

SCHEDULE 2

Specific measures relating to certain solanaceous species

PART 6

Measures for the control of Potato Ring Rot

Interpretation

26. In this Part of this schedule “specified plant material” means tubers or plants of *Solanum tuberosum* L.

Official surveys and testing

27.—(1) The Scottish Ministers must ensure that systematic official surveys for Potato Ring Rot are carried out in Scotland on tubers of *Solanum tuberosum* L. and, where appropriate, on plants of *Solanum tuberosum* L., in accordance with Article 2(1) of [Directive 93/85/EEC](#).

(2) Where the presence of Potato Ring Rot in specified plant material is suspected, the Scottish Ministers must ensure that—

- (a) official testing is carried out using the method set out in Annex 1 to [Directive 93/85/EEC](#) and in accordance with the conditions specified in point 1 of Annex 2 to [Directive 93/85/EEC](#) to confirm or refute its presence,
 - (b) the following are retained and appropriately conserved pending completion of the official testing—
 - (i) all tubers sampled, and wherever possible, all plants sampled,
 - (ii) any remaining extract and additional preparation material for the screening tests,
 - (iii) all relevant documentation, and
 - (c) pending the confirmation or refutation of its presence, where suspect diagnostic visual symptoms of Potato Ring Rot have been seen or symptoms of Potato Ring Rot have been identified by a positive immunofluorescence test or other appropriate positive test—
 - (i) the movement of all lots or consignments from which the samples have been taken, other than those which are under official control, is prohibited, except where it has been established that there is no identifiable risk of Potato Ring Rot spreading,
 - (ii) steps are taken to trace the origin of the suspected occurrence, and
 - (iii) additional appropriate precautionary measures based on the level of estimated risk to prevent any spread of the plant pest are taken.
- (3) A notice under regulation 15 may contain measures for the purposes of sub-paragraph (2) (c)(i) to (iii).

Measures to be taken following the confirmation of the presence of Potato Ring Rot

28.—(1) If the presence of Potato Ring Rot is confirmed in a sample of specified plant material following official testing carried out pursuant to paragraph 27(2)(a) of this schedule or sub-paragraph (2), the Scottish Ministers must ensure that—

- (a) the specified plant material, the consignment or lot and any object from which the sample was taken and, where appropriate, the place of production and field from which the

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specified plant material was harvested are designated as contaminated by a plant health inspector,

- (b) a plant health inspector determines the extent of the probable contamination through pre- or post-harvest contact or through any production link with anything designated as contaminated under head (a), taking into account the provisions in point 1 of Annex 3 to [Directive 93/85/EEC](#),
- (c) a zone is demarcated by a plant health inspector on the basis of the designation made under head (a), taking into account the provisions in point 2 of Annex 3 to [Directive 93/85/EEC](#).

(2) Where specified plant material has been designated as contaminated under sub-paragraph (1) (a), the Scottish Ministers must ensure that testing is carried out on potato stocks which are clonally related to that specified plant material in the manner specified in paragraph 27(2) of this schedule in order to determine the probable primary source of infection and the extent of the probable contamination.

(3) Any such testing must be carried out on as much specified plant material as is necessary to determine the probable primary source of infection and the extent of the probable contamination.

(4) Where any specified plant material or object is determined by a plant health inspector under sub-paragraph (1)(b) to be probably contaminated, the plant health inspector must designate that material or object as probably contaminated.

(5) Any designation by a plant health inspector under sub-paragraph (1)(a) or (4) must be made by notice served under regulation 15.

Restrictions in relation to specified plant material or objects contaminated or probably contaminated with Potato Ring Rot

29.—(1) Where specified plant material is designated by a plant health inspector to be contaminated with Potato Ring Rot in accordance with paragraph 28(1)(a) of this schedule—

- (a) no person may—
 - (i) knowingly plant that material, or
 - (ii) knowingly cause or permit that plant material to be planted, and
- (b) a notice under regulation 15 must require that material to be disposed of in accordance with sub-paragraph (2).

(2) Material can be required to be disposed of—

- (a) by destruction, or
- (b) by any other measure that complies with point 1 of Annex 4 to [Directive 93/85/EEC](#).

(3) Where specified plant material is designated by a plant health inspector to be probably contaminated in accordance with paragraph 28(4) of this schedule, a plant health inspector must serve a notice under regulation 15 requiring that—

- (a) no person may—
 - (i) knowingly plant that material, or
 - (ii) knowingly cause or permit that material to be planted, and
- (b) the material must be used or disposed of in accordance with point 2 of Annex 4 to [Directive 93/85/EEC](#).

