

**L.N. 471 of 2004**

**PLANT QUARANTINE ACT, 2001  
(ACT NO. XVIII OF 2001)**

**Control of Potato Cyst Eelworm Regulations, 2004**

IN exercise of the powers conferred by article 32 of the Plant Quarantine Act, 2001, the Minister for Rural Affairs and the Environment has made the following regulations:-

**1.** (1) The title of these regulations is the Control of Potato Cyst Eelworm Regulations, 2004. Title and commencement.

(2) These regulations shall come into force on 15th December, 2004.

**2.** These regulations concern the measures to be taken to control Potato Cyst Eelworm (*Globodera rostochiensis* Woll.) and to prevent it from spreading. Scope.

**3.** In these regulations, unless the context otherwise requires: Interpretation.

“the Act” means the Plant Quarantine Act, 2001;

“the Commission” means the Commission of the European Community;

“the Department” means the Plant Health Department.

**4.** Seed potatoes intended for marketing may be produced only on plots where an official investigation has been carried out and the plots recognised as uncontaminated by potato cyst eelworm. Production of seed potatoes.

**5.** (1) When an occurrence of Potato Cyst Eelworm is recorded, the Department shall mark the boundaries of the contaminated plot. Contaminated plots.

(2) On contaminated plots:

(a) no potatoes may be grown.

(b) no plants intended for transplanting may be grown, stored in the ground or otherwise.

Contaminated seed potatoes.

**6.** Seed potatoes that are contaminated or suspected of being contaminated shall, if they are distributed as seed potatoes, be treated in such manner, to the satisfaction of the Director, that they are no longer contaminated.

Revocation of measures.

**7.** The Director shall revoke the measures taken to control Potato Cyst Eelworm or to prevent it from spreading only if it is no longer found to be present.

Prohibition of holding Potato Cyst Eelworm.

**8.** No person shall hold cultures of Potato Cyst Eelworm.

Exemptions.

**9.** (1) The Director may authorise exemptions from the measures referred to in these regulations for scientific purposes, tests and selection work, provided that such derogations do not prejudice the control of the Potato Cyst Eelworm and create no risk of the spread of this disease, and as long as the requirements laid down under the Plant Quarantine Act, 2001 are met.

Act XVIII of 2001.

(2) The Director may authorise:

(a) by way of derogation from regulation 4(2)(a) the growing on contaminated land of varieties of potato which are resistant to pathotypes of Potato Cyst Eelworm found on the land;

(b) by way of derogation from regulations 4(2)(a) the growing on contaminated land of potatoes other than seed potatoes, provided that such potatoes are to be harvested before the cysts of Potato Cyst Eelworm mature;

(c) by way of derogation from regulations 4(2)(a) the growing on contaminated land of potatoes other than seed potatoes, where the ground has been decontaminated by appropriate means.

(3) The Director shall ensure that the authorisations referred to in sub regulations (1) and (2) of this regulation are granted only where adequate controls guarantee that they do not prejudice the control of Potato Cyst Eelworm and create no risk of the spread of this pest.

**10.** The Director shall communicate to the Commission before the 1st January of each year a list of all the varieties of potato accepted to be marketed locally and which were by official investigation found to be resistant to Potato Cyst Eelworm. The pathotypes to which the varieties are resistant shall also be forwarded to the Commission.

Duty to  
communicate to  
the Commission.

**11.** (1) The Director may adopt such additional or stricter provisions as may be deemed necessary for the control of Potato Cyst Eelworm or to prevent it from spreading.

Additional  
measures.

(2) The Director shall have access to any premises where an activity regulated by these regulations is being carried out, and he shall also have access to all relevant information and records. He may also collect samples of plants, plant products and other objects and carry out any relevant checks thereon.

