



OFFICIAL CONTROLS (PLANT HEALTH) (NO.2) REGULATIONS 2020

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Statutory Document No. 2020/0266

*European Communities (Isle of Man) Act 1973*

OFFICIAL CONTROLS (PLANT HEALTH) (NO.2) REGULATIONS 2020¹

Laid before Tynwald: 19 May 2020
Coming into Operation: in accordance with regulation 2

The Council of Ministers makes the following Regulations under sections 2B and 2C of the European Communities (Isle of Man) Act 1973.

Editorial Note: This instrument, made under the European Communities (Isle of Man) Act 1973, is continued by virtue of section 6 of the European Union and Trade Act 2019.

PART 1 – INTRODUCTORY

1 Title

These Regulations are the Official Controls (Plant Health) (No.2) Regulations 2020.

2 Commencement

These Regulations come into operation on 1 June 2020.

3 Interpretation: General

(1) In these Regulations —

“**the 2011 Order**” means the Plant Health Order 2011¹;

“**the 2013 Order**” means the Plant Health (Forestry) Order 2013²;

“**another CD territory**” means the Bailiwick of Jersey or the Bailiwick of Guernsey;²

“**appropriate authority**” means the Department of Environment, Food and Agriculture;³

¹ SD 0385/11 revoked by SD 2020/0150.

² SD 0318/13 revoked by SD 2020/0150.

“border control post” means a border control post which has been designated pursuant to Article 59(1) of the Official Controls Regulation for the purposes of the rules referred to in Article 1(2)(g) of that Regulation;

“commencement date” means the date on which these Regulations come into force;

“controlled consignment” means a consignment containing any plant, plant product or other object —

- (a) which may not be brought into the Isle of Man without a phytosanitary certificate for export or a phytosanitary certificate for re-export pursuant to —
 - (i) Article 72 or 74 of the Plant Health Regulation; or⁴
 - (ii) [Revoked]⁵
 - (iii) any other EU plant health rule, other than Article 73 of the Plant Health Regulation; or⁶
- (b) which was exported from the Isle of Man to a third country and is returning to the Isle of Man following the refusal by that third country to allow its entry into the country;

“controlled plant pest” means —

- (a) a plant pest of a description specified in Annex 2, 2A, 3 or 4 to UK Regulation 2019/2072 or Annex III; or⁷
- (b) [Revoked]⁸
- (c) a plant pest subject to any other plant health rule, including a potential quarantine plant pest within the meaning given in regulation 21(3);⁹

“Council Directive 2000/29/EC” means Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community³;

“Customs and Excise” means the Customs and Excise Division of the Isle of Man Treasury;

“Department” [Revoked]¹⁰

“EU emergency decision” [Revoked]¹¹

“EU Plant Health Regulation” means Regulation (EU) 2016/2031 of the European Parliament and of the Council of 26 October 2016 on protective measures against pests of plants⁴ as it has effect in EU law;¹²

³ OJ L 169 10.7.2000, p. 1, as last amended by Commission Implementing Directive (EU) 2019/523 (OJ L 86, 28.3.2019, p. 41).

⁴ OJ No. L 317, 23.11.2016, p.4, amended by Regulation (EU) 2017/625 of the European Parliament and of the Council (OJ No. L 95, 7.4.2017, p.1).

“EU plant health rule” [Revoked]¹³

“ISPM 15” means International Standard for Phytosanitary Measures No. 15 of March 2002 on Guidelines for regulating wood packaging material in international trade, prepared by the Secretariat of the International Plant Protection Convention established by the Food and Agriculture Organisation of the United Nations⁵;

“Official Controls Regulation” means Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, insofar as it applies to plant health rules^{6,14}

“Phytosanitary Conditions Regulation” means Commission Implementing Regulation (EU) 2019/2072 of 28 November 2019 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants⁷;

“plant health inspector” means an official plant health officer appointed by the appropriate authority;¹⁵

“Plant Health Regulation” means Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants;¹⁶

“plant health rule” means a rule of a kind mentioned in Article 1(2)(g) of the Official Controls Regulation;¹⁷

“plant passport” means a passport which is a UK plant passport or other permitted plant passport;¹⁸

“plant pest” means a pest within the meaning given in Article 1(1) and (2) of the Plant Health Regulation; and¹⁹

“regulated item” means —

- (a) any plant, plant product or other object to which a plant health rule applies, other than any plant, plant product or other object which is part of a controlled consignment; or²⁰
 - (b) a controlled plant pest.
- (2) Unless the context otherwise requires, words and expressions which are not defined in these Regulations and appear in the Plant Health Regulation or the Official Controls Regulation have the same meaning in

⁵ Available from the Secretariat of the International Plant Protection Convention, AGPP-FAO, Viale Delle Terme di Caracalla, 00153, Rome, Italy and at <https://www.ippc.int/int>.

⁶ OJ No. L 95, 7.4.2017, p.1, amended by Commission Delegated Regulation (EU) 2019/478 (OJ No. L 82, 25.3.2019, p.4).

⁷ OJ No. L 319, 10.12.2019, p.1.

these Regulations as they have in Plant Health Regulation or the Official Controls Regulation (as the case may be).²¹

4 [Revoked]²²

5 [Revoked]²³

6 **Article 82 of the Plant Health Regulation: meaning of “close proximity”**²⁴

- (1) For the purposes of Article 82 of the Plant Health Regulation, the premises of a registered operator are to be regarded as being in “close proximity” to other premises of that operator if any point on the boundary of its operative area, or of any of its operative areas, is within ten miles of any point on the boundary of the operative area, or of any of the operative areas, of the other premises.²⁵
- (2) In paragraph (1), “**operative area**”, in relation to the premises of a registered operator, means —
 - (a) in the case of premises which are used entirely by the registered operator to carry out one or more of the activities mentioned in Article 65(1) of the Plant Health Regulation, the area comprising those premises; or²⁶
 - (b) in the case of any other premises used by the registered operator to carry out one or more of the activities mentioned in Article 65(1) of the Plant Health Regulation, an area within the premises which is used by the registered operator to carry out any of those activities.²⁷

PART 2 — COMPETENT AUTHORITIES: PLANT HEALTH

7 **Designation of competent authority**

- (1) The appropriate authority is designated as the competent authority responsible for the organisation and the performance of official controls and other official activities in the Isle of Man insofar as they relate to plant pests, plants or non-forestry material or to professional operators, other than forestry professional operators.²⁸
- (2) In this regulation —

“**forestry material**” means —

 - (a) wood which retains part or all of its natural round surface, with or without bark;
 - (b) wood in the form of chips, particles, shavings, sawdust, wood waste or scrap;
 - (c) conifer trees over 3m in height; and

- (d) bark which has been removed or become detached from, or from part of, a living, felled or fallen tree;

“forestry professional operator” means a professional operator who carries out one or more of the following activities, but no other activities described in Article 2(9) of the Plant Health Regulation –

- (a) the introduction of forestry material into the Isle of Man;
- (b) the storage, aggregation or movement of forestry material within the Isle of Man, the movement of forestry material into the Island from Great Britain or another CD territory or the movement of forestry material from the Island to Great Britain or another CD territory;²⁹
- (c) the export of forestry material from the Isle of Man to a third country;
- (ca) the introduction of forestry material into Northern Ireland from the Isle of Man;³⁰
- (d) the treatment and marking of wood packaging material or forestry material in accordance with Annex 1 to ISPM 15 or the repair of wood packaging material in the Isle of Man;
- (e) the introduction of tree pests into the Isle of Man, the movement of tree pests within the Island or the holding or multiplication of tree pests in the Island, for official testing, scientific or educational purposes, trials, varietal selection or breeding; or
- (f) the introduction of trees or forestry material into the Isle of Man or the movement of trees or forestry material within the Island, for use in official testing, scientific or educational purposes, trials, varietal selection or breeding;³¹

“non-forestry material” means plants, plant products or other objects, other than forestry material;

“official controls” [Revoked]³²

“tree” means a living tree or shrub, or a living part of a tree or shrub, at any stage of its growth;

“tree pest” means a plant pest which is injurious to trees or wood; and

“wood packaging material” means wood or wood products (excluding paper products) used, or intended to be used, for supporting, protecting or carrying a commodity of any kind, including dunnage.

PART 3 – OFFICIAL CONTROLS ON CONTROLLED CONSIGNMENTS ORIGINATING IN THIRD COUNTRIES

AND OTHER OFFICIAL CONTROLS ON GOODS ORIGINATING IN THIRD COUNTRIES

8 Derogations to the requirement to give prior notification in accordance with Article 1(1) of Commission Implementing Regulation (EU) 2019/1013

- (1) The responsible operator of a controlled consignment which is to be brought into the Isle of Man must have notified the appropriate authority of the consignment's expected arrival at least 4 working hours before its expected arrival in the Island.³³
- (2) In the case of any controlled consignment which consists, in whole or in part, of unprocessed logs or sawn or chipped wood and is to be brought into the Isle of Man, the responsible operator must have notified the appropriate authority of the consignment's arrival at least 3 working days before its expected arrival in the Island.³⁴
- (3) Article 1(1) of Commission Implementing Regulation (EU) 2019/1013 does not apply to any responsible operator of a controlled consignment referred to in paragraph (1) or (2).
- (4) In this regulation —

“Commission Implementing Regulation (EU) 2019/1013” means Commission Implementing Regulation (EU) 2019/1013 on prior notification of consignments of certain categories of animals and goods entering the Union⁸;

“responsible operator”, in relation to a controlled consignment, means an operator who is required to ensure that the consignment is reported to the appropriate authority prior to first arrival in the Isle of Man;³⁵

“working hour” means a period of one hour during a day which in Isle of Man is a working day; and

“working hours” includes hours during more than one working day.

9 Suspicion of non-compliance

- (1) This regulation applies where a plant health inspector suspects that a controlled consignment or a regulated item is likely to be, or has been, brought into the Isle of Man from a third country in contravention of a plant health rule or that any such consignment or item may not otherwise comply with a plant health rule.³⁶
- (2) A plant health inspector must serve a notice on the operator who is responsible for the controlled consignment or regulated item —

⁸ OJ No. L 165, 21.6.2019, p.8.

- (a) placing the consignment or item under official detention; and
 - (b) prohibiting the entry of the consignment or item into the Isle of Man,
- pending the outcome of official controls to confirm or eliminate the suspicion referred to in paragraph (1).
- (3) This regulation applies to any controlled consignment or regulated item whether or not its ultimate destination is in the Isle of Man.

10 Consignments not correctly presented for official controls

Where a plant health inspector suspects or is aware that a controlled consignment has not been presented for official controls at a border control post in the British Islands before arrival in the Isle of Man in accordance with Article 47(1) of the Official Controls Regulation, or in accordance with the other requirements referred to in Article 66(6) of that Regulation, the plant health inspector must serve a notice on the operator who is responsible for the consignment recalling the consignment and placing the consignment under official detention.³⁷

11 Official measures in relation to non-compliant consignments or consignments which pose a risk to plant health

- (1) This regulation applies to —
 - (a) any controlled consignment or regulated item originating in the third country which, in the opinion of a plant health inspector, has been brought into the Isle of Man in contravention of a plant health rule;³⁸
 - (b) any controlled consignment or regulated item originating in the third country which has been brought into the Isle of Man and which does not otherwise comply with a plant health rule; or³⁹
 - (c) any consignment which has been brought into the Isle of Man originating in the third country and which, in the opinion of a plant health inspector, poses a risk to plant health in the Island or to Great Britain or another CD territory.⁴⁰
- (2) A plant health inspector must serve a notice on the operator who is responsible for the consignment or item —
 - (a) placing the consignment or item under official detention; and
 - (b) setting out the measures which the operator must take in relation to the consignment or item.

12 Notices under regulation 9, 10 or 11

- (1) A notice under regulation 9, 10 or 10 may include any of the following —
 - (a) the measures that the responsible operator must take in relation to the consignment or item to isolate or quarantine the consignment

- or item or otherwise deal with the risk to plant health arising from the consignment or item;
- (b) where a plant health inspector requires the consignment or item to be destroyed or otherwise disposed of, re-exported or treated, the measures that the responsible operator must take to destroy or otherwise dispose of, re-export or treat the consignment or item;
 - (c) any other measures which the plant health inspector considers are appropriate in the light of the suspected or known contravention or the risk to plant health in the Isle of Man or to any part of Great Britain or another CD territory arising from the consignment or item.⁴¹
- (2) In paragraph (1), “responsible operator” is to be construed in accordance with regulation 9, 10 or 11 (as the case may be).

13 Approved places of inspection

- (1) The appropriate authority may during the relevant period authorise —
 - (a) the transportation of a controlled consignment to an approved place of inspection; and
 - (b) the performance of identity checks and plant health checks by a plant health inspector at an approved place of inspection.⁴²
- (2) The operator who is responsible for a controlled consignment that is destined for an approved place of inspection must —
 - (a) by notice in writing give the appropriate authority the particulars set out in paragraph no later than 3 working days before the consignment arrives in the Isle of Man;⁴³
 - (b) ensure that the consignment, its packaging and the vehicle in which it is transported are closed or sealed in such a way that there is no risk of the plants, plant products or objects in the consignment causing infestation, infection or contamination or a change occurring in the contents of the consignment; and
 - (c) ensure that the consignment is accompanied by a plant health movement document.
- (3) The particulars are —
 - (a) the name, address and location of the approved place of inspection to which the consignment is destined;
 - (b) the scheduled date and time of arrival of the consignment at the place referred to in sub-paragraph (a);
 - (c) if available, the individual serial number of the plant health movement document in relation to that consignment;
 - (d) if available, the date and place at which that plant health movement document was drawn up;

- (e) the name, address and registration number of the operator; and
 - (f) the reference number of the phytosanitary certificate or phytosanitary certificate for re-export required in relation to the consignment pursuant to Article 72(1) or 74(1) of the EU Plant Health Regulation.
- (4) The operator must notify the appropriate authority immediately in writing of any changes to the particulars which the operator has given under paragraph (2)(a).⁴⁴
- (5) The notice must be given to the appropriate authority at the address given by the appropriate authority from time to time for the purposes of this regulation.⁴⁵
- (6) The appropriate authority may, for the purposes of paragraph (1), approve a place to which a controlled consignment may be destined as a place at which identity checks and plant health checks may be performed by a plant health inspector during the relevant period.⁴⁶
- (7) An application for approval under paragraph (6) must be made to the appropriate authority in the manner and form required by the appropriate authority.⁴⁷
- (8) An approval may be granted subject to conditions, including conditions relating to the storage of controlled consignments, and may be withdrawn at any time if the appropriate authority no longer considers that the place to which the approval relates is suitable for the purpose for which the approval was given.⁴⁸
- (9) Any person who is aggrieved by the decision of the appropriate authority taken in respect of —
 - (a) the approval of a place of inspection an approval under this regulation;
 - (b) the conditions to which an approval under this regulations is subject; or
 - (c) the withdrawal of an approval under this regulations,may appeal to the High Bailiff.⁴⁹
- (10) The procedure on appeal to the High Bailiff under paragraph (9) shall be by way of complaint, and the Summary Jurisdiction Act 1989 applies to the proceedings.
- (11) The period within which an appeal under paragraph (9) may be brought is one month from which notice of the decision was served on the person wishing to appeal and the making of a complaint is deemed for the purposes of this paragraph to be the bringing of the appeal.
- (12) Where on an appeal under paragraph (9) the High Bailiff determines that the decision of the appropriate authority is incorrect, the appropriate authority must give effect to the determination of the High Bailiff.⁵⁰

(13) In this regulation —

“**approved place of inspection**” means a place which was approved as a place of inspection by the appropriate authority under article 18(1) of the 2011 Order or Article 19 of the 2013 Order before the commencement date and which remains approved by virtue of regulation 52, or a place approved under paragraph (6);⁵¹

“**plant health movement document**” means a document in the form set out in the Annex to Commission Directive 2004/103/EC on identity and plant health checks of plants, plant products or other objects, listed in Part B of Annex V to Council Directive 2000/29/EC, which may be carried out at a place other than the point of entry into the Community or at a place close by and specifying the conditions related to these checks⁹;

“**relevant period**” means the period beginning on the commencement date and ending immediately before 14 December 2020;

“**temporary storage facility**” means a temporary storage facility within the meaning of Article 148 of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code¹⁰; and

“**working hour**” has the meaning given in regulation 8(4).

