

SCHEDULE 2

PART 5

Measures for the control of Potato ring rot

Interpretation

18. In this Part—

“certified seed potatoes” means pre-basic seed potatoes, basic seed potatoes or certified seed potatoes within the meaning given in regulation 2(1) of the Seed Potatoes Regulations;

“contaminated” means designated by a plant health inspector as contaminated [^{F1}pursuant to paragraph 20(1)(a)];

“first growing year”, in the case of measures to be taken in relation to a contaminated place of production, means the first growing year following the growing year in which the place of production is designated as contaminated [^{F1}pursuant to paragraph 20(1)(a)];

“notice”, in relation to a notice to be given by a plant health inspector, means a notice under regulation 15(1);

“object” means any item of machinery, vehicle, vessel, store or other object, including packaging material;

“possibly contaminated” means determined by a plant health inspector to be possibly contaminated [^{F2}pursuant to paragraph 20(1)(b)];

“susceptible material” means tubers or plants of *Solanum tuberosum* L.;

“zone” means any area, including any individual premises.

F1 Words in Sch. 2 para. 18 substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **20(2)(a)**

F2 Words in Sch. 2 para. 18 substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **20(2)(b)**

Commencement Information

II Sch. 2 para. 18 in force at 14.1.2020, see [reg. 1\(1\)](#)

Official surveys and testing

19.—(1) The Secretary of State must ensure that systematic official surveys for Potato ring rot are carried out in England on tubers of *Solanum tuberosum* L. and, where appropriate, on plants of *Solanum tuberosum* L.^{F3}

[^{F4}(1A) In the case of tubers of *Solanum tuberosum* L., those surveys must include official testing of samples of seed and other potatoes in accordance with EPPO PM 7/59.

(1B) In the case of plants of *Solanum tuberosum* L., those surveys must be carried out according to appropriate methods and include appropriate official testing of samples.

(1C) The collection of samples for the purposes of sub-paragraphs (1A) and (1B) must be based on sound scientific and statistical principles and the biology of Potato ring rot and take into account relevant potato production systems.]

Changes to legislation: There are currently no known outstanding effects for the *The Official Controls (Plant Health and Genetically Modified Organisms) (England) Regulations 2019, PART 5*. (See end of Document for details)

(2) Where the presence of Potato ring rot in susceptible material is suspected, the Secretary of State must ensure that—

- (a) official testing is carried out using the method set out in [^{F5}EPPO PM 7/59] to confirm whether or not it is present;
- (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 of its presence or the refutation of its suspected 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 are taken to prevent any spread of the plant pest.

(3) A notice may contain measures for the purposes of sub-paragraph (2)(c)(i) to (iii).

- F3** Words in Sch. 2 para. 19(1) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **20(3)(a)**
- F4** Sch. 2 para. 19(1A)-(1C) inserted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **20(3)(b)**
- F5** Words in Sch. 2 para. 19(2)(a) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **20(3)(c)**

Commencement Information

- I2** Sch. 2 para. 19 in force at 14.1.2020, see [reg. 1\(1\)](#)

Measures to be taken following the confirmation of the presence of Potato ring rot

20.—(1) If the presence of Potato ring rot is confirmed in a sample of susceptible material following official testing carried out pursuant to paragraph 19(2)(a) or sub-paragraph (2), the Secretary of State must ensure that—

- (a) the susceptible 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 susceptible 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 paragraph (a), [^{F6}having regard to the following factors—
 - (i) the susceptible material grown at the contaminated place of production;
 - (ii) places of production with some production link to that susceptible material, including those sharing production equipment and facilities directly or through a common contractor;

- (iii) the production or presence of other susceptible material at the contaminated place of production;
 - (iv) the premises handling potatoes from the contaminated place of production and the places of production mentioned in sub-paragraph (ii);
 - (v) any object that may have come into contact with the contaminated susceptible material;
 - (vi) any susceptible material stored in, or in contact with, any object prior to its disinfection;
 - (vii) any susceptible material with a sister or parental clonal relationship to the contaminated susceptible material and the places of production of that susceptible material;]
- (c) a zone is demarcated by a plant health inspector on the basis of the designation made under paragraph (a), taking into account the [^{F7}proximity of other places of production growing potatoes or other host plants and the common production and use of seed potato stocks].

[^{F8}(1A) When making a designation or determination under sub-paragraph (1), an inspector must have regard to sound scientific principles, the biology of Potato ring rot and relevant production, marketing and processing systems.]

(2) Where susceptible material has been designated as contaminated under sub-paragraph (1) (a), the Secretary of State must ensure that testing is carried out on potato stocks which are clonally related to that susceptible material in the manner specified in paragraph 19(2)(a) 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 susceptible material as is necessary to determine the probable primary source of infection and the extent of the probable contamination.