(4) Where any machinery, vehicle, vessel, store or any part of such machinery, vehicle, vessel or store, or any object (including packaging material) has been designated by a plant health inspector as contaminated in accordance with paragraph 28(1)(a) of this schedule or as probably contaminated in accordance with paragraph 28(4) of this schedule, a plant health inspector must serve a notice under regulation 15 requiring that it is—

- (a) disposed of by destruction, or
 - (b) cleansed and disinfected, such that there is no identifiable risk of Potato Ring Rot spreading.
- (5) Anything cleansed and disinfected in accordance with sub-paragraph (4)(b) is no longer to be treated as contaminated for the purposes of [Directive 93/85/EEC](#).

Contaminated place of production – notice (general)

30. Where a place of production has been designated as contaminated by a plant health inspector in accordance with paragraph 28(1)(a) of this schedule, the plant health inspector must serve a notice under regulation 15 which complies with the applicable requirements of paragraphs 31 to 35 of this schedule.

Contaminated place of production – notice in relation to any field also designated as contaminated

31. Subject to paragraph 34(1) of this schedule, where a place of production is designated by a plant health inspector as contaminated in accordance with paragraph 28(1)(a) of this schedule, the notice referred to in paragraph 30 of this schedule must require that, with regard to any field at that place, which has also been so designated, the measures referred to in paragraph 32(1) or (3) of this schedule apply.

Measures in relation to a contaminated place of production

- 32.—**(1) The measures referred to in paragraph 31 of this schedule are—
- (a) from the date of the receipt of the notice and for at least three growing years from the start of the next growing year—
 - (i) such measures as may be required to eliminate volunteer potato plants and other naturally found host plants of Potato Ring Rot, and
 - (ii) that the following must not be planted—
 - (aa) tubers, plants or true seeds of potato,
 - (bb) naturally found host plants of Potato Ring Rot, and
 - (cc) crops for which there is a risk of Potato Ring Rot surviving or spreading,
 - (b) in the first potato cropping season following the period referred to in head (a), that basic seed potatoes or pre-basic seed potatoes may be planted, for ware production only, provided that the field has been free from volunteer potato plants and other naturally found host plants of Potato Ring Rot for at least the two consecutive growing years prior to planting, and that the harvested tubers are subjected to official testing using the method set out in Annex 1 to [Directive 93/85/EEC](#), and
 - (c) in the potato cropping season which follows that referred to in head (b) and following an appropriate rotation cycle (which must be at least two years where potatoes are planted for seed production), that basic seed potatoes or pre-basic seed potatoes may be planted, for seed or ware production.
- (2) Where a plant health inspector serves a notice requiring the measures specified in sub-paragraph (1), the Scottish Ministers must ensure that an official survey is carried out in relation to the field in which potatoes mentioned in sub-paragraph (1)(c) are planted, in accordance with Article 2 of [Directive 93/85/EEC](#).
- (3) The measures referred to in paragraph 31 of this schedule are—

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- (a) from the date of receipt of the notice and for four growing years from the start of the next growing year—
 - (i) such measures as may be required to eliminate volunteer potato plants and other naturally found host plants of Potato Ring Rot, and
 - (ii) that the field must be maintained in bare fallow, permanent pasture with frequent close cutting or intensive grazing, and
- (b) in the first potato cropping season following the period referred to in head (a), that basic seed potatoes or pre-basic seed potatoes may be planted, for seed or ware production, provided that the field has been free from volunteer potato plants and other naturally found host plants of Potato Ring Rot for at least the two consecutive growing years prior to planting, and that the harvested tubers are subjected to official testing using the method set out in Annex 1 to [Directive 93/85/EEC](#).

Contaminated place of production – notice in relation to fields other than those referred to in paragraph 31

33. Where a plant health inspector has designated a place of production as contaminated in accordance with paragraph 28(1)(a) of this schedule, the notice referred to in paragraph 30 of this schedule must require that with regard to any fields at that place other than those referred to in paragraph 31 of this schedule—

- (a) in the cases where a plant health inspector is satisfied that the risk of volunteer potato plants and other naturally-found host plants of Potato Ring Rot has been eliminated, that from the date of receipt of the notice until the end of the next consecutive growing year, the following must not be planted—
 - (i) tubers, plants or true seed of potato,
 - (ii) naturally found host plants of Potato Ring Rot, or
 - (iii) pre-basic seed potatoes or basic seed potatoes, except for the production of ware potatoes only,
- (b) in the second growing year following the period referred to in sub-paragraph (a) that basic seed potatoes or pre-basic seed potatoes officially tested for the absence of Potato Ring Rot and grown under official control at a place of production which is not designated by a plant health inspector as contaminated in accordance with paragraph 28(1)(a) of this schedule, may be planted, for seed or ware production,
- (c) for at least the third growing year following the period referred to in sub-paragraph (a), that basic seed potatoes or pre-basic seed potatoes grown under official control may be planted, for seed or ware production, and
- (d) from the date of receipt of the notice for the growing years referred to in sub-paragraphs (a), (b) and (c), measures must be taken to eliminate volunteer potato plants and naturally found host plants of Potato Ring Rot and that official testing be carried out on harvested tubers in each field using the method set out in Annex 1 to [Directive 93/85/EEC](#).