PART 4 — OFFICIAL ACTIVITIES TO PREVENT THE ESTABLISHMENT OR SPREAD OF PLANT PESTS

14 Introduction

(1) This Part applies if a plant health inspector suspects that a controlled plant pest or prohibited material is present or likely to be present, or becomes aware that a controlled plant pest or prohibited material is present, on any premises in the Isle of Man.

(2) In this Part —

“**premises**” includes any place, including any land, building, vehicle, vessel, aircraft, hovercraft, freight container, railway wagon, trailer or movable building or structure;

“**prohibited material**” means —

(a) a plant, plant product or other object which is carrying, or is infested by or infected with, a controlled plant pest or may be carrying, or be infested by or infected with, a controlled plant pest;

⁹ OJ No. L 313, 12.10.2004, p.16.

¹⁰ OJ No. L 269, 10.10.2013, p.1, as last amended by Regulation (EU) 2019/632 of the European Parliament and of the Council (OJ No. L 111, 25.4.2019, p.54).

- (b) a plant, plant product or other object the entry of which into the Isle of Man is prohibited under a plant health rule; or⁵²
- (c) a plant, plant product or other object the movement of which between the Isle of Man and Great Britain or another CD territory the Isle of Man, is prohibited under a plant health rule.⁵³

15 Notices in relation to controlled plant pests or prohibited material

- (1) A plant health inspector may serve a notice on the appropriate person —
 - (a) requiring the appropriate person to treat, destroy or otherwise dispose of the controlled plant pest or prohibited material;
 - (b) prohibiting for the period specified in the notice —
 - (i) the removal of any controlled plant pest or prohibited material from the premises; or
 - (ii) any activity which the inspector considers necessary to prohibit in order to prevent the establishment or spread of a controlled plant pest;
 - (c) requiring the removal of any controlled plant pest or prohibited material from the premises; or
 - (d) requiring the taking of any other steps, as specified in the notice, which the inspector considers necessary to eradicate the controlled plant pest or prevent its establishment or spread.
- (2) If a plant health inspector has reasonable grounds for believing that it is necessary for the purpose of preventing the spread of, or ensuring the eradication of, any controlled plant pest from any premises, the inspector may serve a notice on the occupier imposing any prohibition or requiring any reasonable step to be taken for that purpose.
- (3) In paragraph (1), “appropriate person” means —
 - (a) in the case of premises used by a professional operator, the professional operator;
 - (b) in the case of any other premises —
 - (i) the occupier or any other person in charge of the premises; or
 - (ii) any other person who is charge of the controlled plant pest or the prohibited material at those premises.

16 Action which may be taken by a plant health inspector

- (1) A plant health inspector may, on giving reasonable notice, enter any premises and any adjacent premises for the purpose of taking steps to —
 - (a) eradicate, destroy or otherwise deal with any controlled plant pest;
 - (b) prevent the spread of any controlled plant pest; or

- (c) destroy, treat or otherwise deal with any infected material.
- (2) A plant health inspector must, if requested to do so, produce evidence of that plant health inspector's authority before entering any premises for the purposes specified in paragraph (1).
- (3) Paragraph (1) does not apply to any premises which are used wholly or mainly as a private dwelling unless 24 hours' notice has been given to the occupier.
- (4) A plant health inspector may be accompanied by such other persons and bring onto the premises such equipment and vehicles as the inspector considers necessary.⁵⁴
- (5) A person accompanying a plant health inspector under paragraph (4) may —
 - (a) remain on the premises and from time to time re-enter the premises without a plant health inspector;
 - (b) bring onto the premises any equipment or vehicles that the person considers necessary; and
 - (c) carry out work on the premises in a manner directed by a plant health inspector.
- (6) In paragraph (1), "infected material" means —
 - (a) a plant, plant product or other object which is carrying, or is infested by or infected with, a controlled plant pest or may be carrying, or be infested by or infected with, a controlled plant pest; or
 - (b) a plant, plant product or other object which is not carrying, or is not infested by or infected with, a controlled plant pest but the presence or existence of which may, in the opinion of a plant health inspector, cause a controlled plant pest to spread or be spread.

17 Establishment of demarcated areas and measures to be taken in those areas

- (1) This regulation applies where the appropriate authority has officially confirmed the presence of a controlled plant pest which is not known to be present in the Isle of Man or the presence of a controlled plant pest in an area of the Island where it was not previously present.⁵⁵
- (2) The appropriate authority may by notice —
 - (a) demarcate an area in relation to the presence of the controlled plant pest for the purpose of eradicating or containing the plant pest; and
 - (b) specify the prohibitions or restrictions which are to apply to the demarcated area for that purpose.⁵⁶
- (3) A notice under paragraph (2) —

- (a) must be in writing;
- (b) must describe the extent of the demarcated area;
- (c) must specify the date on which any such prohibitions or restrictions are to commence;
- (d) must be published in a manner appropriate to bring it to the attention of the public; and
- (e) may be amended or revoked, in whole or in part, by further notice.

PART 5 — TEMPORARY NATIONAL MEASURES RELATING TO PLANT HEALTH

18 [Revoked]⁵⁷

PART 6 — REGISTRATION, AUTHORISATIONS AND CERTIFICATES RELATING TO PLANT HEALTH

19 Applications for registration

An application for registration pursuant to Article 66(1) of the Plant Health Regulation which is to be submitted to the appropriate authority must be submitted in the manner and form required by the appropriate authority.⁵⁸

20 Other applications

- (1) The following applications must be made to the appropriate authority in the manner and form required by the appropriate authority —
 - (a) an application for a temporary authorisation to permit a relevant activity for official testing, scientific or educational purposes, trials, varietal selection or breeding;
 - (b) an application for an authorisation referred to in the following provisions of the Plant Health Regulation —
 - (i) Article 64(2);
 - (ii) Article 89(1); or
 - (iii) Article 98(1); or⁵⁹
 - (c) an application for the issue of a phytosanitary certificate for export, a phytosanitary certificate for re-export.^{60 61}
- (2) In this regulation “**relevant activity**” means an activity which would otherwise be prohibited under the Plant Health Regulation, or another plant health rule involving —
 - (a) the introduction of a plant pest or a plant, plant product or other object into the Isle of Man;

- (b) the movement of a plant pest or a plant, plant product or other object within the Isle of Man;
- (c) the holding of a controlled plant pest or a plant, plant product or other object at premises in the Isle of Man; or
- (d) the multiplication of a plant pest at premises in the Isle of Man.⁶²

21 Authorisations for other purposes

- (1) The appropriate authority may grant an authorisation to permit —
 - (a) the carrying out of any activity specified in a plant health derogation;
 - (b) the introduction into the Island or the holding or multiplication in the Island, of a potential quarantine plant pest for official testing, scientific or educational purposes, trials, varietal selection or breeding; or
 - (c) the carrying out of any other activity which requires the approval of the appropriate authority under, or by virtue of, the Plant Health Regulation, the Official Controls Regulation, any regulations made under the Plant Health Regulation or the Official Controls Regulation, or these Regulations.⁶³
- (2) An application for any such authorisation must be made to the appropriate authority in the manner and form required by the appropriate authority.⁶⁴
- (3) In paragraph (1) —
 - (a) “plant health derogation” means a derogation from provisions of the Plant Health Regulation which is set out in retained EU law or regulations made under the Plant Health Regulation or the Official Controls Regulation; or
 - (b) “potential quarantine plant pest” means a plant pest which is not an IOM quarantine pest, a provisional IOM quarantine pest or an IOM PFA quarantine pest, but which, in the opinion of the appropriate authority, fulfils the criteria set out in Subsection 1 of Section 3 of Annex 1 to UK Regulation 2016/2031 or may fulfil the criteria in Subsection 2 of that Section.⁶⁵

22 Authorisations granted by the appropriate authority⁶⁶

- (1) An authorisation granted by the appropriate authority for the purposes of the Plant Health Regulation or the Official Controls Regulation or for the purposes of, or under these Regulations must be in writing and may be granted —
 - (a) subject to conditions; and
 - (b) for an indefinite period or a specified period.⁶⁷

- (2) An authorisation granted by the appropriate authority may permit the appropriate authority to modify, suspend or revoke the authorisation at any time by notice in writing.⁶⁸

PART 7 — MEASURES RELATING TO CERTAIN SOLANACEOUS SPECIES

23 Schedule 2

Schedule 2 contains specific measures relating to certain solanaceous species.

PART 8 — NOTIFICATION REQUIREMENTS: PLANT HEALTH

24 [Revoked]⁶⁹

25 [Revoked]⁷⁰

26 Notification requirements in relation to other plants and plant products

- (1) A professional operator who is bringing into the Isle of Man any solid fuel wood from a third country to which Article 47(1) of the Official Controls Regulation does not apply must, before or no later than 4 days after the date of their arrival in the Island, provide written notification to a plant health inspector of the matters referred to in paragraph (2) —
- (a) [Revoked]⁷¹
 - (b) [Revoked]⁷²
 - (c) [Revoked]^{73 74}
- (2) The matters are —
- (a) the expected date of the arrival of the consignment or, if the consignment has arrived in the Isle of Man, the date on which it first arrived in the Island;
 - (b) the intended destination of the consignment, or if the consignment has arrived at its intended destination in the Isle of Man, its current location;
 - (c) the genus, species and quantity of the wood in the consignment;⁷⁵
 - (d) the country from which the wood has been, or is to be, consigned;⁷⁶
 - (e) [Revoked]⁷⁷
 - (f) the address of the consignor; and⁷⁸
 - (g) details of any phytosanitary treatments applied to the wood.⁷⁹
- (3) In this regulation —

“appropriate plant health inspector” [Revoked]⁸⁰

“solid fuel wood” means fuel wood in the form of logs, billets, twigs, faggots or other similar forms.

PART 9 — GENERAL POWERS OF PLANT HEALTH INSPECTORS AND ENFORCEMENT

27 Interpretation

(1) In this Part —

“ISPM 15 mark” means the mark referred to in Article 96(1) of the Plant Health Regulation, which may be applied to wood packaging material to attest that it has been treated in accordance with Annex 1 to ISPM 15;⁸¹

“premises” includes any place, including any land, building, vehicle, vessel, aircraft, hovercraft, freight container, railway wagon, trailer or movable building or structure; **“wood packaging material”** includes any wood or other object which is required to be treated and marked in accordance with Annex 1 to ISPM 15.

(2) For the purposes of regulations 32 and 33, a person “incorrectly” applies the ISPM 15 mark to wood packaging material if the person applies the mark otherwise than in the manner specified in Article 96(1) of the Plant Health Regulation, as read with Article 97(1) of the Plant Health Regulation.⁸²

28 Powers of entry

(1) A plant health inspector may enter any premises at a reasonable time for the purpose of —

(a) performing official controls to verify that —

- (i) an operator is complying with the Official Controls Regulation;
- (ii) a professional operator is complying with the Plant Health Regulation;⁸³
- (iii) a person is complying with these Regulations; or
- (iv) any plants, plant products or other objects which are subject to a plant health rule comply with that rule;⁸⁴

(b) carrying out other official activities which are to be performed by the appropriate authority pursuant to the Official Controls Regulation, the Plant Health Regulation or these Regulations;⁸⁵

(c) enforcing the Official Controls Regulation, the Plant Health Regulation or these Regulations;⁸⁶

- (d) verifying information supplied by a person in connection with an application for registration or for an authorisation or permit granted, or to be granted, under these Regulations; or
 - (e) ascertaining whether a condition of an authorisation or permit granted by the appropriate authority under these Regulations or for the purpose of the Plant Health Regulation or the Official Controls Regulation is being or has been complied with.⁸⁷
- (2) A plant health inspector must, if requested to do so, produce evidence of his or her authority before entering any premises for the purposes specified in paragraph (1).
- (3) Paragraph (1) does not apply to any premises which are used wholly or mainly as a private dwelling unless 24 hours' notice has been given to the occupier.
- (4) A plant health inspector who enters premises for a purpose specified in paragraph (1) or under a warrant issued by a justice of the peace may —
 - (a) examine, photograph or mark any part of the premises, any object on the premises or anything that is attached to or otherwise forms part of the premises;
 - (b) in the case of premises being used to manufacture wood packaging material, examine or test any treatment facility, machinery, tools or other equipment used for the manufacture of wood packaging material or observe and monitor the manufacture of wood packaging material;
 - (c) take samples of or from —
 - (i) any plant pest;
 - (ii) any plant, plant product or other object; or
 - (iii) any container, package or item which has been or may have been in contact with a plant pest or plant, plant product or other object;
 - (d) open any container or package or require the owner or person in charge of any container or package to open the container or package; or
 - (e) inspect or make copies of any documents or records (in whatever form they may be held) relating to the production of, or any activities relating to, any plant, plant product or other object.
- (5) A plant health inspector may destroy or otherwise dispose of any sample taken under this regulation when the sample is no longer required.
- (6) A plant health inspector may —
 - (a) be accompanied by such persons as the inspector considers necessary; and⁸⁸

- (b) bring onto the premises such equipment and vehicles as the inspector considers necessary.
- (7) [Revoked]⁸⁹
- (8) A person accompanying a plant health inspector under paragraph (6)(a) may —
 - (a) remain on the premises and from time to time re-enter the premises without a plant health inspector;
 - (b) bring onto the premises any equipment or vehicles that the person considers necessary; and
 - (c) carry out work on the premises in a manner directed by a plant health inspector.⁹⁰

29 Right of entry conferred by a warrant issued by a justice of the peace

- (1) A justice of the peace may by signed warrant permit an plant health inspector to enter premises under regulation 17(1), 29(1) or 32(1), if necessary by reasonable force, if the justice, on sworn information in writing, is satisfied that —
 - (a) there are reasonable grounds to enter those premises; and
 - (b) any of the conditions in paragraph (2) are met.
- (2) The conditions are that —
 - (a) entry to the premises has been, or is likely to be, refused and notice of the intention to apply for a warrant has been given to the occupier;
 - (b) asking for admission to the premises, or giving notice of the intention to apply for a warrant, would defeat the object of the entry;
 - (c) entry is required urgently; or
 - (d) the premises are unoccupied or the occupier is temporarily absent.
- (3) A warrant is valid for one month.
- (4) A plant health inspector who enters any unoccupied premises must leave them as effectively secured against unauthorised entry as they were before entry.

