
STATUTORY INSTRUMENTS

1993 No. 3213

PLANT HEALTH

**The Plant Health (Great Britain)
(Amendment) (Potatoes) Order 1993**

Made - - - - *21st December 1993*
22nd December
Laid before Parliament *1993*
Coming into force - - *21st January 1994*

The Minister of Agriculture, Fisheries and Food in relation to England, the Secretary of State for Scotland in relation to Scotland and the Secretary of State for Wales in relation to Wales in exercise of the powers conferred by sections 3 and 4(1) of the Plant Health Act 1967(1) and now vested in them(2) and of all other powers enabling them in that behalf, hereby make the following Order:

Title, extent and commencement

1. This Order may be cited as the Plant Health (Great Britain) (Amendment) (Potatoes) Order 1993, shall extend to Great Britain and shall come into force on 21st January 1994.

Amendment of the Plant Health (Great Britain) Order 1993

2.—(1) The Plant Health (Great Britain) Order 1993(3) (“the principal Order”) is hereby amended by the substitution for Schedule 13 of the following Schedule—

“SCHEDULE 13

Article 18(7)

SPECIAL MEASURES FOR THE CONTROL OF POTATO RING ROT

1.—(1) The purpose of this Schedule is to give effect to the Directive.

(2) The provisions of—

- (a) the Directive specified in paragraph 2 below; and
- (b) the second paragraph of article 11 and the Annexes of the Directive,

(1) 1967 c. 8; sections 2(1) and 3(1) were amended by the European Communities Act 1972 (c. 68), section 4(1) and Schedule 4, paragraph 8; section 3(4) was substituted by section 42 of the Criminal Justice Act 1982 (c. 48).
(2) See Section 1(2) of 1967 c. 8 and, in the case of the Secretary of State for Wales, S.I.1978/272.
(3) S.I. 1993/1320.

shall have effect as if they were incorporated in this Schedule; and this Order shall be construed and have effect accordingly.

(3) In this Schedule, “the Directive” means Council Directive [93/85/EEC](#) of 4th October 1993 on the control of potato ring rot⁽⁴⁾.

2. It shall be the duty of the appropriate Minister to give effect to the requirements of paragraphs (1) and (2) of article 2, paragraph (1) of article 4 and articles 5 and 6 of the Directive.

3. Any person suspecting the occurrence, or actual presence of Potato Ring Rot in growing potatoes or harvested, stored or marketed tubers shall immediately notify the appropriate Minister or an inspector who shall determine whether any further investigation is necessary.

4. Subject to paragraph 8 below, no person shall hold or handle any plant or tuber affected with Potato Ring Rot or any other object or materials affected with it otherwise than in compliance with the provisions of this Schedule.

5. Subject to paragraph 8 below,—

(a) no person shall plant any tuber or plant designated to be contaminated with Potato Ring Rot under article 5(1)(a) of the Directive; and

(b) a notice under paragraph (1)(c) or (2)(i) of article 22 may require any such tuber or plant to be—

(i) destroyed; or

(ii) otherwise disposed of for the purposes set out in point 1 of Annex IV of the Directive but only if there is no identifiable risk of Potato Ring Rot spreading.

6. Subject to paragraph 8 below,—

(a) no person shall plant any plant or tuber determined as probably contaminated with Potato Ring Rot under article 5(1)(b) of the Directive; and

(b) a notice under paragraph (1)(c) or (2)(i) of article 22 may require any such tuber or plant to be put to an appropriate use or disposed of in accordance with point 2 of Annex IV of the Directive but only if there is no identifiable risk of Potato Ring Rot spreading.

7. Subject to a notice under paragraph 8 below, a notice under paragraph (1)(c) or (2)(i) of article 22 may require any machinery, vehicle, vessel, store, or units thereof, and any other objects including packaging material designated as contaminated under paragraph (1)(a) of article 5 of the Directive or determined as probably contaminated under paragraph (1)(b) of that article to be—

(a) destroyed; or

(b) cleansed and disinfected using appropriate methods as specified in point 3 of Annex IV of the Directive, whereupon they shall not be treated as contaminated.

8. The appropriate Minister or an inspector may by notice in writing given to the person having possession of the plants or tubers in question authorise exemptions from the requirements of article 6 of the Directive as applied by paragraph 2 above and of paragraphs 4 to 7 above and 10 below for experimental or scientific purposes or for work on varietal selection if he is satisfied that any such exemption would not prejudice the control of Potato Ring Rot or create a risk of its spread.

9.—(1) No person shall plant seed potatoes unless they—

(a) meet the requirements of Directive [77/93/EEC](#) on the protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽⁵⁾; and

(4) O.J. L259, 18.10.93, p.1.

(5) O.J. No. L26, 31.1.77, p.20 as last amended by Commission Directive [93/110/EEC](#) (O.J. No. L303, 10.12.93, p.19).

- (b) derive in a direct line from material obtained under an officially approved programme which has been found free from Potato Ring Rot in official or officially supervised testing pursuant article 8(1) of the Directive using the method set out in Annex I of the Directive.
- (2) The testing referred to in paragraph (1)(b) above shall be carried out—
 - (a) in a case where contamination affects seed potato production, on the plants in the initial clonal selection; and
 - (b) in any other case, either on the plants of the initial clonal selection or on representative samples of the basic seed potatoes or earlier propagations.

10. Subject to paragraph 8 above and without prejudice to the provisions of paragraphs 5 to 7 above, a notice under article 22 may require a series of measures as specified in point 4 of Annex IV of the Directive to be implemented.

11. Additional or stricter measures required to combat Potato Ring Rot or prevent it from spreading may be taken under this Order in accordance with article 11 of the Directive.”

- (2) The principal Order is hereby further amended in Schedule 16 by the insertion,—
 - (a) after the entry relating to the Act concerning the conditions of accession of the Hellenic Republic and the adjustment of the Treaties, of the following entries—

“Council Directive 69/464	O.J. No. L323, 24.12.69, p.1.
Council Directive 69/465	O.J. No. L323, 24.12.69, p.3.” and

- (b) at the end, of the following entry—

“Council Directive 93/85/EEC	O.J. No. L259, 18.10.93, p.1.”.
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In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on

L.S.

20th December 1993.

Gillian Shephard
Minister of Agriculture, Fisheries and Food

17th December 1993

Hector Monro
Parliamentary Under Secretary of State, Scottish
Office

21st December 1993

John Redwood
Secretary of State for Wales

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This Note is not part of the Order)

This Order implements the requirements of Council Directive [93/85/EEC](#) on the control of potato ring rot (O.J. No. L259, 18.10.93, p.1). It substitutes a new Schedule for Schedule 13 to the Plant Health (Great Britain) Order 1993 which contains more extensive provisions for preventing the spread of potato ring rot following the creation of the single market.

A Compliance Cost Assessment has been prepared and a copy has been placed in the Library of the House.