
SCOTTISH STATUTORY INSTRUMENTS

1999 No. 22

The Plant Health (Amendment) (Scotland) Order 1999

Amendment of the principal Order

3. After article 23 of the principal Order (actions which may be taken by an inspector) there shall be inserted—

“Demarcation of zones for the control of *Ralstonia solanacearum* (Smith) Yabuuchi et al.

23A.—(1) Upon confirmation of the presence of *Ralstonia solanacearum* (Smith) Yabuuchi et al. in a sample taken pursuant to article 2 or article 5 of Directive [98/57/EC](#) of 20th July 1998 on the control of *Ralstonia solanacearum* (Smith) Yabuuchi et al., an inspector may demarcate a zone as described in article 5(1)(a)(iv) or article 5(1)(c)(iii) of that Directive, to prevent the spread of that organism.

(2) The inspector shall publish notice of the demarcation under paragraph (1) of any zone and such notice shall—

- (a) include a declaration that the provisions of paragraph 11 of Schedule 13A shall apply in the demarcated zone with effect from the date specified in the notice; and
- (b) where appropriate, specify those areas of surface water within the zone to which the prohibition on irrigation and spraying in paragraph 11 of Schedule 13A shall apply.

(3) The demarcation of a zone under paragraph (1) shall apply until such date as may be specified in the notice referred to in paragraph (2) or in any further notice issued by an inspector varying the controls in the demarcated zone or the extent of the zone or ending the demarcation.

(4) An inspector shall publish notice pursuant to paragraphs (2) or (3) by means of—

- (a) a notice in the Edinburgh and London Gazettes; and
- (b) one or more newspapers circulating in the locality of the demarcated zone.

(5) For the purposes of the exercise, in relation to any person, of any power contained in articles 26, 27, 28 or 32, and for the purposes of the application to him of article 33, a notice published in accordance with paragraph (4) shall be deemed to have been served upon him.

(6) The declaration referred to in paragraph (2) shall not prejudice the requirements of any notice which may be served under articles 22 or 23 on any premises within the demarcated zone and any other special measures set out in Schedule 13A for the control of *Ralstonia solanacearum* (Smith) Yabuuchi et al.

(7) Any premises which are partly inside and partly outside a zone demarcated under paragraph (1) shall be deemed to be wholly inside that zone.”