30 Information notices

- (1) A plant health inspector or any other officer of the appropriate authority may by notice in writing require an appropriate person to give to the inspector or officer, within the time specified in the notice, any information which the person may possess as to —
 - (a) the plants grown or products stored at any time on the premises specified in the notice;

- (b) any plant pest or plant, plant product or other object referred to in paragraph (4)(b); or
 - (c) the persons who have had, or are likely to have had, any plant pest or plant, plant product or other object referred to in paragraph (4)(b) in their possession or under their charge.⁹¹
- (2) The time within which the information is required to be given to the inspector or other officer must be reasonable.
- (3) An appropriate person must produce for examination by the inspector or other officer any authorisation, official statement, certificate, plant passport, record, invoice or other document relating to a plant pest or any plant, plant product or other object specified in the notice.
- (4) In this regulation, “**appropriate person**” means —
 - (a) in relation to any premises to be specified in a notice under paragraph (1), a person who is the owner, occupier or other person in charge of the premises;
 - (b) a person who has, has had, or is reasonably suspected by the inspector or officer to have or have had, possession or charge of —
 - (i) a controlled plant pest;
 - (ii) any plant, plant product or other object which was carrying a controlled plant pest or which was infested by or infected with a controlled plant pest; or
 - (iii) any plant, plant product or other object which the inspector or officer knows or suspects to have been imported into or exported from the Isle of Man; or
 - (c) a person who, as auctioneer, salesman or otherwise, has sold, offered for sale or otherwise disposed of a controlled plant pest.

31 Failure to comply with a notice

- (1) If a person fails to comply with a notice served on that person under these Regulations, a plant health inspector may enter any affected premises at all reasonable times to take or cause to be taken any steps that the plant health inspector considers necessary to ensure compliance with the notice or to remedy the consequences of the failure to carry them out.
- (2) A plant health inspector acting under paragraph (1) must, if requested to do so, show evidence of authority to act.
- (3) Paragraph (1) does not apply to any premises which are used wholly or mainly as a private dwelling unless 24 hours’ notice has been given to the occupier.
- (4) A plant health inspector may be accompanied by such persons and bring onto the premises such equipment and vehicles as the inspector considers necessary.⁹²

- (5) A person accompanying a plant health inspector under paragraph (4) may —
- (a) remain on the premises and from time to time re-enter the premises without a plant health inspector;
 - (b) bring onto the premises any equipment or vehicles that the person considers necessary; and
 - (c) carry out work on the premises in a manner directed by a plant health inspector.

32 Removal of ISPM 15 mark from wood packaging material

Where a plant health inspector knows, or has reasonable grounds for suspecting, that the ISPM 15 mark has been incorrectly applied to wood packaging material, a plant health inspector may remove the mark or, by notice in writing, require another person to remove it.

33 Marking of wood packaging material: power of seizure

- (1) This regulation applies where a plant health inspector knows, or has reasonable grounds for suspecting, that a person has incorrectly applied, or intends to incorrectly apply, the ISPM 15 mark to wood packaging material at any premises in the Isle of Man.
- (2) The plant health inspector may seize and detain from that person or from those premises any stencil, template or other item of equipment that appears to the inspector to be capable of being used to apply the ISPM 15 mark.
- (3) If, in the opinion of the plant health inspector, it is not for the time being practicable for the inspector to seize and remove any item, the inspector may require any person on the premises to secure that the item is not removed or otherwise interfered with until such time as the inspector may seize and remove it.
- (4) The plant health inspector must make reasonable efforts to give written notice to the appropriate person —
 - (a) stating what has been seized and the reason for its seizure; and
 - (b) explaining the effect of paragraphs (5) to (12).
- (5) Any item seized under paragraph (2) may be retained by the appropriate authority for as long as is necessary in all the circumstances, and in particular for the purposes of proceedings in relation to an offence specified in regulation 38(1).⁹³
- (6) The appropriate authority may apply to the court of summary jurisdiction for the forfeiture of any item retained under paragraph (5).⁹⁴
- (7) Where an application is made under paragraph (6), the court may order the item to be forfeited if the court is satisfied that —

- (a) an offence specified in regulation 38(1) has been committed in respect of it; or
 - (b) it was used in the commission of such an offence.
- (8) If the court orders the item to be forfeited, the appropriate authority may dispose of it in whatever way it thinks appropriate.⁹⁵
- (9) If the court does not order the item to be forfeited, it must order the item to be returned to the appropriate person.
- (10) The appropriate authority may recover from the appropriate person all reasonable costs incurred by it for the purposes of securing the forfeiture of an item under paragraphs (6) to (8).⁹⁶
- (11) Where the retention of any item has been, but is no longer, authorised under this regulation —
 - (a) the item must be returned to the appropriate person; and
 - (b) the appropriate person may apply to the court of summary jurisdiction for an order that the item be returned.
- (12) Where the item is required to be returned to the appropriate person and reasonable efforts have been made, without success, to return the item to that person, the appropriate authority may dispose of the item in whatever way it thinks appropriate.⁹⁷
- (13) In this regulation “**appropriate person**” means —
 - (a) in the case of an item seized from a person, the person from whom the item was seized;
 - (b) in the case of an item seized from premises, the occupier or any other person in charge of the premises; or
 - (c) in the case of an item seized from a person or premises which does not belong to a person falling within paragraph (a) or (b), the person to whom it belongs and who asserts ownership over it.
- (14) Nothing in this regulation affects the powers of a plant health inspector under regulation 32.

34 Disclosure of information held by Customs and Excise

- (1) Customs and Excise may disclose any information in their possession to the appropriate authority for the purposes of enabling or assisting the appropriate authority to carry out any function conferred on it under or by virtue of the Plant Health Regulation, the Official Controls Regulation or these Regulations.⁹⁸
- (2) Nothing in paragraph (1) affects any other power or requirement of Customs and Excise to disclose information.

35 Disclosure of information to other competent authorities

- (1) The appropriate authority may disclose information to any other competent authority in the British Islands for the purposes of the Plant Health Regulation or the Official Controls Regulation.⁹⁹
- (2) Nothing in paragraph (1) affects any other power or requirement of the appropriate authority to disclose information.¹⁰⁰

**PART 10 — GENERAL AND SUPPLEMENTAL PROVISIONS
RELATING TO PLANT HEALTH NOTICES****36 Miscellaneous provisions as to notices**

- (1) This regulation applies to any notice given by a plant health inspector under these Regulations, other than a notice given under regulation 33(4).
- (2) The notice may —
 - (a) specify —
 - (i) one or more requirements or alternative requirements; and
 - (ii) the manner in which and the period in which any requirement or condition specified in the notice must be carried out or fulfilled; or
 - (b) require the owner or any other person who appears to be in charge of the premises to which the notice relates to —
 - (i) notify the appropriate authority of any change in occupation of the premises, the date of the change and the name of the new occupier; and¹⁰¹
 - (ii) inform the new occupier of the premises of the contents of the notice.
- (3) Any destruction, disposal, re-export or treatment of a plant, plant product or other object or a plant pest which is required to be carried out under the notice must be carried out, or arranged to be carried out, to the satisfaction of a plant health inspector by the person on whom the notice has been served from or at the place specified in the notice.
- (4) A plant health inspector may amend or withdraw the notice by a further notice.
- (5) The notice may define by reference to a map or plan or otherwise the extent of the premises referred to in the notice.

37 Service of notices

- (1) A notice may be served on a registered operator by —
 - (a) delivering it personally;

- (b) leaving it at, or sending it by post to, the contact address of the registered operator; or
 - (c) sending it to the email address that the operator has given to the appropriate authority for the service of notices.¹⁰²
- (2) A notice may be served on any other person by —
 - (a) delivering it personally;
 - (b) leaving it at, or sending it by post to, the person's last known place of abode or business; or
 - (c) sending it to any email address that the person has given to the appropriate authority for the service of notices.¹⁰³
- (3) If a notice is to be given by a plant health inspector or the appropriate authority to an occupier or other person in charge of premises and the last known place of abode or address of that person cannot be ascertained after reasonable enquiry, the notice may be served on that person by addressing it to "the occupier" and leaving it conspicuously affixed to an object on the premises for a period of 7 days.¹⁰⁴
- (4) A notice may —
 - (a) in the case of a body corporate (other than a limited liability partnership), be served on the secretary or clerk of that body at the address of the registered or principal office of that body;
 - (b) in the case of a partnership (other than a limited liability partnership, but including a Scottish partnership), be served on a partner or a person having the control or management of the partnership business at the address of the principal office of the partnership; or
 - (c) in the case of a limited liability partnership, be served on a member of the partnership at the address of the registered or principal office of the partnership.
- (5) For the purposes of paragraph (4), the principal office of a company registered outside the Isle of Man or a partnership carrying on business outside the Island is its principal office within the Island.
- (6) In this regulation —

"notice" means a notice to be given by a plant health inspector or the appropriate authority under these Regulations;¹⁰⁵

"contact address", in relation to a registered operator, means —

- (a) the operator's principal address in the register; or
- (b) any other postal address in the Isle of Man that the operator has given to the appropriate authority as a contact address for the service of notices.¹⁰⁶

PART 11 — OFFENCES RELATING TO PLANT HEALTH LEGISLATION

38 General

- (1) A person commits an offence if the person contravenes or fails to comply with —
- (a) regulation 26(1) or 52;¹⁰⁷
 - (b) [Revoked]¹⁰⁸
 - (c) paragraphs 2(1) or (2), 3(1) or (2), 6(1) or (2), 12(1), 13(1), 14(1), 15(1), 16, 21(1), 22(7), 23(2), 28(1), 29(7), 30(2) or 32(2) of Schedule 2;
 - (d) a provision of the Plant Health Regulation specified in Part 1 of Schedule 3;¹⁰⁹
 - (e) a provision of the Official Controls Regulation specified in Part 2 of Schedule 3 (insofar as it applies to plants, plant products or other objects which are subject to a plant health rule);¹¹⁰
 - (f) a provision of any other retained direct EU legislation specified in Part 3 of Schedule 3;¹¹¹
 - (g) [Revoked]¹¹²
- (2) But paragraph (1) does not apply to anything done under, or in accordance with —
- (a) an authorisation, licence or permit which is granted under these Regulations or has effect under or by virtue of these Regulations;
 - (b) an approval granted under regulation 13(6) or an approval referred to in regulation 51(1); or
 - (c) a notice which is given by a plant health inspector or the appropriate authority under these Regulations, or has effect under or by virtue of these Regulations.¹¹³

39 Failure to comply with requirements of notices etc.

A person commits an offence if the person fails to comply with —

- (a) a provision or condition of a notice which has been served on the person under these Regulations or has effect under or by virtue of these Regulations;
- (b) a provision or condition of an authorisation, licence or permit which has been granted to the person under these Regulations or has effect under or by virtue of these Regulations; or
- (c) a provision or condition of a direction given under these Regulations.

40 Defence: reasonable excuse

It is a defence for a person charged with an offence under regulation 38 or 39 to show that the person had a reasonable excuse for contravening or failing to comply with the prohibition or requirement in question.

41 Provision of false or misleading information

A person commits an offence if, for the purposes of obtaining an authorisation or a permit or procuring the issue of a UK plant passport or a certificate, the person —

- (a) knowingly or recklessly makes a statement or representation which is false in a material particular;
- (b) knowingly or recklessly furnishes a document or information which is false in a material particular; or
- (c) intentionally fails to disclose any material information.¹¹⁴

42 Improper use of UK plant passports or certificates¹¹⁵

- (1) A person commits an offence if the person —
 - (a) dishonestly issues a UK plant passport or a certificate;¹¹⁶
 - (b) dishonestly alters a UK plant passport or a certificate; or¹¹⁷
 - (c) dishonestly re-uses a UK plant passport or a certificate.¹¹⁸
- (2) In paragraph (1), “certificate” means a phytosanitary certificate for export, a phytosanitary certificate for re-export or a pre-export certificate.

43 Obstruction

- (1) A person commits an offence if the person —
 - (a) intentionally obstructs a plant health inspector or an authorised person acting in the execution or enforcement of the Plant Health Regulation, the Official Controls Regulation or these Regulations;¹¹⁹
 - (b) without reasonable excuse, fails to give to a plant health inspector or an authorised person any assistance or information which the inspector or authorised person may reasonably require for those purposes; or
 - (c) fails to produce a document or record when required to do so by the appropriate authority or a plant health inspector acting in the execution or enforcement of the Plant Health Regulation, the Official Controls Regulation or these Regulations.¹²⁰
- (2) In paragraph (1) —
 - (a) “authorised person” means a person authorised by an appropriate authority; and

- (b) a reference to the Plant Health Regulation or the Official Controls Regulation includes retained EU law adopted, or regulations made, under the Plant Health Regulation or the Official Controls Regulation and any other retained EU law relating to plant health.¹²¹

44 Offence relating to the disclosure of information held by Customs and Excise

A person commits an offence if the person discloses any information received from Customs and Excise under regulation 34(1) and —

- (a) the information relates to a person whose identity is specified in the disclosure or can be deduced from the disclosure;
- (b) the disclosure is for a purpose other than specified in regulation 34(1), and
- (c) Customs and Excise have not given their prior consent to the disclosure.

