
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 124

**The Plant Health (EU Exit) (Scotland)
(Amendment etc.) Regulations 2019**

PART 2

Miscellaneous provision

Amendment of the Plant Health (Scotland) Order 2005

- 13.** In schedule 15(1) (Special measures for the control of Potato Cyst Nematode)—
- (a) after paragraph 10 insert—
 - “**10A.** An inspector must by notice in writing designate as contaminated any potatoes or plants listed in schedule 15A which—
 - (a) have come from a sampling unit officially recorded under paragraph 7 as infested with Potato Cyst Nematode; or
 - (b) have come into contact with soil in which Potato Cyst Nematode was found.”,
 - (b) in paragraph 11—
 - (i) for the words before sub-paragraph (a) substitute “Where any potatoes or plants listed in Schedule 15A have been designated as contaminated under paragraph 10A”,
 - (ii) at the end of sub-paragraph (b) omit “and”,
 - (iii) after sub-paragraph (c) omit the full stop and insert—
 - “and
 - (d) in the case of potatoes intended for industrial processing or grading, these must not be moved except in accordance with an authorisation given under paragraph 11A.”,
 - (c) after paragraph 11, insert—
 - “**11A.** An inspector may authorise the movement of potatoes designated as contaminated under paragraph 10A for the purposes of industrial processing or grading providing that such authorisation—
 - (a) is given by notice in writing; and
 - (b) requires 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 Nematode spreading.”, and
 - (d) after paragraph 12, insert—

“Further investigations

13. 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.”.