Contaminated place of production – notice and authorisation where unit of protected crop production also designated as contaminated

34.—(1) Where a plant health inspector has designated a place of production as contaminated in accordance with paragraph 28(1)(a) of this schedule and a unit of protected crop production at that place has also been so designated and complete replacement of the growing medium is possible in that unit, the plant health inspector must serve a notice requiring that no person may plant in the unit any potato tubers, plants or true seeds without the written authority of a plant health inspector.

- (2) A plant health inspector may not grant an authorisation under sub-paragraph (1) unless—
- (a) all of the measures to eliminate Potato Ring Rot and to remove all host plants which are specified in a notice in relation to the place of production in which the unit of protected crop production is situated have been complied with,
 - (b) the growing medium in the unit has been completely changed, and
 - (c) the unit and all equipment used on the unit has been cleansed and disinfected to eliminate Potato Ring Rot and to remove all host plant material.
- (3) The authorisation referred to in sub-paragraph (1) may require that where an authorisation is granted for potato production, production must be from basic seed potatoes and pre-basic seed potatoes or from mini-tubers or micro-plants derived from officially tested sources.

Contaminated place of production – notice under paragraph 30 requiring cleansing and disinfecting

35. Except where the Scottish Ministers have served a notice under paragraph 36(2) of this schedule, in cases where a place of production is designated by a plant health inspector to be contaminated in accordance with paragraph 28(1)(a) of this schedule, the notice referred to in paragraph 30 of this schedule may require that upon receipt of the notice and throughout the subsequent growing years up to and including the first potato cropping season permitted by paragraph 32(1)(b) or (3)(b) of this schedule, all machinery and storage facilities at the place of production which are used for potato production must be cleansed and disinfected as appropriate in accordance with paragraph 29(4)(b) of this schedule.

Demarcated zone

36.—(1) This paragraph applies where a plant health inspector has demarcated a zone pursuant to paragraph 28(1)(c) of this schedule.

- (2) The plant health inspector may, by notice, specify—
- (a) how long the zone is to remain demarcated, and
 - (b) the measures which apply in the demarcated zone.
- (3) A notice under sub-paragraph (2)—
- (a) must be in writing,
 - (b) must describe the extent of the demarcated zone,
 - (c) must specify the date on which each measure takes effect,
 - (d) must be published in a manner appropriate to bring it to the attention of the public, and
 - (e) may be amended, suspended or revoked, in whole or in part, by further notice.
- (4) Any premises which are partly within and partly outside a demarcated zone must be treated as within that zone for the purposes of this Part of this schedule, except where the part which is outside the demarcated zone is not in Scotland.
- (5) A notice published in accordance with sub-paragraph (3)(d) is to be treated as having been served on—
- (a) any occupier or other person in charge of any premises within the demarcated zone, and
 - (b) any person who operates machinery or carries out any other activity in relation to the production of potatoes within the demarcated zone.
- (6) A notice under sub-paragraph (2) must specify that—

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- (a) any machinery or storage facilities at premises within the demarcated zone which are used for potato production must be cleansed and disinfected in an appropriate manner so that there is no identifiable risk of Potato Ring Rot surviving or spreading,
 - (b) during the specified period—
 - (i) only pre-basic seed potatoes or basic seed potatoes or seed potatoes grown under official control may be planted, and
 - (ii) any seed potatoes grown in a place of production which is possibly contaminated must be officially tested after harvesting, and
 - (c) during the specified period—
 - (i) potatoes intended for planting must be handled separately from all other potatoes at premises within the zone, or
 - (ii) a system of cleansing and, where appropriate, disinfection must be carried out between the handling of seed and ware potatoes.
- (7) The plant health inspector must ensure that during the specified period—
- (a) premises growing, storing or handling potato tubers and premises which operate potato machinery under contract are supervised by a plant health inspector,
 - (b) an official survey is carried out in accordance with Article 2 of [Directive 93/85/EEC](#),
 - (c) a programme is established, where appropriate, for the replacement of all seed potato stocks over an appropriate period of time.
- (8) For the purposes of sub-paragraphs (6) and (7), the “specified period” means the period specified in the notice, which must be at least three growing seasons following the year in which the relevant zone was demarcated.