45 Defence: lawful disclosure

It is a defence for a person charged with an offence under regulation 44 to prove that the person reasonably believed that —

- (a) the disclosure was lawful; or
- (b) the information had previously been made available lawfully.

46 Offences by partnerships and unincorporated associations

- (1) Proceedings for an offence under this Part alleged to have been committed by a partnership or an unincorporated association must be brought against the partnership or association in the name of the partnership or association.
- (2) For the purposes of such proceedings —
 - (a) rules of court relating to the service of documents have effect as if the partnership or unincorporated association were a body corporate; and
 - (b) section 16 (offences by bodies corporate) of the Criminal Justice Act 2001 and section 32 (corporations) of the Summary Jurisdiction Act 1989 apply in relation to the partnership or association as they apply in relation to a body corporate.
- (1) A fine imposed on a partnership or unincorporated association on its conviction of an offence under this Part is to be paid out of the funds of the partnership or association.
- (3) If an offence under this Part committed by a partnership is proved —

- (a) to have been committed with the consent or connivance of a partner, or
 - (b) to be attributable to any neglect on the part of a partner,the partner, as well as the partnership, is guilty of the offence and liable to be proceeded against and punished accordingly.
- (4) In paragraph (4), “partner” includes a person purporting to act as a partner.
- (5) If an offence under this Part committed by an unincorporated association (other than a partnership) is proved —
 - (a) to have been committed with the consent or connivance of an officer of the association, or
 - (b) to be attributable to any neglect on the part of such an officer,the officer, as well as the association, is guilty of the offence and liable to be proceeded against and punished accordingly.
- (6) In paragraph (6), “officer”, in relation to an unincorporated association, means —
 - (a) an officer of the association or a member of its governing body; or
 - (b) a person purporting to act in such a capacity.

47 Penalties

- (1) A person guilty of an offence under regulation 38(1), 39, 41, 42 or 43 is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (2) A person guilty of an offence under regulation 44 is liable —
 - (a) on summary conviction, to imprisonment for a term not exceeding 3 months, to a fine not exceeding level 5 on the standard scale or to both;
 - (b) on conviction on indictment to imprisonment for a term not exceeding 2 years, to a fine or to both.

PART 12 — MISCELLANEOUS: PLANT HEALTH

48 Revocation

The Official Controls (Plant Health) Regulations 2020¹¹ are revoked.

¹¹ SD 2020/0150

49 Transitional provisions: licences under article 43(1) of the 2011 Order or article 41(1) of the 2013 Order

- (1) Any licence granted by the appropriate authority under —
- (a) article 43(1) of the 2011 Order; or
 - (b) article 41(1) of the 2013 Order,
- which is in force immediately before the commencement date, has effect during the relevant period as if it had been granted by the appropriate authority in accordance with Article 5 of Commission Delegated Regulation (EU) 2019/829 on the date on which it was in fact granted.¹²²
- (2) Nothing in paragraph (1) affects anything carried out prior to the commencement date under, or for the purposes of, the licence.
- (3) Any reference in the licence to the 2011 Order, the 2013 Order, Council Directive 2000/29/EC or Commission Directive 2008/61/EC is to be read as a reference to the corresponding provision in or under the Plant Health Regulation or these Regulations.¹²³
- (4) In this regulation —

“Commission Delegated Regulation (EU) 2019/829” means Commission Delegated Regulation (EU) 2019/829 supplementing Regulation (EU) 2016/203 of the European Parliament and of the Council on protective measures against pests of plants, authorising Member States to provide for temporary derogations in view of official testing, scientific or educational purposes, trials, varietal selections, or breeding¹²;

“Commission Directive 2008/61/EC” means Commission Directive 2008/61/EC establishing the conditions under which certain harmful organisms, plants, plant products and other objects listed in Annexes I to V to Council Directive 2000/29/EC may be introduced into or moved within the Community or certain protected zones thereof, for trial or scientific purposes and for work on varietal selections¹³;

“relevant period”, in relation to a licence, means —

- (a) if the licence expires on or after 31 December 2020, the period beginning on the commencement date and ending on 31 December 2020; or
- (b) if the licence expires before 31 December 2020, the period beginning with the commencement date and ending on the date of expiry of the licence specified in the licence.

¹² OJ No. L 137, 23.5.2019, p.15.

¹³ OJ No. L 158, 18.6.2008, p.41.

50 Transitional provisions: other licences under the 2011 Order or the 2013 Order

- (1) Any licence granted by the appropriate authority under —
 - (a) article 42 of the 2011 Order; or
 - (b) article 40(1)(a) of the 2013 Order,and which has effect on the commencement date remains in force as if it were an authorisation granted by the appropriate authority under regulation 21(2)(a) on the date on which the licence was in fact granted.¹²⁴
- (2) Nothing in paragraph (1) affects anything carried out before the commencement date under, or for the purposes of, the licence.
- (3) Any reference in the licence to the 2011 Order, the 2013 Order or Council Directive 2000/29/EC is to be read as a reference to the corresponding provision in or under the Plant Health Regulation or these Regulations.¹²⁵

51 Transitional provisions: approvals granted under article 18(1) of the 2011 Order or the article 19(1) of the 2013 Order

- (1) Any approval granted by the appropriate authority under —
 - (a) article 18(1) of the 2011 Order; or
 - (b) article 19(1) of the 2013 Order,which is in force immediately before the commencement date remains in force and continues to have effect during the relevant period.¹²⁶
- (2) In paragraph (1), “relevant period”, in relation to an approval granted under 18(1) of the 2011 Order or 19(1) of the 2013 Order, means —
 - (a) if the approval expires on or after 13 December 2020, the period beginning on the commencement date and ending on 13 December 2020; or
 - (b) if the approval expires before 13 December 2020, the period beginning on the commencement date and ending on the date of expiry of the approval specified in the approval.

52 Failure to comply with existing licence or approval conditions

Failure to comply with any condition of a licence or approval granted under the 2011 Order or the 2013 Order is an offence.

MADE AT 12:59 ON 4 MAY 2020

SCHEDULE 1¹²⁷

SCHEDULE 2

[Regulation 23]

CONTROL MEASURES**PART 1****GENERAL INTERPRETATION****1 Interpretation**

In this Schedule —

“**Directive 93/85/EEC**” [Revoked]¹²⁸

“**Directive 98/57/EC**” [Revoked]¹²⁹

“**Directive 2007/33/EC**” [Revoked]¹³⁰

“**EPPO PM 7/21**” means the standard describing a diagnostic protocol for *Ralstonia solanacearum*, *R. pseudosolanacearum* and *R. syzygii* approved by the European and Mediterranean Plant Protection Organization^{14,131}

“**EPPO PM 7/40**” means the standard describing a diagnostic protocol for *Globodera rostochiensis* and *Globodera pallida* approved by the European and Mediterranean Plant Protection Organization^{15,132}

“**EPPO PM 7/59**” means the standard describing a diagnostic protocol for *Clavibacter michiganensis* subsp. *Sepedonicus* approved by the European and Mediterranean Plant Protection Organization^{16,133}

“**EPPO PM 7/119**” means the standard describing the procedures for nematode extraction approved by the European and Mediterranean Plant Protection Organization^{17,134}

“**premises**” includes any place, including any land, building, vehicle, vessel, aircraft, hovercraft, freight container, railway wagon, trailer or movable building or structure;

¹⁴ First approved by the European and Mediterranean Plant Protection Organization in September 2003 and available from its Secretariat at 21 Boulevard Richard Lenoir, 75011, Paris, France and at https://www.eppo.int/RESOURCES/eppo_standards/pm7_diagnostics.

¹⁵ As above.

¹⁶ Approved by the European and Mediterranean Plant Protection Organization in September 2005 and available from its Secretariat at 21 Boulevard Richard Lenoir, 75011, Paris, France and at https://www.eppo.int/RESOURCES/eppo_standards/pm7_diagnostics.

¹⁷ Approved by the European and Mediterranean Plant Protection Organization in September 2013 and available from its Secretariat at 21 Boulevard Richard Lenoir, 75011, Paris, France and at https://www.eppo.int/RESOURCES/eppo_standards/pm7_diagnostics.

“**potato**” means any tuber or true seed or any other plant of *Solanum tuberosum* L. or other tuber-forming species of the genus *Solanum* L.;

“**Potato brown rot**” means either the disease of potatoes caused by *Ralstonia solanacearum* (Smith) Yabuuchi et al. or that bacterium, as the context requires;

“**Potato ring rot**” means either the disease of potatoes which is caused by the bacterium *Clavibacter michiganensis* (Smith) Davis et al. spp. *Sepdonicus* (Spieckermann and Kotthof) Davis et al. or that bacterium, as the context requires; and

“**Seed Potatoes Regulations**” means the Seed Potatoes (England) Regulations 2015.¹³⁵

PART 2

GENERAL PROVISIONS RELATING TO THE PLANTING OF CERTAIN SOLANACEOUS SPECIES

2 General restrictions on the planting of potatoes

- (1) A person must not knowingly plant, or knowingly cause or permit to be planted —
 - (a) any potatoes which have been grown in a third country, to which the prohibition in Article 40(1) of the Plant Health Regulation applies; or¹³⁶
 - (b) any potatoes produced from those potatoes.
- (2) A person must not knowingly plant, or knowingly cause or permit to be planted, any potatoes unless —
 - (a) they derive in direct line from potato material which has been obtained under a programme for the certification of potatoes which has been officially approved by a competent authority in the Isle of Man, Great Britain or another CD authority;¹³⁷
 - (b) they have been found to be free from Potato ring rot in official tests using the methods set out in EPPO PM 7/21; and¹³⁸
 - (c) they have been found to be free from Potato brown rot in official tests using the methods set out in EPPO PM 7/59.^{139 140}

3 Restrictions on the planting of potatoes in the protected region

- (1) A person must not knowingly plant, or knowingly cause or permit to be planted, any potatoes in the protected region other than —

- (a) potatoes which may be marketed in the protected region under the Seed Potatoes Regulations; or
 - (b) one year's direct progeny of the potatoes referred to in paragraph (a), where that direct progeny has been grown by that person.
- (2) Any person who is involved in the planting of potatoes in the protected region must retain and make available to a plant health inspector the following documents in relation to the potatoes —
 - (a) their official labels;
 - (b) the invoices and delivery notes for the potatoes; and
 - (c) in the case of potatoes marketed or marketable under the Seed Potatoes Regulations or potatoes which are their direct progeny and have been produced by the certificate holder, the certificate of classification.
- (3) Sub-paragraphs (1) and (2) do not apply where —
 - (a) the area to be planted is less than 0.1 of a hectare; or
 - (b) the area is intended for the production of early potatoes.
- (3A) In subparagraphs (1) and (2), “protected region” has the meaning given in regulation 2(1) of the Seed Potatoes Regulations.¹⁴¹
- (4) In sub-paragraph (3)(b), “early potatoes” means potatoes which are harvested before they are completely mature and marketed immediately after they have been harvested, and the skins of which can be easily removed without peeling.¹⁴²

PART 3

MEASURES FOR THE CONTROL OF POTATO WART DISEASE

4 Interpretation

In this Part —

- “**Potato wart disease**” means either the disease of potatoes which is caused by the fungus *Synchytrium endobioticum* (Schilbersky) Percival or that fungus, as the context requires; and
- “**a plot of land**” is to be regarded as a contaminated plot if Potato wart disease is confirmed by an official test to be present on at least one plant that is growing or was grown on that plot.¹⁴³

5 Official measures relating to contaminated plots of land

- (1) A plant health inspector must demarcate any contaminated plot and a safety zone around that plot which is large enough to ensure the protection of the surrounding area.
- (2) A plant health inspector must serve a notice under regulation 15(1) requiring any potato tubers or haulms which are present on the contaminated plot, or which come from the contaminated plot, to be treated in such a way that the Potato wart disease present on them is destroyed.
- (3) Where a plant health inspector is satisfied that any potato tubers or haulms are contaminated with Potato wart disease and the inspector cannot determine whether those tubers or haulms have been present on a contaminated plot, the inspector may serve a notice under regulation 15(1) which requires the whole batch containing the affected tubers or haulms to be treated in such a way that there is no risk of Potato wart disease spreading.¹⁴⁴

6 Prohibition on the planting of potatoes on contaminated plots

- (1) Where a contaminated plot is demarcated under paragraph 5(1), a person must not —
 - (a) grow any potatoes on the plot; or
 - (b) grow or store on the plot any plants intended for transplanting.
- (2) A person must not grow potatoes in a safety zone demarcated under paragraph 5(1) unless a plant health inspector is satisfied that they are of a variety which is resistant to the races of Potato wart disease found on the contaminated plot to which the safety zone relates.
- (3) A potato variety is to be considered resistant to a particular race of Potato wart disease for the purposes of sub-paragraph (2) where that variety reacts to contamination by the pathogenic agent of that race in such a way that there is no danger of secondary infection.¹⁴⁵

7 Revocation of the demarcation of a contaminated plot

Where a plant health inspector is satisfied that Potato wart disease is no longer present on a plot which was demarcated under paragraph 5(1) or on its associated safety zone, the inspector must revoke that demarcation.¹⁴⁶

PART 4

MEASURES FOR THE CONTROL OF EUROPEAN POPULATIONS OF POTATO CYST NEMATODE

8 Interpretation

In this Part —

“**field**” means an area which has been demarcated as a field for the purposes of this Part;¹⁴⁷

“**host plants**” means plants with roots of *Capsicum* spp., *Solanum lycopersicum* L. or *Solanum melongena* L.;

“**infested field**” means a field which is recorded as infested pursuant to paragraph 10(1);

“**notice**” means a notice under regulation 15(1);

“**Potato cyst nematode**” means any cyst-forming nematode of the species *Globodera pallida* (Stone) Behrens or *Globodera rostochiensis* (Wollenweber) Behrens that infests and multiplies on potatoes, including any strain or pathotype of any such nematode;

(a) “**susceptible bulbs**” means bulbs, tubers or rhizomes, grown in soil and intended for planting, of *Allium ascalonicum* L., *Allium cepa* L., *Dahlia* spp., *Gladiolus* Tourn. Ex L., *Hyacinthus* spp., *Iris* spp., *Lilium* spp., *Narcissus* L. or *Tulipa* L., other than those for which there is evidence by their packaging or by other means that they are intended for sale to final consumers not involved in professional plant or cut flower production;

(b) “**susceptible material**” means host plants, susceptible bulbs or susceptible plants; and

(c) “**susceptible plants**” means plants with roots of *Allium porrum* L., *Asparagus officinalis* L., *Beta vulgaris* L., *Brassica* spp. or *Fragaria* L.;