(4) Any designation by a plant health inspector under this paragraph must be made by notice.

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

F6 Words in Sch. 2 para. 20(1)(b) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **20(4)(a)**

F7 Words in Sch. 2 para. 20(1)(c) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **20(4)(b)**

F8 Sch. 2 para. 20(1A) inserted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **20(4)(c)**

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I3 Sch. 2 para. 20 in force at 14.1.2020, see [reg. 1\(1\)](#)

Restrictions in relation to susceptible material or objects contaminated or possibly contaminated with Potato ring rot

21.—(1) No person may knowingly plant or knowingly cause or permit to be planted—

- (a) any contaminated susceptible material; or
- (b) any possibly contaminated susceptible material.

(2) Where susceptible material or an object has been designated as contaminated or possibly contaminated under paragraph 20(1) or (5), a plant health inspector must serve a notice requiring that—

Changes to legislation: There are currently no known outstanding effects for the *The Official Controls (Plant Health and Genetically Modified Organisms) (England) Regulations 2019, PART 5*. (See end of Document for details)

- (a) in the case of contaminated susceptible material, the material be disposed of by destruction or by [^{F9}an officially approved disposal method that ensures that there is no identifiable risk of Potato ring rot spreading];
 - (b) in the case of possibly contaminated susceptible material, the material be used or disposed of [^{F10}in a manner that ensures that there is no identifiable risk of Potato ring rot spreading];
 - (c) in the case of a contaminated object or a possibly contaminated object, the object be—
 - (i) disposed of by destruction; or
 - (ii) cleansed and disinfected so that there is no identifiable risk of Potato ring rot surviving or spreading.
- (3) Anything cleansed and disinfected in accordance with sub-paragraph (2)(c)(ii) may no longer be treated as contaminated for the purposes of [^{F11}this Part].

- F9** Words in Sch. 2 para. 21(2)(a) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **20(5)(a)(i)**
- F10** Words in Sch. 2 para. 21(2)(b) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **20(5)(a)(ii)**
- F11** Words in Sch. 2 para. 21(3) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **20(5)(b)**

Commencement Information

- I4** Sch. 2 para. 21 in force at 14.1.2020, see [reg. 1\(1\)](#)

Measures in relation to a contaminated place of production

22.—(1) A plant health inspector must serve the following notices on any occupier or other person who is in charge of a contaminated place of production—

- (a) in relation to any contaminated field which is part of the place of production, a notice containing the first set of eradication measures or a notice containing the second set of eradication measures;
 - (b) in relation to any field which is part of the place of production but is not contaminated, a notice containing the third set of eradication measures.
- (2) The first set of eradication measures is—
- (a) the measures to be taken in the field from the date of receipt of the notice and for at least three growing years from the start of the first growing year so as to eliminate volunteer potato plants, and other naturally found host plants, of Potato ring rot;
 - (b) a prohibition on the planting of any of the following in the field during that period—
 - (i) potato tubers, plants or true seeds;
 - (ii) naturally found host plants of Potato ring rot;
 - (iii) crops for which there is a risk of Potato ring rot spreading;
 - (c) a requirement that in the first potato cropping season following that period, only potatoes for ware production be planted in the field, that they only be planted if the field has been found free from volunteer potato plants and other naturally found host plants of Potato ring rot for at least two consecutive growing years prior to planting, and that the harvested tubers be subjected to official testing using the method set out in [^{F12}EPPO PM 7/59]; and
 - (d) a requirement that in the next potato cropping season only potatoes for seed or ware production be planted in the field following an appropriate rotation cycle (which must be at least two years where the potatoes are to be planted for seed production).

