

## SCHEDULE 2

### Specific measures relating to certain solanaceous species

## PART 2

### General provisions relating to the planting of certain solanaceous species

#### Potato Cyst Nematode

4.—(1) Seed potatoes and the plants listed in Part 5 of this schedule must not be planted unless they were grown in a sampling unit which has undergone an official soil test carried out in accordance with Part 4 of this schedule and no Potato Cyst Nematode was found.

(2) The official soil test referred to in sub-paragraph (1) must be carried out—

- (a) in the period between the harvesting of the last crop in the sampling unit and the planting of the crop that requires the official soil test, <sup>F1</sup>...
- (b) no more than four years prior to the planting of the crop that requires the official soil test, provided that evidence is available to show that no Potato Cyst Nematode was found and that potatoes or the plants listed in Part 5 of this schedule were not present at the time of the official soil test and have not been grown in the sampling unit since that official soil test <sup>F2</sup>, and
- (c) in accordance with EPP0 PM 7/40 and EPP0 PM 7/119.]

(3) Sub-paragraph (1) does not apply where—

- (a) in the case of seed potatoes and the plants listed in [<sup>F3</sup>tables B and C of Part 5] of this schedule, they were—
  - (i) planted on the same holding where they were harvested, or
  - (ii) not grown in soil,
- (b) in the case of plants listed in [<sup>F3</sup>tables B and C of Part 5] of this schedule, they have been washed or brushed until practically free of soil so that there is, to the satisfaction of a plant health inspector, no identifiable risk of Potato Cyst Nematode spreading, or
- (c) in the case of plants listed in Part 5 of this schedule, official tests show that the sampling unit in which they were grown has been free of Potato Cyst Nematode for 12 years before they were planted, or there is evidence that no potatoes or plants listed Part 5 of this schedule have been grown in that sampling unit in the previous 12 years.

#### Textual Amendments

- F1** Word in sch. 2 para. 4(2) omitted (31.12.2020) by virtue of [The Plant Health \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/466\)](#), regs. 1(1)(c), **23(b)(i)** (with reg. 32)
- F2** Sch. 2 para. 4(2)(c) and preceding word inserted (31.12.2020) by [The Plant Health \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/466\)](#), regs. 1(1)(c), **23(b)(ii)** (with reg. 32)
- F3** Words in sch. 2 para. 4(3)(a)(b) substituted (31.12.2020) by [The Plant Health \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/466\)](#), regs. 1(1)(a), **5(6)(b)** (with reg. 32)

#### Commencement Information

- I1** Sch. 2 para. 4 in force at 14.12.2019, see reg. 1(1)

**Changes to legislation:**

There are currently no known outstanding effects for the The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019, Paragraph 4.