“**specified measures**” means —

(a) for the purposes of paragraph 10(2), the official resampling of the field and official testing of the samples, carried out at least three years after appropriate officially approved control measures have been taken in the field or, in any other case, at least five years after the year in which the Potato cyst nematodes were found or potatoes were last grown in the field;

(b) for the purposes of paragraphs 12(3) and 16 —

(i) the disinfestation of the bulbs or plants by appropriate methods that ensure that there is no identifiable risk of Potato cyst nematodes spreading;

- (ii) the removal of soil from the bulbs or plants by washing or brushing them until they are practically free of soil, so as to ensure that there is no identifiable risk of Potato cyst nematodes spreading.^{148 149}

8A Official testing

Any official testing of samples for the purposes of this Part must be carried out in accordance with EPPO PM 7/40 and EPPO PM 7/119.¹⁵⁰

9 Official investigations and surveys

- (1) The appropriate authority must ensure that —
 - (a) official investigations are carried out in accordance with this Part for the presence of Potato cyst nematodes in fields in which seed potatoes or susceptible material intended for the production of plants for planting are to be planted or stored; and¹⁵¹
 - (b) official surveys are carried out in accordance with this Part for the presence of Potato cyst nematodes in fields used for the production of potatoes, other than those intended for the production of seed potatoes.^{152 153}
- (2) An official investigation of a field for the purposes of paragraph 9(1)(a) must be carried out —
 - (a) prior to the proposed planting or storing; and
 - (b) unless there is documentary evidence of a previous official investigation confirming that no Potato cyst nematodes were found during the investigation and that potatoes or host plants were not present at the time of that investigation and have not been grown in the field since that investigation, between the harvesting of the last crop in the field and the proposed planting of seed potatoes or other susceptible material.¹⁵⁴
- (3) In the case of a field in which seed potatoes or host plants intended for the production of plants for planting are to be planted or stored, an official investigation for the purposes of paragraph 9(1)(a) must include soil sampling of the field at the appropriate sampling rate and official testing of the samples.¹⁵⁵
- (4) In the case of a field in which susceptible bulbs or susceptible plants, intended for the production of plants for planting, are to be planted or stored, an official investigation for the purposes of paragraph 9(1)(a) must include —
 - (a) soil sampling of the field at the appropriate sampling rate and official testing of the samples; or

- (b) verification, based on the results of appropriate officially approved testing, that Potato cyst nematodes have not been present in the field during the previous 12 years or verification, based on the known cropping history of the field, that no potatoes or host plants have been grown in the field in the previous 12 years.¹⁵⁶
- (5) An official survey for the purposes of paragraph 9(1)(b) must include soil sampling of the field at the appropriate sampling rate on at least 0.5% of the acreage used for the production of potatoes in the relevant year and official testing of the samples.¹⁵⁷
- (6) Paragraph 9(1)(a) does not apply where the Secretary of State has established that there is no risk of Potato cyst nematodes spreading and —
- (a) any susceptible material intended for the production of plants for planting is to be used within the same place of production situated within an officially defined area;
- (b) seed potatoes are to be used within the same place of production situated within an officially defined area; or
- (c) in the case of any susceptible bulbs or susceptible plants intended for the production of plants for planting, the harvested plants are to be subject to officially approved measures.¹⁵⁸
- (7) For the purposes of subparagraphs (3) to (5) —
- “the appropriate sampling rate”, in relation to a field, is the minimum sampling rate specified in the following table —

Subparagraph	Field	Rate
(3) and (4)	Field ≤ 8 hectares	1,500 ml of soil per hectare collected from at least 100 cores/hectare
	Field > 8 hectares	First 8 hectares 1,500 ml of soil per hectare
		Each additional hectare 400 ml of soil per hectare
	Field ≤ 4 hectares that meets at least one of the criteria in paragraph (b)	400 ml of soil per hectare
	Field > 4 hectares that meets at least one of the criteria in paragraph (b)	First 4 hectares 400 ml of soil per hectare
		Each additional hectare 200 ml of soil per hectare

(5)	Field ≤ 4 hectares	<p>Any of the following:</p> <p>— 400 ml of soil per hectare</p> <p>— targeted sampling of at least 400 ml of soil following the visual examination of roots with visual symptoms; or</p> <p>— where the harvested potatoes can be traced to the field in which they were grown, 400 ml of soil associated with the harvested potatoes.</p>
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(b) the criteria are —

- (i) documentary evidence exists to show that potatoes or host plants have not been grown or were not present in the field in the six years prior to the official investigation;
- (ii) no Potato cyst nematodes have been found during the last two successive official investigations in samples of 1,500 ml soil/hectare and no potatoes or host plants, other than those for which the official investigation is required, have been grown in the field since the first of those two investigations; and
- (iii) no Potato cyst nematodes or Potato cyst nematodes without live content have been found in the last official investigation which consisted of a sample size of at least 1,500 ml soil/hectare and no potatoes or host plants, other than those for which the official investigation is required, have been grown in the field since the last official investigation.^{159 160}

10 Official records of investigations and surveys

- (1) The appropriate authority must ensure that the results of each official investigation or official survey carried out pursuant to paragraph 9 are recorded to indicate whether Potato cyst nematodes were found in the fields during the investigation or survey.¹⁶¹
- (2) Where the relevant specified measures have been taken in a field which has been recorded as infested pursuant to sub-paragraph (1) and, following the completion of those measures, it is officially confirmed that Potato cyst nematodes are no longer present in the field, the appropriate authority must ensure that the record is updated accordingly.^{162 163}

11 Notices in relation to infested fields and contaminated susceptible

material

- (1) A plant health inspector must serve a notice in writing on the occupier or other person in charge of an infested field which specifies the boundaries of the infested field.
- (2) The notice may not be withdrawn until it is confirmed, in accordance with paragraph 10(2), that Potato cyst nematode is no longer present in the field.
- (3) A plant health inspector must by notice designate as contaminated any susceptible material which comes from a field that has been officially recorded as infested under paragraph 10(1) or any susceptible material which has been in contact with soil in which Potato cyst nematodes have been found.¹⁶⁴

12 Prohibition on the planting of potatoes in infested fields

- (1) Unless authorised to do so by a plant health inspector, a person must not —
 - (a) plant any potatoes that are intended for the production of seed potatoes in an infested field; or
 - (b) plant or store any susceptible material which is intended for planting in an infested field.
- (2) A plant health inspector may authorise the planting of susceptible bulbs or susceptible plants in an infested field.
- (3) An authorisation under sub-paragraph (2) must be by notice and must contain one of the relevant specified measures.^{165 166}

13 Suppression of Potato cyst nematodes

- (1) A person must not plant any potatoes that are not intended for the production of seed potatoes in an infested field unless authorised to do so by a plant health inspector.
- (2) An authorisation under sub-paragraph (1) must be by notice and may only be given if the inspector is satisfied that all reasonable steps to suppress Potato cyst nematodes in the field have been taken in accordance with the official control programme adopted by the appropriate authority for the suppression of Potato cyst nematodes.^{167 168}

14 Controls on contaminated seed potatoes etc.

- (1) A person must not plant any seed potatoes or any host plants which have been designated as contaminated pursuant to paragraph 11(3), unless authorised to do so by a plant health inspector.

- (2) An authorisation under sub-paragraph (1) must be by notice and must contain the measures which the inspector considers necessary to decontaminate those seed potatoes or host plants.¹⁶⁹

15 Controls on potatoes for industrial processing or grading

- (1) A person must not move any potatoes which have been designated as contaminated pursuant to paragraph 11(3) and are intended for industrial processing or grading, unless authorised to do so by a plant health inspector.
- (2) An authorisation under sub-paragraph (1) must be by notice and must require 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 nematodes spreading.¹⁷⁰

16 Controls on contaminated bulbs etc.

A person must not plant any susceptible bulbs or susceptible plants which have been designated as contaminated pursuant to paragraph 11(3), unless they have been subject to one of the relevant specified measures and a plant health inspector has confirmed by notice that they are no longer contaminated.^{171 172}

17 Further investigations for the presence of Potato cyst nematodes

If any suspected occurrence or confirmed presence of Potato cyst nematodes in the Isle of Man 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 appropriate authority must ensure that the species of Potato cyst nematode and, where applicable, the pathotype and virulence group involved are investigated and confirmed by appropriate methods.¹⁷³

PART 5

MEASURES FOR THE CONTROL OF POTATO RING ROT

18 Interpretation

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 pursuant to paragraph 20(1)(a);¹⁷⁴

“**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 pursuant to paragraph 20(1)(a);¹⁷⁵

“**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 pursuant to paragraph 20(1)(b);¹⁷⁶

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

“**zone**” means any area, including any individual premises.¹⁷⁷

19 Official surveys and testing

- (1) The appropriate authority must ensure that systematic official surveys for Potato ring rot are carried out in the Isle of Man on tubers of *Solanum tuberosum* L. and, where appropriate, on plants of *Solanum tuberosum* L.¹⁷⁸
- (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 7/59.¹⁷⁹
- (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.¹⁸⁰
- (1C) The collection of samples for the purposes of subparagraphs (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.¹⁸¹
- (2) Where the presence of Potato ring rot in susceptible material is suspected, the appropriate authority 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 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; and

- (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.¹⁸²
- (3) A notice may contain measures for the purposes of sub-paragraph (2)(c)(i) to (iii).¹⁸³

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

- (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 appropriate authority 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), having regard to the following factors —
 - (i) the susceptible material grown at the contaminated place of production;¹⁸⁴
 - (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;¹⁸⁵

- (iii) the production or presence of other susceptible material at the contaminated place of production;¹⁸⁶
 - (iv) the premises handling potatoes from the contaminated place of production and the places of production mentioned in subparagraph (ii);¹⁸⁷
 - (v) any object that may have come into contact with the contaminated susceptible material;¹⁸⁸
 - (vi) any susceptible material stored in, or in contact with, any object prior to its disinfection; and¹⁸⁹
 - (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; and¹⁹⁰
- ¹⁹¹
- (c) a zone is demarcated by a plant health inspector on the basis of the designation made under paragraph (a), taking into account the proximity of other places of production growing potatoes or other host plants and the common production and use of seed potato stocks.^{192 193}
- (1A) When making a designation or determination under subparagraph (1), an inspector must have regard to sound scientific principles, the biology of Potato ring rot and relevant production, marketing and processing systems.¹⁹⁴
- (2) Where susceptible material has been designated as contaminated under sub-paragraph (1)(a), the appropriate authority 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.¹⁹⁵
- (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 plant health inspector must by notice designate that material or object as possibly contaminated.¹⁹⁶

21 Restrictions in relation to susceptible material or objects contaminated

or possibly contaminated with Potato ring rot

- (1) A person must not 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 —
 - (a) in the case of contaminated susceptible material, the material be disposed of by destruction or by an officially approved disposal method that ensures that there is no identifiable risk of Potato ring rot spreading;¹⁹⁷
 - (b) in the case of possibly contaminated susceptible material, the material be used or disposed of in a manner that ensures that there is no identifiable risk of Potato ring rot spreading; or¹⁹⁸
 - (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 this Part.^{199 200}

22 Measures in relation to a contaminated place of production

- (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; and
 - (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; and
 - (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 EPPO PM 7/59; and²⁰¹
 - (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 EPPO PM 7/59.²⁰²
- (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 EPPO PM 7/59.²⁰³
- (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 appropriate authority must ensure that an official survey is carried out in relation to the field mentioned in sub-paragraph (2)(d) in accordance with EPPO PM 7/59.^{204 205}

23 Additional measures applicable to a unit of protected crop production

- (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) A person must not 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.²⁰⁶

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

- (1) This paragraph applies where a plant health inspector has demarcated a zone pursuant to paragraph 20(1)(c).
- (2) The appropriate authority 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.²⁰⁷
- (3) The appropriate authority 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.²⁰⁸
- (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.
- (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 appropriate authority 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 EPPO PM 7/59; and²⁰⁹
 - (c) a programme is established, where appropriate, for the replacement of all seed potato stocks over an appropriate period of time.²¹⁰
- (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.²¹¹

PART 6

MEASURES FOR THE CONTROL OF POTATO BROWN ROT

25 Interpretation

In this Schedule —

“**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 pursuant to paragraph 27(2)(c);²¹²

“**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 contaminated place of production is designated as contaminated pursuant to paragraph 27(2)(c);²¹³

“**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 pursuant to paragraph 27(2)(d);²¹⁴

“**relevant RNQP requirements**”, in relation to plants for planting of *Solanum lycopersicum* L., means —

- (a) in the case of plants for planting produced before 14 December 2019, the requirements that applied to those plants for planting under, or by virtue of, Council Directive 2000/29/EC; or
- (b) in the case of plants for planting produced on or after 14 December 2019, the requirements that apply to those plants for planting under, or by virtue of, the Phytosanitary Conditions Regulation;

“**susceptible material**” means plants (including tubers), other than true seed, of *Solanum tuberosum* L. or plants, other than fruit or seeds, of *Solanum lycopersicum* L.; and

“**zone**” means any area, including any individual premises.²¹⁵

26 Official surveys and testing

(1) The appropriate authority must ensure that annual systematic official surveys are carried out in the Isle of Man to identify the presence of Potato brown rot on susceptible material.²¹⁶

(1A) Those surveys must be based on a risk assessment to identify other possible sources of contamination threatening the production of susceptible material and include targeted official surveys in production areas, based on the relevant risk assessment, to identify the presence of Potato brown rot on —

- (a) relevant material, other than susceptible material;

- (b) surface water which is used for irrigation or spraying of susceptible material; and
 - (c) liquid waste discharged from industrial processing or packaging premises handling susceptible material.²¹⁷
- (1B) Those surveys must also be based on the biology of Potato brown rot and the relevant production systems and must include —
 - (a) in the case of susceptible material comprising plants of *Solanum tuberosum* L., visual inspection of the growing crop at appropriate times, or the sampling of both seed and other potatoes in the growing season or in store, which must include official visual inspection by cutting of tubers;
 - (b) in the case of seed potatoes and, where appropriate, other potatoes, official testing of samples using the method set out in EPPO PM 7/21;
 - (c) in the case of susceptible material comprising plants of *Solanum lycopersicum* L., visual inspection at appropriate times of at least the growing crop of plants intended for replanting for professional use;
 - (d) for host plants, other than susceptible material, and for water including liquid waste, official testing.²¹⁸
- (1C) The collection of samples for the purposes of subparagraph (1B) must be based on sound scientific and statistical principles and the biology of Potato brown rot and take into account relevant potato production systems of susceptible material and other host plants of Potato brown rot.²¹⁹
- (2) Where the presence of Potato brown rot is suspected, the appropriate authority must ensure that —
 - (a) official testing is carried out to confirm whether it is present —
 - (i) in the case of susceptible material, using the method set out in EPPO PM 7/21; or²²⁰
 - (ii) in any other case, using any officially approved method;
 - (b) pending the confirmation of its presence or the refutation of its suspected presence, where suspect diagnostic visual symptoms of Potato brown rot have been seen, and a positive result in a rapid screening test has been obtained, or a positive result in the screening tests referred to in EPPO PM 7/21 has been obtained —
 - (i) the movement of all plants and tubers from all crops, 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 brown rot spreading; and