- (3) The second set of eradication measures is—
- (a) the measures to be taken in the field from the date of receipt of the notice and for four growing years from the start of the first growing year so as to eliminate volunteer potato plants, and other naturally found host plants, of Potato ring rot;
 - (b) a requirement that, during that period, the field be maintained in bare fallow or in permanent pasture with frequent close cutting or intensive grazing; and
 - (c) a requirement that in the first potato cropping season following that period, only potatoes for seed or ware production be planted, that they only be planted if the field has been found free from volunteer potato plants and other naturally found host plants of Potato ring rot for at least two consecutive growing years prior to planting, and that the harvested tubers be subjected to official testing using the method set out in [F13EPPO PM 7/59].
- (4) The third set of eradication measures is—
- (a) 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, a prohibition on the planting of any of the following in the field from the date of receipt of the notice and for the first growing year—
 - (i) potato tubers, plants or true seeds;
 - (ii) naturally found host plants of Potato ring rot; and
 - (iii) certified seed potatoes, unless they are for ware production only;
 - (b) a requirement that, in the subsequent growing year only the following potatoes be planted for seed or ware production—
 - (i) certified seed potatoes; and
 - (ii) seed potatoes officially tested for the absence of Potato ring rot and grown under official control at a place of production which is not a contaminated place of production;
 - (c) a requirement that, during at least the third growing year, only certified seed potatoes or seed potatoes grown under official control from certified seed potatoes be planted for seed or ware production; and
 - (d) the measures to be taken in the field from the date of receipt of the notice to the end of the third growing year so as to eliminate volunteer potato plants, and naturally found host plants of Potato ring rot and a requirement that official testing be carried out on harvested tubers in each field using the method set out in [F14EPPO PM 7/59].
- (5) A notice served by a plant health inspector under sub-paragraph (1)(a) containing the first set of eradication measures must additionally—
- (a) include a requirement that all machinery and storage facilities at the place of production which are used for potato production be cleansed and disinfected immediately and following the first growing year; and
 - (b) specify the appropriate methods for cleansing and disinfecting the machinery and storage facilities.
- (6) The measures which may be specified in a notice under sub-paragraph (1) or (5) may be included in a notice with other appropriate measures.
- (7) The person on whom a notice is served pursuant to paragraph (1) must ensure that the measures specified in the notice are taken in the required manner.
- (8) Where a plant health inspector serves a notice containing the first set of eradication measures, the Secretary of State must ensure that an official survey is carried out in relation to the field mentioned in sub-paragraph (2)(d) in accordance with [F15EPPO PM 7/59].

Changes to legislation: There are currently no known outstanding effects for the *The Official Controls (Plant Health and Genetically Modified Organisms) (England) Regulations 2019, PART 5*. (See end of Document for details)

- F12** Words in Sch. 2 para. 22(2)(c) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **20(6)(a)**
- F13** Words in Sch. 2 para. 22(3)(c) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **20(6)(a)**
- F14** Words in Sch. 2 para. 22(4)(d) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **20(6)(a)**
- F15** Words in Sch. 2 para. 22(8) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **20(6)(b)**

Commencement Information

- I5** Sch. 2 para. 22 in force at 14.1.2020, see [reg. 1\(1\)](#)

Additional measures applicable to a unit of protected crop production

23.—(1) This paragraph applies to the planting of any potato tubers, plants or true seeds in a contaminated unit of protected crop production where it is possible to replace all of the growing medium in the unit.

(2) No person may plant any potato tubers, plants or true seeds in the unit without the written authorisation of a plant health inspector.

(3) A plant health inspector may not grant an authorisation under sub-paragraph (2) 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 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.

(4) Where an authorisation is granted under sub-paragraph (2), the authorisation may specify that only certified seed potatoes, mini-tubers or micro-plants derived from officially tested sources may be used in the production.

Commencement Information

- I6** Sch. 2 para. 23 in force at 14.1.2020, see [reg. 1\(1\)](#)

Measures to be taken in demarcated zones for the control of Potato ring rot

24.—(1) This paragraph applies where a plant health inspector has demarcated a zone pursuant to paragraph 20(1)(c).

(2) The Secretary of State may, by notice, specify further prohibitions, restrictions and other measures which are to apply in the demarcated zone to prevent the risk of Potato ring rot surviving or spreading.

(3) The Secretary of State may, in particular, specify in a notice under sub-paragraph (2) that—

- (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) only certified seed potatoes or seed potatoes grown under official control may be planted during the specified period;

- (c) any seed potatoes grown in a place of production which is possibly contaminated must be officially tested after harvesting;
 - (d) potatoes intended for planting must be handled separately from all other potatoes at premises within the zone or that a system of cleansing and, where appropriate, disinfection must be carried out between the handling of seed potatoes and the handling of ware potatoes during the specified period.
- (4) 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 is to take effect and for how long;
 - (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.
- (5) Any premises which are partly within and partly outside a demarcated zone must be treated as within that zone for the purposes of this paragraph, except where the part which is outside the demarcated zone is not in England.
- (6) A notice published in accordance with sub-paragraph (4) 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.
- (7) The Secretary of State must ensure that—
- (a) premises growing, storing or handling potato tubers, and premises which operate potato machinery under contract, are supervised by plant health inspectors for the duration of the specified period;
 - (b) an official survey is carried out during the specified period in accordance with [F16EPPO PM 7/59];
 - (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 (3) 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 zone was demarcated.

F16 Words in [Sch. 2 para. 24\(7\)\(b\)](#) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1482\)](#), regs. 1(2)(b), **20(7)**

Commencement Information

I7 Sch. 2 para. 24 in force at 14.1.2020, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Official Controls (Plant Health and Genetically Modified Organisms) (England) Regulations 2019, PART 5.