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SCOTTISH STATUTORY INSTRUMENTS

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**1999 No. 22**

**The Plant Health (Amendment) (Scotland) Order 1999**

1.—(1) This Order may be cited as the Plant Health (Amendment) (Scotland) Order 1999 and shall come into force on 21st August 1999.

(2) In this Order, “the principal Order” means the Plant Health (Great Britain) Order 1993(1).

(3) This Order extends to Scotland only.

**Amendment of the principal Order**

2. Article 18 of the principal Order (miscellaneous potato provisions) shall be amended as follows—

(a) for the heading there shall be substituted “Miscellaneous provisions for certain solanaceous species”;

(b) after paragraph (2) there shall be substituted—

“(2A) Without prejudice to paragraph (1) of this article, no person shall plant or cause or permit to be planted any potatoes unless they derive in direct line from potato material which has been obtained under an officially approved programme within the European Community or Switzerland and which has been found to be free from *Ralstonia solanacearum* (Smith) Yabuuchi et al. in official tests using the method set out in Annex II of Directive 98/57/EC of 20th July 1998 on the control of *Ralstonia solanacearum* (Smith) Yabuuchi et al.(2).”;

(c) for paragraph (7) there shall be substituted—

“(7) “Without prejudice to articles 22 or 23, the special measures in respect of Potato Wart Disease, Potato Cyst Nematode, Potato Ring Rot and *Ralstonia solanacearum* (Smith) Yabuuchi et al. set out in Schedules 11, 12, 13 and 13A respectively shall be adopted to control the spread of those plant pests.””.

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—

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(1) S.I.1993/1320 to which there are amendments not relevant to this order.  
(2) O.J. L235, 21.8.98.

- (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.”.

4.—(1) In—

- (a) section 2(b) in Part A of Schedule 1;
- (b) the items numbered 25.4, 25.7 and 25.8 in section 1 of Part A of Schedule 4; and
- (c) the items number 19.1, 19.3, 19.5 and 19.7 in section 2 of Part A of Schedule 4,

to the principal Order, for “*Pseudomonas solanacearum* (Smith) Smith” wherever they occur, there shall be substituted “*Ralstonia solanacearum* (Smith) Yabuuchi et al.”(3).

5. After Schedule 13 to the principal Order (special measures for the control of potato ring rot) there shall be inserted Schedule 13A set out in the Schedule to this Order.

6. In Schedule 16 (instruments amending and supplementing Council Directive 77/93/EEC) there shall be inserted at the end—

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“Council Directive 98/57/EC

O.J. No. L235, 21.8.98, p.1.”.

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St Andrew’s House,  
Edinburgh  
6th August 1999

*ROSS FINNIE*  
A member of the Scottish Executive

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(3) *Ralstonia solanacearum* (Smith) Yabuuchi et al. was formerly known as *Pseudomonas solanacearum* (Smith) Smith.