- (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 Potato brown rot.^{221 222}
- (3) A notice may contain measures for the purposes of sub-paragraph (2)(b)(i) to (iii).²²³

27 Measures to be taken following the confirmation of the presence of Potato brown rot

- (1) If the presence of Potato brown rot is confirmed following official testing carried out pursuant to paragraph 26(2)(a), the appropriate authority must ensure that the actions specified in sub-paragraphs (2) to (4) are taken in accordance with sound scientific principles, the biology of Potato brown rot and the relevant production, marketing and processing systems of host plants of Potato brown rot.²²⁴
- (2) In the case of susceptible material, the actions are —
 - (a) an investigation by a plant health inspector to determine the extent and the primary sources of the contamination which includes investigation of the following —
 - (i) potatoes which are growing or have been harvested that are clonally related to any contaminated potatoes;²²⁵
 - (ii) tomatoes which are growing or have been harvested that are from the same source as any contaminated tomatoes;²²⁶
 - (iii) potatoes or tomatoes which are growing or have been harvested that are under official control and are suspected to be contaminated with Potato brown rot;²²⁷
 - (iv) potatoes which are growing or have been harvested that are clonally related to any potatoes that have been grown at the contaminated place of production;²²⁸
 - (v) potatoes or tomatoes which are growing nearby the contaminated place of production, including those sharing production equipment and facilities directly or through a common contractor;²²⁹
 - (vi) surface water used for irrigation and spraying from any source confirmed or suspected to be contaminated with Potato brown rot;²³⁰
 - (vii) surface water used for irrigation and spraying from a source used in common with the contaminated and possibly contaminated places of production;²³¹

- (viii) places of production which are flooded or have been flooded with contaminated or possibly contaminated surface water; and²³²
 - (ix) surface water used for irrigation or spraying of the contaminated place of production or flooded fields at the contaminated place of production;^{233 234}
 - (b) further official testing, including on all clonally related seed potato stocks;
 - (c) the designation of the following as contaminated by a plant health inspector —
 - (i) the susceptible material and consignment or lot from which the sample was taken;
 - (ii) any objects which have been in contact with that sample; or
 - (iii) any unit or field of protected crop production and any place of production of the susceptible material from which the sample was taken;
 - (d) a determination by a plant health inspector of the extent of probable contamination through pre- or post-harvest contact, through production, irrigation or spraying links or through clonal relationship; and
 - (e) the demarcation of a zone by a plant health inspector on the basis of the designation under paragraph (c), the determination made under paragraph (d) and the possible spread of Potato brown rot, having regard to the relevant factors;²³⁵
- (3) In the case of host plants, other than susceptible material, where the production of susceptible material is identified to be at risk by a plant health inspector, the actions are —
- (a) an investigation by a plant health inspector to determine the extent and the primary sources of the contamination which includes an investigation of the things referred to in subparagraph (2)(a)(i) to (ix);²³⁶
 - (b) the designation by a plant health inspector of host plants from which the sample was taken as contaminated;
 - (c) a determination of the probable contamination by a plant health inspector; and
 - (d) the demarcation of a zone by a plant health inspector on the basis of the designation under paragraph (b), the determination made under paragraph (c) and the possible spread of Potato brown rot, having regard to the relevant factors.²³⁷

- (4) In the case of surface water and associated wild solanaceous host plants where production of susceptible material is identified by a plant health inspector to be at risk through irrigation, spraying or flooding of surface water, the actions are —
- (a) an investigation by a plant health inspector to establish the extent of the contamination, which includes an official survey at appropriate times on samples of surface water and, if present, wild solanaceous host plants;
 - (b) the designation of surface water from which the sample was taken by a plant health inspector, to the extent appropriate and on the basis of the investigation under paragraph (a);
 - (c) a determination by a plant health inspector of the probable contamination on the basis of the designation made under paragraph (b); and
 - (d) the demarcation of a zone by a plant health inspector on the basis of the designation under paragraph (b), the determination made under paragraph (c) and the possible spread of Potato brown rot, having regard to the relevant factors.²³⁸
- (5) The “relevant factors” are —
- (a) for the purposes of subparagraphs (2)(e) and (3)(d) —
 - (i) the proximity of other places of production growing susceptible material;
 - (ii) the common production and use of seed potato stocks; and
 - (iii) places of production using surface water for irrigation or spraying of susceptible material where there is or has been a risk of surface water run-off from the contaminated place of production;
 - (b) for the purposes of subparagraph (4)(d) —
 - (i) places of production producing susceptible material adjacent to, or which are at risk from flooding by, contaminated surface water;
 - (ii) any discrete irrigation basin associated with the contaminated surface water; and
 - (iii) water bodies connected with the contaminated surface water having regard to the direction and rate of flow of the contaminated surface water and the presence of wild solanaceous host plants.^{239 240}

28 Restrictions in relation to susceptible material or objects contaminated

or possibly contaminated with Potato brown rot

- (1) A person must not 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 27(2), a plant health inspector must serve a notice requiring that —
 - (a) in the case of contaminated susceptible material, the material be subjected to any officially approved disposal method that ensures that there is no identifiable risk of Potato brown rot spreading;²⁴¹
 - (b) in the case of possibly contaminated susceptible material, the material be used or disposed of by an officially approved disposal method that ensures that there is no identifiable risk of Potato brown rot spreading;²⁴²
 - (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 brown rot surviving or spreading.
- (3) Anything cleansed and disinfected in accordance with sub-paragraph (2) may no longer be treated as contaminated for the purposes of this Part.²⁴³
²⁴⁴

29 Measures which may be required in relation to a contaminated place of production

- (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 which is in a zone demarcated by a plant health inspector under paragraph 27(2)(e) —
 - (a) in relation to a contaminated field or a unit of protected crop production 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; or
 - (b) in relation to a field which is part of the place of production but is not contaminated and, where the inspector is satisfied that the risk of volunteer potato and tomato plants and other naturally found host plants of Potato brown rot has been eliminated, 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 or the unit from the date of receipt of the notice and for at least four growing years from the start of the first growing year, so as to eliminate any volunteer potato and tomato plants and other host plants, including solanaceous weeds, of Potato brown rot;
 - (b) a prohibition on the planting of any of the following in the field or the unit during that period —
 - (i) potato tubers, plants or true seeds;
 - (ii) tomato plants or seeds;
 - (iii) taking into account the biology of Potato brown rot, other host plants or plants of the species Brassica in respect of which there is a risk of Potato brown rot surviving; or
 - (iv) crops in respect of which there is a risk of Potato brown rot spreading;
 - (c) a requirement that, in the first potato or tomato cropping season following that period, only potatoes for ware production be planted in the field or the unit, that the potatoes only be planted if the field or the unit has been found free from volunteer potato and tomato plants and other host plants, including solanaceous weeds, during official inspections of Potato brown rot, for at least the two consecutive growing years prior to planting, and that harvested tubers or tomato plants be subjected to official testing using the method set out in EPPO PM 7/21; and²⁴⁵
 - (d) a requirement that an appropriate rotation cycle be applied in subsequent potato or tomato cropping seasons, which must be at least two years where 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 or the unit from the date of receipt of the notice and for five growing years from the start of the first growing year so as to eliminate volunteer potato and tomato plants and other naturally found host plants, including solanaceous weeds, of Potato brown rot;
 - (b) a requirement that —
 - (i) during the first three of those growing years, the field or the unit be maintained —
 - (A) in bare fallow;
 - (B) in cereals, if the inspector is satisfied that there is no risk of Potato brown rot spreading;

- (C) in permanent pasture with frequent close cutting or intensive grazing; or
 - (D) as grass for seed production; and
 - (ii) during the fourth and fifth growing years, only non-host plants of Potato brown rot in respect of which there is no risk of Potato brown rot surviving or spreading be planted in the field or the unit; and
 - (c) a requirement that, in the first potato or tomato cropping season following that period, only potatoes for seed or ware production be planted, that the potatoes only be planted if the field or the unit has been found free from volunteer potato and tomato plants and other host plants, including solanaceous weeds, during official inspections of Potato brown rot, for at least the two consecutive growing years prior to planting, and that harvested tubers or tomato plants be subjected to official testing using the method set out in EPPO PM 7/21.²⁴⁶
- (4) The third set of eradication measures is —
- (a) a requirement that from the date of receipt of the notice and for the first growing year no host plants of Potato brown rot be planted or only the following potatoes and tomato plants be planted in the field —
 - (i) certified seed potatoes for ware production;
 - (ii) tomato plants grown from seed which meets the relevant RNQP requirements for fruit production;
 - (b) a requirement that, if potatoes are to be planted in the first subsequent growing year, only the following potatoes be planted for seed or ware production in that year —
 - (i) certified seed potatoes;
 - (ii) seed potatoes officially tested for the absence of Potato brown rot and grown under official control at a place of production which is not contaminated;
 - (c) a requirement that, if tomato plants are to be planted in the first subsequent growing year, only the following tomato plants be planted for plant or fruit production in that year —
 - (i) tomato plants grown from seed which meets the relevant RNQP requirements; or
 - (ii) if vegetatively propagated, tomato plants grown from seed which meets the relevant RNQP requirements and grown under official supervision at a place of production which is not contaminated;

- (d) a requirement, in the case of potatoes, that, in the second subsequent growing year and any other subsequent growing year, only certified seed potatoes or seed potatoes grown under official supervision from certified seed potatoes be planted for seed or ware production in the field;
 - (e) a requirement, in the case of tomatoes, that during the second subsequent growing year and any other subsequent growing year, only tomato plants grown from seed which meets the relevant RNQP requirements or if, vegetatively propagated, tomato plants grown from seed which meets the relevant RNQP requirements and grown under official control be planted for plant or fruit production in the field;
 - (f) the measures to be taken in the field from the date of receipt of the notice to the end of the growing year specified in the notice so as to eliminate volunteer potato plants, and naturally found host plants, of Potato brown rot; and
 - (g) official inspections of growing crops at appropriate times and official testing of harvested potatoes in accordance with the method set out in EPPO PM 7/21.²⁴⁷
- (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;
 - (b) specify the appropriate methods for cleansing and disinfecting the machinery and storage facilities; and
 - (c) prohibit any irrigation or spraying programme at the place of production or specify how any irrigation or spraying programme at the place of production must be carried out, for the purpose of preventing the spread of Potato brown rot.
- (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.²⁴⁸

30 Additional measures in relation to units of protected crop production

- (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) A person must not plant any potato tubers, plants or true seeds, tomato plants or seeds or other host plants of Potato brown rot 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 brown rot and to remove all host plants of Potato brown rot 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 of the equipment used on the unit have been cleansed and disinfected to eliminate Potato brown rot and remove all host plant material.
- (4) An authorisation under sub-paragraph (2) may —
 - (a) in relation to potato production, specify that only certified seed potatoes or mini-tubers or micro-plants derived from officially tested sources may be used in the production;
 - (b) in relation to tomato production, specify that only seed which meets the relevant RNQP requirements or, if vegetatively propagated, tomato plants produced from seed which meets the relevant RNQP requirements and grown under official control, may be used in the production;
 - (c) prohibit any irrigation or spraying programme at the place of production; and
 - (d) specify how any irrigation or spraying programme at the place of production must be carried out for the purpose of preventing the spread of Potato brown rot.²⁴⁹

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

- (1) This paragraph applies where a plant health inspector has demarcated a zone in relation to a confirmed finding of Potato brown rot under paragraph 27(3)(d) or (4)(d).
- (2) The appropriate authority may, by notice, specify further prohibitions, restrictions and other measures which are to apply in the demarcated zone to prevent the risk of Potato brown rot surviving or spreading.²⁵⁰
- (3) The appropriate authority may, in particular, specify in a notice under paragraph (2) that —
 - (a) any machinery or storage facilities at premises within the demarcated zone which are used for growing, storing or handling

- potato tubers or tomatoes within the zone, or any premises within the zone from which machinery for potato or tomato production is operated under contract, must be cleansed and, where appropriate, disinfected so that there is no identifiable risk of Potato brown rot surviving or spreading;
- (b) in the case of potato crops, only certified seed potatoes or seed potatoes grown under official control may be planted during the specified period;
 - (c) 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;
 - (d) in the case of tomato crops, only tomato plants grown from seed which meets the relevant RNQP requirements or, if vegetatively propagated, tomato plants produced from such seed and grown under official control may be planted during the specified period;
 - (e) contaminated surface water must not be used for the irrigation or the spraying of specified plant material and, where appropriate, other host plants of Potato brown rot, without the prior written authorisation of a plant health inspector; and
 - (f) if liquid waste discharges have been contaminated, any waste from industrial processing or packaging premises in the zone which handle specified plant material must be disposed of under the supervision of a plant health inspector.²⁵¹
- (4) A notice under sub-paragraph (2) —
- (a) must be in writing;
 - (b) must describe the extent of the demarcated zone;
 - (c) must specify in relation to each measure whether it applies generally or to an area of surface water in the demarcated zone;
 - (d) must specify the date on which each measure takes effect and for how long;
 - (e) must be published in a manner appropriate to bring it to the attention of the public; and
 - (f) 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.

