in relation to a sampling unit, is the minimum sampling rate specified in the following table—

<i>Paragraph of Schedule 15</i>	<i>Sampling unit</i>	<i>Rate</i>	
For the purposes of paragraph 5 and 6	Sampling unit ≤ 8 hectares	1,500 ml of soil per hectare collected from at least 100 cores/hectare	
	Sampling unit > 8 hectares	First 8 hectares	1,500ml of soil per hectare
		Each additional hectare	400ml of soil per hectare
	Sampling unit ≤ 4 hectares that meets one criterion in sub-paragraph (b)		400ml of soil per hectare
For the purposes of paragraph 7	Sampling unit > 4 hectares that meets one criterion in sub-paragraph (b)	First 4 hectares	400ml of soil per hectare
		Each additional hectare	200ml of soil per hectare
For the purposes of paragraph 7	Sampling unit ≤ 4 hectares	400 ml of soil per hectare	

(b) the criteria are—

- (i) documentary evidence exists to show that potatoes or host plants have not been grown or were not present in the sampling unit in the six years prior to the official investigation;

- (ii) no Potato Cyst Nematode has been found during the last two successive official investigations in samples of 1,500 ml soil/hectare and no potatoes or host plants, other than those for which the official investigation is required, have been grown after the first of those two investigations.

### **Official records**

**10.** The Scottish Ministers must ensure that the results of each official investigation or official survey carried out pursuant to paragraph 3 are recorded to indicate whether Potato Cyst Nematode was found in the sampling unit during the investigation or survey.

**11.** Where the relevant specified measures have been taken in a sampling unit which has been recorded as infested pursuant to paragraph 10 and, following the completion of those measures, the presence of Potato Cyst Nematode is not confirmed, the Scottish Ministers must ensure that the record is updated accordingly.

**12.** An inspector must serve a notice in writing on the occupier or other person in charge of the infested sampling unit to officially record either—

- (a) that the sampling unit is infested with Potato Cyst Nematode; or
- (b) that no Potato Cyst Nematode was found in the sampling unit.

**13.** A notice under paragraph 12(a) may not be withdrawn until it is confirmed, in accordance with paragraph 11 that Potato Cyst Nematode is no longer present in the sampling unit.

### **Official designation**

**14.** An inspector must by notice designate as contaminated any potatoes or any susceptible material which comes from a sampling unit that has been officially recorded as infested under paragraph 12 or any susceptible material which has been in contact with soil in which Potato Cyst Nematode has been found.

### **Prohibitions on planting and storage in infested sampling units**

**15.** No person may, in an infested sampling unit,—

- (a) subject to paragraph 18, plant any potatoes; or
- (b) subject to paragraph 16, plant or store any susceptible material which is intended for planting.

**16.** An inspector may authorise the planting in an infested sampling unit of susceptible bulbs or susceptible plants.

**17.** An authorisation under paragraph 16 must be by notice and must contain the measures set out in one of the relevant specified measures.

### **Control measures for ware potatoes**

**18.** No person may plant any potatoes that are intended for the production of ware potatoes in an infested sampling unit unless authorised to do so by an inspector;

**19.** An authorisation under paragraph 18 must be by notice and may only be given if the inspector is satisfied that all reasonable steps to suppress Potato Cyst Nematode in the sampling unit has been taken in accordance with the official control programme adopted for the suppression of Potato Cyst Nematode.

**Controls on contaminated seed potatoes and susceptible material.**

20. Subject to paragraph 23, no person may plant any potatoes or susceptible material which have been designated as contaminated under paragraph 14.

**Controls on potatoes for industrial processing or grading**

21. No person may move any potatoes which have been designated as contaminated for industrial processing or grading unless authorised to do so by an inspector.

22. An authorisation under paragraph 21 must be by notice and must require the potatoes to be delivered to a processing or grading plant that has appropriate and officially approved waste disposal procedures that ensure that there is no risk of Potato Cyst Nematodes spreading.

**Controls on contaminated susceptible bulbs and susceptible plants**

23. No person may plant susceptible bulbs or susceptible plants which have been designated as contaminated under paragraph 14 unless they have been subject to one of the relevant specified measures and an inspector has confirmed by notice that they are no longer contaminated.

**Further investigations**

24. If any suspected occurrence or confirmed presence of Potato Cyst Nematode in Scotland results from a breakdown or change in the effectiveness of a resistant potato variety which relates to an exceptional change in the composition of nematode species, pathotype or virulence group, the Scottish Ministers must ensure that this occurrence is investigated and, where applicable, the pathotype and virulence group of the Potato Cyst Nematode involved is confirmed by appropriate methods.”