- (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; or
 - (b) any person who —
 - (i) has a right to use any contaminated surface water;
 - (ii) has any contaminated surface water on premises within the demarcated zone which the person occupies or is in charge of; and
 - (iii) any person who operates machinery or carries out any other activity in relation to the production of potatoes or tomatoes within the demarcated zone.
- (7) The appropriate authority may only specify the measures referred to in sub-paragraph (3) where the zone has been demarcated —
- (a) in relation to measures referred to in paragraphs (a) to (d) of that sub-paragraph for the purposes of paragraph 27(3)(d); or²⁵²
 - (b) in relation to the measures referred to in paragraphs (e) and (f) of that sub-paragraph for the purposes of paragraph 27(4)(d).^{253 254}
- (8) The appropriate authority 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 during the specified period;
 - (b) an official survey is carried out in accordance with EPPO PM 7/21 during the specified period; and²⁵⁵
 - (c) a programme is established, where appropriate, for the replacement of all seed potato stocks over an appropriate period of time.²⁵⁶
- (9) For the purposes of sub-paragraphs (3) and (8), “the specified period”, in relation to a zone demarcated pursuant to paragraph 27(3)(d) or (4)(d), must be at least three growing seasons following the year in which the zone was demarcated.²⁵⁷

PART 7

ADDITIONAL MEASURES RELATING TO EGYPTIAN POTATOES²⁵⁸

32 Additional measures relating to Egyptian potatoes²⁵⁹

- (1) In this Part, “**Egyptian potatoes**” means any tubers of *Solanum tuberosum* L., originating in Egypt, which are introduced into the Isle of Man under Article 41(1) of the Plant Health Regulation.²⁶⁰
- (2) No professional operator may —
 - (a) move any Egyptian potatoes within the Isle of Man unless they are labelled to indicate that they originate in Egypt;
 - (b) process, prepare, wash or package any Egyptian potatoes at premises in the Isle of Man other than at premises that the appropriate authority has approved in writing for that purpose.²⁶¹
- (3) Paragraph (2)(b) does not apply to the packing or preparation of any Egyptian potatoes in a shop, restaurant, canteen, club, public house, school, hospital, or similar establishment (including a vehicle or a fixed or mobile stall) for delivery to the final consumer.²⁶²

SCHEDULE 3

[Regulation 38(1)(d) to (f)]

**OFFENCES: RELEVANT PROVISIONS IN THE RETAINED DIRECT EU
LEGISLATION²⁶³****PART 1****THE PLANT HEALTH REGULATION²⁶⁴**

Provision of the Plant Health Regulation²⁶⁵	Subject matter
Article 5(1) (as read with Article 8(1))	Prohibits the introduction of an IOM quarantine pest into the Isle of Man, the movement of an IOM quarantine pest within the Isle of Man or the holding, multiplication or the release of an IOM quarantine pest in the Isle of Man ^{18, 266}
Article 9(3) (as read with Article 33(1))	Requires professional operators immediately to notify competent authorities of any evidence they may have concerning an imminent danger of the entry of: (a) an IOM quarantine pest or a pest subject to measures adopted pursuant to Article 30(1) into the Isle of Man or into the Isle of Man; or (b) a IOM PFA quarantine pest into the Isle of Man pest-free area. ²⁶⁷
Article 14(1) (as read with Articles 16 and 33(1))	Requires a professional operator who suspects or becomes aware that: (a) an IOM quarantine pest or a pest subject to measures adopted pursuant to Article 30(1) is present in plants, plant products or other objects which are under the operator's control; (b) an IOM PFA quarantine pest is present in plants, plant products or other objects which are under the operator's control in the Isle of Man pest-free area, immediately to notify the competent authority and take precautionary measures to prevent the establishment and spread of the pest. ²⁶⁸

¹⁸ The list of Union quarantine pests is set out in Annex 2 to Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants (OJ No. L 319, 10.12.2019, p. 1) ("the Phytosanitary Conditions Regulation")

Article 14(3)	Requires a professional operator: (a) to consult the competent authority where the professional operator has received an official confirmation concerning the presence of an IOM quarantine pest in plants, plant products or other objects which are under the operator's control; and (b) where applicable, proceed with the actions required under Article 14(4) to (7). ²⁶⁹
Article 15(1) (as read with Articles 15(2), 16 and 33(1))	Requires a person who is not a professional operator immediately to notify the competent authority where the person becomes aware of, or has reason to suspect: (a) the presence of an IOM quarantine pest, (b) the presence of an IOM PFA quarantine pest in the Isle of Man pest-free area. ²⁷⁰
Article 32(2)	Prohibits the introduction of an IOM PFA quarantine pest into the Isle of Man pest-free area, the movement of an IOM PFA quarantine pest within the Isle of Man pest-free area or the holding, multiplication or the release of an IOM PFA quarantine pest in the Isle of Man pest-free area. ^{19, 271}
Article 37(1) (as read with Article 39, and Article 17 of the Phytosanitary Conditions Regulation)	Prohibits the introduction into the Isle of Man by a professional operator of an IOM regulated non-quarantine pest on plants for planting through which it is transmitted by a professional operator on plants for planting through which it is transmitted. ^{20, 272}
Article 40(1) (as read with Articles 47 and 48(1) and paragraphs 2A(2), 2C(3) and 4(2) of Schedule 1)	Prohibits the introduction into the Isle of Man of certain plants, plant products or other objects if they originate from all or certain third countries or territories. ^{21, 273}
Article 41(1) (as read with Articles 47 and 48(1))	Prohibits the introduction into the Isle of Man of certain plants, plant products or other objects from third countries unless the special requirements in respect of those plants, plant products or other objects are fulfilled. ²⁷⁴
Article 41(1A) (as read with Article 48(1))	Prohibits the introduction into the Isle of Man of certain plants, plant products or other objects from Great Britain or another CD territory unless the special requirements in respect of those plants, plant products or other objects are fulfilled. ²⁷⁵
Article 42(2) (as read with Articles 47 and 48(1))	Prohibits the introduction into the Isle of Man of high-risk plants, plant products or other objects from third countries. ^{22, 276}

¹⁹ The list of protected zones and the respective protected zone pests is set out in Annex 3 to the Phytosanitary Conditions Regulation.

²⁰ The list of Union-regulated non-quarantine pests and the relevant plants for planting, with categories and thresholds, is set out in Annex 4 to the Phytosanitary Conditions Regulation.

²¹ The list of plants, plant products and other objects and the third countries, groups of third countries or specific areas of third countries to which the prohibition applies is set out in Annex 6 to the Phytosanitary Conditions Regulation.

²² The list of high risk plants, plant products and other objects to which the prohibition applies is set out in Annex 1 to Commission Implementing Regulation (EU) 2018/2019 establishing a

Article 43(1)	Prohibits the introduction into the Isle of Man of wood packaging material, whether or not in use in the transport of objects of any kind, unless it fulfils the specified requirements or is subject to the exemptions provided for ISPM 15. ²⁷⁷
Article 45(1), third paragraph (as read with Article 55)	Requires postal services and professional operators involved in sales through distance contracts to make specified information available to their clients through the internet.
Article 53(1) (as read with Articles 57 and 58).	Prohibits: (a) the introduction of certain plants, plant products or other objects originating from third countries into Isle of Man pest-free area; (b) the introduction of certain plants, plant products or other objects originating in Great Britain or another CD territory into the Isle of Man pest-free area. ²⁷⁸
Article 54(1) (as read with Articles 57 and 58)	Prohibits: (a) the introduction of certain plants, plant products or other objects into the Isle of Man pest-free area unless the special requirements in respect of the Isle of Man pest-free area are fulfilled; (b) the movement of certain plants, plant products or other objects within the Isle of Man pest-free area unless the special requirements in respect of the Isle of Man pest-free area are fulfilled ^{23, 279}
Article 59	Requires: (a) vehicles, machinery or packaging material used for specified plants, plant products or other objects moving into or within the Isle of Man, or through the Isle of Man, to be free from IOM quarantine pests and pests subject to measures adopted pursuant to Article 30(1); (b) vehicles, machinery or packaging material used for specified plants, plant products or other objects moving into or within, or through the Isle of Man pest-free area, to be free from the respective IOM PFA quarantine pests ²⁸⁰ .
Article 62(1)	Requires a person responsible for a quarantine station or confinement facility to monitor the station or facility and its immediate vicinity for the unintended presence of IOM quarantine pests and pests subject to measures adopted pursuant to Article 30(1). ²⁸¹

provisional list of high risk plants, plant products or other objects, within the meaning of Article 42 of Regulation (EU) 2016/2031 and a list of plants for which phytosanitary certificates are not required for introduction into the Union, within the meaning of Article 73 of that Regulation (OJ No. L 323, 19.12.2018, p.10).

²³ The list of plants, plant products and other objects for these purposes is set out in Annex 10 to the Phytosanitary Conditions Regulation.

Article 62(2)	Requires a person responsible for a quarantine station or confinement facility to take appropriate action based on the contingency plan referred to in point (e) of Article 61(1) and to comply with the obligations of professional operators in Article 14 where the unintended presence of an IOM quarantine pest or a pest subject to measures adopted pursuant to Article 30(1) is found or suspected. ²⁸²
Article 64(1) (as read with Article 64(2))	Prohibits the release of plants, plant products and other objects from quarantine stations or confinement facilities unless authorised by the competent authorities.
Article 66(1) (as read with Article 65(3))	Requires certain professional operators to submit an application for registration to the competent authorities.
Article 66(5) (as read with Article 65(3))	Requires registered operators, where relevant: (a) to submit an annual update concerning any changes in the data referred to in points (d) and (e) of Article 66(2) or in the statements referred to in points (b) and (c) of Article 66(2); (b) to update the data referred to in point (a) of Article 66(2) no later than 30 days after the change in that data.
Article 69(1) (as read with Articles 65(3) and 69(3))	Requires a professional operator to whom plants, plant products or other objects are supplied that are subject to the specified requirements or conditions to keep a record allowing the operator to identify the professional operator who supplied each trade unit.
Article 69(2) (as read with Article 69(3))	Requires a professional operator who is supplying plants, plant products or other objects that are subject to the specified requirements or conditions to keep a record allowing the operator to identify the professional operator to whom each trade unit was supplied.
Article 69(4)	Requires professional operators to keep the records required pursuant to Article 69(1) to (3) for at least three years.
Article 70(1)	Requires professional operators who are supplied with, or supply, the plants, plant products or other objects referred to in Article 69(1) and (2) to have in place traceability systems or procedures to allow identification of the movements of those plants, plant products and other objects within and between their own premises.
Articles 72(1) and 73 ²⁸³	Prohibits the introduction into the Isle of Man of certain plants, plant products and other objects from third countries unless they are accompanied by a phytosanitary certificate ^{24,284} .
Article 74(1)	Prohibits the introduction of certain plants, plant products and other objects from third countries into the Isle of Man pest-free area unless accompanied by a phytosanitary certificate ^{25,285}

²⁴ The list of plants, plant products and other objects for the purposes of Article 72(1) is set out in Part A of Annex 11 to the Phytosanitary Conditions Regulation. The list of plants, plant products and other objects for the purposes of Article 73(1) is set out in Part B of that Annex, but does not include any plants, plant products and other objects in the list set out in Part C of that Annex.

²⁵ The list of plants, plant products and other objects for these purposes is set out in Annex 12 to the Phytosanitary Conditions Regulation.

Article 79(1) (as read with Articles 81, 82, 83 and 92a) ²⁸⁶	Prohibits the movement of certain plants, plant products and other objects within the Isle of Man or the introduction of certain plants, plant products and other objects into the Isle of Man from Great Britain or another CD territory without a UK plant passport ²⁶ . ²⁸⁷
Article 80(1) (as read with Articles 81, 82, 83 and 92a) ²⁸⁸	Prohibits the introduction of certain plants, plant products and other objects into the Isle of Man pest-free area without a UK plant passport ²⁷ . ²⁸⁹
Article 84(1)	Prohibits professional operators from issuing UK plant passports unless they are authorised and from issuing UK plant passports for plants, plant products or other objects for which they are not responsible ²⁹⁰ .
Article 84(3)	Prohibits authorised professional operators from issuing UK plant passports except at specified premises, collective warehouses or dispatching centres. ²⁹¹
Article 85 (as read with Article 87 and paragraph 4(2) and (3) of Schedule 1)	[Revoked] ²⁹²
Article 86(1) (as read with Articles 86(2) and 87)	[Revoked] ²⁹³
Article 86a	Prohibits authorised professional operators from issuing UK plant passports for plants, plant products or other objects to be introduced into a CD territory unless the specified requirements are fulfilled in respect of those plants, plant products or other objects. ²⁹⁴
Article 88	Requires professional operators to attach UK plant passports to the trade unit of the plants, plant products or other objects concerned, or where the plants, plant products or other objects are moved in a package, bundle or container, to that package, bundle or container. ²⁹⁵
Article 90(1)	Requires an authorised operator: (a) to identify and monitor the points in its production process and certain other critical points as regards the movement of plants, plant products and other objects where the authorised operator intends to issue a UK plant passport in respect of those plants plant products and other objects; and (b) to keep records concerning the identification and monitoring of those points for at least three years ²⁹⁶
Article 90(2)	Requires authorised operators to ensure that appropriate training is given to its personnel involved in the examinations referred to in Article 87.

²⁶ The list of plants, plant products and other objects for these purposes is set out in Annex 13 the Phytosanitary Conditions Regulation.

²⁷The list of plants, plant products and other objects for these purposes is set out in Annex 14 to the Phytosanitary Conditions Regulation.

Article 93(1)	Prohibits authorised operators from issuing replacement UK plant passports unless certain conditions are fulfilled. ²⁹⁷
Article 93(5)	Requires authorised operators to retain replacement UK plant passports or their contents for at least three years. ²⁹⁸
Article 96(1)	Prohibits the marking of wood packaging material, wood or other objects in the Isle of Man: (a) by any professional operator who is not authorised in accordance with Article 98; or (b) otherwise than in the manner required. ²⁹⁹
Article 97(1)	Prohibits the repairing of wood packaging material: (a) by any professional operator who is not authorised in accordance with Article 98; or (b) otherwise than in the manner required.

PART 2

THE OFFICIALS CONTROL REGULATION

Provision of the Official Controls Regulation	Subject matter
Article 47(5) (as read with Articles 5 and 7 of Commission Delegated Regulation (EU) 2019/2122 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards certain categories of animals and goods exempted from official controls at border control posts, specific controls on passengers' personal luggage and on small consignments of goods sent to natural persons which are not intended to be placed on the market ²⁸)	Requires the operator responsible for a relevant consignment entering the Isle of Man to ensure that it is presented for official controls at the border control post ("BCP") of first arrival into the British Islands. ³⁰⁰
Article 50(1)	Requires the operator of a relevant consignment to which Article 47(1) applies to present the original official certificates or documents which are required to accompany the consignment to the competent authority for the BCP ³⁰¹ .
Article 50(3)	Prohibits the operator of a relevant consignment from splitting the consignment until official controls have been performed and the Community Health Entry Document ("CHED") has been finalised.
Article 56(1)	Requires the operator of a relevant consignment to complete the relevant part of the CHED.

²⁸ OJ No. L 321, 12.12.2019, p.45.

Article 56(4) (as read with Article 1(1) of Commission Implementing Regulation (EU) 2019/1013 on the prior notification of consignments of certain categories of animals and goods entering the Union ²⁹ and regulation 10)	Requires the operator of a relevant consignment to give prior notification to the competent authority for the BCP of arrival of the consignment before the physical arrival in the British Islands of the consignment in the Isle of Man. ³⁰²
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PART 3

OTHER EU LEGISLATION³⁰³

EU legislation	Provision	Subject matter
Commission Delegated Regulation (EU) 2019/1602 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council concerning the Common Health Entry Document accompanying consignments of animals and goods to their destination ³⁰	Article 3 (as read with Articles 4(a), 5(1) (b), (d), 5(2)(a) and (c) and 6(a))	Requires the operator responsible for a consignment to ensure that a CHED accompanies the consignment before it is released for free circulation in accordance with Article 57(2)(b) of the Official Controls Regulation.
Commission Delegated Regulation (EU) 2019/2124 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for official controls of consignments of animals and goods in transit, transshipment and onward transportation through the Union ³¹	Article 5(a) and (b)	Requires the operator who is responsible for a relevant consignment that has been given authorisation for onward transportation to enter certain details in the CHED and submit the CHED
	Article 6	Requires the operator who is responsible for a relevant consignment that has been given authorisation for onward transportation to comply with the specified conditions relating to its transportation and storage.
	Article 16(1) and (3)	Requires the operator who is responsible for a transhipped relevant consignment to notify the specified information to competent authorities.

²⁹ OJ No. L 165, 21.6.2019, p.8.

³⁰ OJ No. L 250, 30.9.2019, p.6.

³¹ OJ No. L 321, 12.12.2019, p.73.

	Article 22(4)	Requires the operator who is responsible for a relevant consignment that is in transit through the Union territory to take specific measures relating to the transportation of the consignment.
Commission Delegated Regulation (EU) 2019/2123 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for the cases where and the conditions under which identity checks and physical checks on certain goods may be performed at control points and documentary checks may be performed at distance from border control posts ³²	Article 2(1)(d), (e), (f), (g)(i) and (h) (as read with Article 2(2) and (3)), Article 5(1) (as read with Article 5(2), Article 6(1) and (4) and Article 8(2)).	Requires the operator responsible for a consignment to comply with certain conditions where identity and physical checks on the consignment are to be performed at a control point other than a border control point.

SCHEDULE 4³⁰⁴

³² OJ L 321, 12.12.2019, p. 64.

ENDNOTES

Table of Endnote References

¹ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.

² Definition of “another CD territory” amended by SD2020/0593 with effect from 31/12/2020 at 23:00.

³ Definition of “appropriate authority” amended by SD2020/0593 with effect from 31/12/2020 at 23:00.

⁴ Subpara (i) amended by SD2023/0152.

⁵ Subpara (ii) revoked by SD2020/0593 with effect from 31/12/2020 at 23:00.

⁶ Subpara (iii) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.

⁷ Para (a) amended by SD2020/0593 with effect from 31/12/2020 at 23:00 and by SD2023/0152.

⁸ Para (b) revoked by SD2020/0593 with effect from 31/12/2020 at 23:00.

⁹ Para (c) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.

¹⁰ Definition of “Department” revoked by SD2020/0593 with effect from 31/12/2020 at 23:00.

¹¹ Definition of “EU emergency decision” revoked by SD2020/0593 with effect from 31/12/2020 at 23:00.

¹² Definition of “EU Plant Health Regulation” amended by SD2020/0593 with effect from 31/12/2020 at 23:00.

¹³ Definition of “EU plant health rule” revoked by SD2020/0593 with effect from 31/12/2020 at 23:00.

¹⁴ Definition of “Official Controls Regulation” amended by SD2020/0593 with effect from 31/12/2020 at 23:00.

¹⁵ Definition of “plant health inspector” amended by SD2020/0593 with effect from 31/12/2020 at 23:00.

¹⁶ Definition of “Plant Health Regulation” inserted by SD2020/0593 with effect from 31/12/2020 at 23:00.

¹⁷ Definition of “plant health rule” inserted by SD2020/0593 with effect from 31/12/2020 at 23:00.

¹⁸ Definition of “plant passport” inserted by SD2023/0152.

¹⁹ Definition of “plant pest” amended by SD2020/0593 with effect from 31/12/2020 at 23:00.

²⁰ Para (a) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.

²¹ Para (2) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.

²² Reg 4 revoked by SD2020/0593 with effect from 31/12/2020 at 23:00.

²³ Reg 5 revoked by SD2020/0593 with effect from 31/12/2020 at 23:00.

²⁴ Reg 6 heading amended by SD2020/0593 with effect from 31/12/2020 at 23:00.

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- ²⁵ Para (1) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁶ Subpara (a) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁷ Subpara (b) amended by SD2020/0593 with effect from 31/12/2020 at 23:00
- ²⁸ Para (1) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁹ Para (b) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ³⁰ Para (ca) inserted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ³¹ Definition of “forestry professional operator” amended by SD2020/0593 with effect from 31/12/2020 at 23:00
- ³² Definition of “official controls” revoked by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ³³ Para (1) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ³⁴ Para (2) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ³⁵ Definition of “responsible operator” amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ³⁶ Para (1) substituted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ³⁷ Reg 10 substituted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ³⁸ Subpara (a) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ³⁹ Subpara (b) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁴⁰ Subpara (c) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁴¹ Subpara (c) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁴² Para (1) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁴³ Subpara (a) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁴⁴ Para (4) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁴⁵ Para (5) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁴⁶ Para (6) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁴⁷ Para (7) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁴⁸ Para (8) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁴⁹ Para (9) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁵⁰ Para (12) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁵¹ Definition of “approved place of inspection” amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁵² Para (b) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁵³ Para (c) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁵⁴ Para (4) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁵⁵ Para (1) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁵⁶ Para (2) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁵⁷ Reg 18 revoked by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁵⁸ Reg 19 amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁵⁹ Subpara (b) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁶⁰ Subpara (c) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁶¹ Para (1) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁶² Para (2) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁶³ Para (1) substituted by SD2020/0593 with effect from 31/12/2020 at 23:00.

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- ⁶⁴ Para (2) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁶⁵ Para (3) substituted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁶⁶ Reg 22 heading amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁶⁷ Para (1) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁶⁸ Para (2) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁶⁹ Reg 24 revoked by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁷⁰ Reg 25 revoked by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁷¹ Subpara (a) revoked by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁷² Subpara (b) revoked by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁷³ Subpara (c) revoked by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁷⁴ Para (1) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁷⁵ Subpara (c) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁷⁶ Subpara (d) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁷⁷ Subpara (e) revoked by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁷⁸ Subpara (f) substituted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁷⁹ Subpara (g) inserted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁸⁰ Definition of “appropriate plant health inspector” revoked by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁸¹ Definition of “ISPM 15 mark” amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁸² Para (2) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁸³ Para (ii) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁸⁴ Para (iv) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁸⁵ Subpara (b) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁸⁶ Subpara (c) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁸⁷ Subpara (e) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁸⁸ Subpara (a) substituted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁸⁹ Para (7) revoked by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁹⁰ Para (8) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁹¹ Para (1) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁹² Para (4) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁹³ Para (5) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁹⁴ Para (6) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁹⁵ Para (8) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁹⁶ Para (10) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁹⁷ Para (12) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁹⁸ Para (1) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ⁹⁹ Para (1) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁰⁰ Para (2) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁰¹ Para (i) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁰² Subpara (c) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁰³ Subpara (c) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁰⁴ Para (3) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
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- ¹⁰⁵ Definition of “notice” amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁰⁶ Para (b) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁰⁷ Subpara (a) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁰⁸ Subpara (b) revoked by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁰⁹ Subpara (d) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹¹⁰ Subpara (e) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹¹¹ Subpara (f) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹¹² Subpara (g) revoked by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹¹³ Subpara (c) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹¹⁴ Reg 41 amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹¹⁵ Reg 42 heading amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹¹⁶ Subpara (a) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹¹⁷ Subpara (b) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹¹⁸ Subpara (c) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹¹⁹ Subpara (a) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹²⁰ Subpara (c) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹²¹ Para (2) substituted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹²² Para (1) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹²³ Para (3) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹²⁴ Para (1) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹²⁵ Para (3) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹²⁶ Para (1) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹²⁷ Sch 1 revoked by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹²⁸ Definition of “Directive 93/85/EEC” revoked by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹²⁹ Definition of “Directive 98/57/EC” revoked by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹³⁰ Definition of “Directive 2007/33/EEC” revoked by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹³¹ Definition of “EPPO PM 7/21” inserted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹³² Definition of “EPPO PM 7/40” inserted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹³³ Definition of “EPPO PM 7/59” inserted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹³⁴ Definition of “EPPO PM 7/119” inserted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹³⁵ Para 22 renumbered as para 1 by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹³⁶ Para (a) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹³⁷ Para (a) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹³⁸ Para (b) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹³⁹ Para (c) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁴⁰ Para 23 renumbered as para 2 by SD2020/0593 with effect from 31/12/2020 at 23:00.

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- ¹⁴¹ Subpara (3A) inserted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁴² Para 24 renumbered as para 3 by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁴³ Para 25 renumbered as para 4 by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁴⁴ Para 26 renumbered as para 5 by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁴⁵ Para 27 renumbered as para 6 by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁴⁶ Para 28 renumbered as para 7 by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁴⁷ Definition of “field” amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁴⁸ Definition of “specified measures” inserted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁴⁹ Para 29 renumbered as para 8 by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁵⁰ Para 8A inserted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁵¹ Para (a) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁵² Para (b) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁵³ Text renumbered as subpara (1) by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁵⁴ Subpara (2) inserted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁵⁵ Subpara (3) inserted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁵⁶ Subpara (4) inserted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁵⁷ Subpara (5) inserted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁵⁸ Subpara (6) inserted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁵⁹ Subpara (7) inserted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁶⁰ Para 30 renumbered as para 9 and amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁶¹ Subpara (1) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁶² Subpara (2) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁶³ Para 31 renumbered as para 10 by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁶⁴ Para 32 renumbered as para 11 by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁶⁵ Subpara (3) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁶⁶ Para 33 renumbered as para 12 by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁶⁷ Subpara (2) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁶⁸ Para 34 renumbered as para 13 by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁶⁹ Para 35 renumbered as para 14 by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁷⁰ Para 36 renumbered as para 15 by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁷¹ Para 16 amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁷² Para 37 renumbered as para 16 by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁷³ Para 38 renumbered as para 17 and amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁷⁴ Definition of “contaminated” amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁷⁵ Definition of “first growing year” amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁷⁶ Definition of “possibly contaminated” amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁷⁷ Para 39 renumbered as para 18 by SD2020/0593 with effect from 31/12/2020 at 23:00.

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- ¹⁷⁸ Subpara (1) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁷⁹ Subpara (1A) inserted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁸⁰ Subpara (1B) inserted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁸¹ Subpara (1C) inserted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁸² Subpara (2) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁸³ Para 40 renumbered as para 19 by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁸⁴ Subpara (i) inserted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁸⁵ Subpara (ii) inserted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁸⁶ Subpara (iii) inserted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁸⁷ Subpara (iv) inserted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁸⁸ Subpara (v) inserted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁸⁹ Subpara (vi) inserted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁹⁰ Subpara (vii) inserted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁹¹ Para (b) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁹² Para (c) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁹³ Subpara (1) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁹⁴ Subpara (1A) inserted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁹⁵ Subpara (2) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁹⁶ Para 41 renumbered as para 20 by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁹⁷ Para (a) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁹⁸ Para (b) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ¹⁹⁹ Subpara (3) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁰⁰ Para 42 renumbered as para 21 by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁰¹ Para (c) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁰² Para (c) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁰³ Para (d) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁰⁴ Subpara (8) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁰⁵ Para 43 renumbered as para 22 by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁰⁶ Para 44 renumbered as para 23 by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁰⁷ Subpara (2) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁰⁸ Subpara (3) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁰⁹ Para (b) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²¹⁰ Subpara (7) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²¹¹ Para 45 renumbered as para 24 by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²¹² Definition of “contaminated” amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²¹³ Definition of “first growing year” amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²¹⁴ Definition of “possibly contaminated” amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²¹⁵ Para 46 renumbered as para 25 by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²¹⁶ Subpara (1) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²¹⁷ Subpara (1A) inserted by SD2020/0593 with effect from 31/12/2020 at 23:00.
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- ²¹⁸ Subpara (1B) inserted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²¹⁹ Subpara (1C) inserted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²²⁰ Subpara (i) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²²¹ Para (b) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²²² Subpara (2) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²²³ Para 47 renumbered as para 26 by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²²⁴ Subpara (1) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²²⁵ Subpara (i) inserted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²²⁶ Subpara (ii) inserted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²²⁷ Subpara (iii) inserted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²²⁸ Subpara (iv) inserted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²²⁹ Subpara (v) inserted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²³⁰ Subpara (vi) inserted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²³¹ Subpara (vii) inserted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²³² Subpara (viii) inserted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²³³ Subpara (ix) inserted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²³⁴ Para (a) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²³⁵ Para (e) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²³⁶ Para (a) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²³⁷ Para (d) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²³⁸ Para (d) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²³⁹ Subpara (5) inserted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁴⁰ Para 48 renumbered as para 27 by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁴¹ Para (a) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁴² Para (b) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁴³ Subpara (3) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁴⁴ Para 49 renumbered as para 28 by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁴⁵ Para (c) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁴⁶ Para (c) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁴⁷ Para (g) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁴⁸ Para 50 renumbered as para 29 by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁴⁹ Para 51 renumbered as para 30 by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁵⁰ Subpara (2) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁵¹ Subpara (3) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁵² Para (a) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁵³ Para (b) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁵⁴ Subpara (7) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁵⁵ Para (b) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁵⁶ Subpara (8) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁵⁷ Para 52 renumbered as para 31 by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁵⁸ Part 7 heading amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁵⁹ Para 32 heading substituted by SD2020/0593 with effect from 31/12/2020 at 23:00.

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- ²⁶⁰ Subpara (1) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁶¹ Para (b) amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁶² Para 53 renumbered as para 32 by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁶³ Sch 3 heading amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁶⁴ Part 1 heading amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁶⁵ Entry amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁶⁶ Entry amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁶⁷ Entry amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁶⁸ Entry amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁶⁹ Entry amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁷⁰ Entry amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁷¹ Entry amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁷² Entry amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁷³ Entry amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁷⁴ Entry substituted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁷⁵ Entry inserted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁷⁶ Entry amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁷⁷ Entry amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁷⁸ Entry amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁷⁹ Entry amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁸⁰ Entry amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁸¹ Entry amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁸² Entry amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁸³ Entry amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁸⁴ Entry amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁸⁵ Entry amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁸⁶ Entry amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁸⁷ Entry amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁸⁸ Entry amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁸⁹ Entry amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁹⁰ Entry amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁹¹ Entry amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁹² Entry revoked by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁹³ Entry revoked by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁹⁴ Entry inserted by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁹⁵ Entry amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁹⁶ Entry amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁹⁷ Entry amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁹⁸ Entry amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ²⁹⁹ Entry amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ³⁰⁰ Entry amended by SD2020/0593 with effect from 31/12/2020 at 23:00.
- ³⁰¹ Entry amended by SD2020/0593 with effect from 31/12/2020 at 23:00.

³⁰² Entry amended by SD2020/0593 with effect from 31/12/2020 at 23:00.

³⁰³ Table substituted by SD2023/0152.

³⁰⁴ Sch 4 revoked by SD2020/0593 with effect from 31/12/2020 at 23:00.