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STATUTORY INSTRUMENTS

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**1991 No. 1905 (S.159)**

**PLANT HEALTH**

**The Soft Fruit Plants (Scotland) Order 1991**

*Made* - - - - *21st August 1991*

*Laid before Parliament* *23rd August 1991*

*Coming into force* - - *13th September 1991*

The Secretary of State, in exercise of the powers conferred on him by sections 1(2)(b), 3(1), 3(2), 3(4) and 4(1) of the Plant Health Act 1967((1)), and section 20 of the Agriculture (Miscellaneous Provisions) Act 1972((2)) and of all other powers enabling him in that behalf, with the consent of the Treasury, hereby makes the following Order:

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Soft Fruit Plants (Scotland) Order 1991 and shall come into force on 13th September 1991.

(2) This Order extends to Scotland only.

**Interpretation**

2. In this Order, unless the context otherwise requires—

“agricultural unit” shall have the meaning assigned to that expression in section 86(2) of the Agriculture (Scotland) Act 1948((3));

“approved stock” means any stock which has been approved by the Secretary of State other than certified stock;

“blackcurrant bush” includes cuttings or any part of a blackcurrant bush for planting;

“certificate” means a certificate issued by or on behalf of the Secretary of State under article 4 of this Order in accordance with the requirements of Schedules 1 to 3 to this Order stating, in respect of the plants to which it relates, the particulars specified in Schedule 4 to this Order;

“certified stock” means—

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(1) 1967 c. 8; sections 2(1), 3(1) and (2) and 4(1) were amended by the European Communities Act 1972 (c. 68), section 4(1) and Schedule 4, paragraph 8; and section 3(4) was substituted by the Criminal Justice Act 1982 (c. 48), section 42.  
(2) 1972 c. 62.  
(3) 1948 c. 45.

- (a) in relation to stock produced in Scotland, any plants which are the subject of a certificate issued in accordance with the requirements of Schedules 1 to 3 to this Order; and
- (b) in relation to stock produced outside Scotland, any plants which are the subject of a certificate issued by the authority concerned with the certification of plants in the country or place where the plants were produced;

“inspector” means an officer authorised by the Secretary of State for Scotland;

“plant” means a strawberry plant, a raspberry plant or a blackcurrant bush;

“raspberry” includes *Rubus* hybrids;

“sale” includes possession with a view to sale, offer for sale, exposure for sale and sale of a plant and any agreement between parties—

- (a) under which the property in a plant is transferred from one person to another; or
- (b) under which a plant is made over by one person to another in pursuance of a contract under which the plant will be used for producing further plants,

and “sell” and “sold” shall be construed accordingly;

“strawberry plant” includes runners or any other parts of a strawberry plant for planting but does not include the plant commonly known as “alpine strawberry” or any part of such plant;

“raspberry plant” includes a rooted cane and any other part of a raspberry plant for planting.

### **Restriction on sale of soft fruit plants**

3.—(1) Subject to paragraph (3) of this article, no person shall sell or cause to be sold any plant which does not form part of certified stock or approved stock.

(2) Subject to paragraph (3) of this article, a person who sells any plant shall on or before the sale of the plant issue to the purchaser a statement in writing identifying the certificate relating to the plant or indicating that it forms part of approved stock.

(3) This article shall not apply as respects any sale under and in accordance with the conditions of a licence granted under article 8 of this Order.

### **Certification**

4.—(1) An application for certification of stock in respect of purity and health shall be made in writing to the Secretary of State with such information in such form and in such manner as he may require.

(2) Where the Secretary of State is satisfied, after inspection by an inspector, that a stock meets all of the relevant requirements for certification of that stock prescribed in paragraph (3) of this article, he may issue a certificate to that effect in respect of that stock.

(3) The requirements for the certification of strawberry plants, raspberry plants and blackcurrant bushes are prescribed respectively in Schedules 1, 2 and 3 to this Order.

(4) A certificate issued by or on behalf of the Secretary of State under this article shall contain the particulars specified in Schedule 4 to this Order.

### **Withdrawal of certificate**

5.—(1) The Secretary of State may withdraw any certificate issued under this Order where he is satisfied that—

- (a) the requirements of this Order have not been met in relation to the stock in respect of which the certificate was issued; or

- (b) the conditions under which the certificate has been issued have not been strictly observed.
- (2) Before withdrawing a certificate under the provisions of paragraph (1) of this article the Secretary of State shall—
  - (a) give to the person to whom the certificate was issued written notification of the reasons for the action proposed to be taken by him;
  - (b) afford that person the opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose; and
  - (c) consider the report by a person so appointed and supply a copy of the report to the person to whom the certificate was issued.
- (3) A certificate which is withdrawn by the Secretary of State under this article shall cease to have effect as a valid certificate from the date on which the withdrawal is notified to the person to whom the certificate was issued.

### **Restriction on the planting of raspberry plants**

6. No person shall plant or cause or permit to be planted any raspberry plant unless it forms part of certified stock or approved stock.

### **Powers of entry and examination and sampling**

7. An inspector, on production if so required of his authority, may for any purpose of this Order enter any land or premises at all reasonable times and may examine and take samples of any plants which are on such land or premises.

### **Licences**

8.—(1) Notwithstanding the provisions of this Order, any plant may be sold or planted under and in accordance with the conditions of a licence issued by the Secretary of State.

(2) Any licence issued in accordance with paragraph (1) of this article may be varied or revoked by the Secretary of State as he thinks fit.

### **Fees**

9. Every person to whom a certificate is issued shall pay to the Secretary of State the fee specified in column 2 of Schedule 5 to this Order in respect of any matter specified in column 1 of that Schedule.

### **Procedure when plants are sold or planted in contravention of this Order**

10.—(1) If an inspector has reason to believe that any plant has been sold or planted contrary to the provisions of article 3(1) or article 6 of this Order he may, by notice in writing served on any person in whose charge or possession such plant appears to be, prohibit the planting thereof or the removal thereof from any land or premises specified in the notice, otherwise than in accordance with such conditions as may be so specified and may by such notice require the treatment or destruction thereof or the removal thereof to any other place so specified, in accordance with such conditions as may be specified.

(2) If any person shall fail to comply with the terms of a notice served in accordance with paragraph (1) of this article, then without prejudice to any proceedings under this Order consequent upon such failure, an inspector may enter upon the land or premises at all reasonable times and treat or destroy such plant and the cost of taking such steps shall be recoverable by the Secretary of State as a debt due from the person in default.

### Service of notices

11.—(1) For the purposes of this Order a notice shall be deemed to be served on or given to any person if it is delivered to him personally or left for him at his last known place of abode or business, or sent through the post in a letter addressed to him there.

(2) In the case of a body corporate, a notice may be served on the Secretary or Clerk of that body at the address of the registered or principal office, and in the case of a partnership or firm, be served on a partner or person having the control or management of the partnership or firm at the principal office.

### Information

12.—(1) Every person who has or has had in his possession or under his charge or has sold any plant shall, if so required in writing by the Secretary of State or an inspector, provide the Secretary of State or the inspector, as the case may be, with all such information as may be required, shall produce for inspection any documents relating to the sale or purchase of such plant, and shall permit the Secretary of State or the inspector to take copies or make extracts from any such documents.

(2) Where any information is held in a computer it shall be produced in a form in which it is visible and legible and in which it can be taken away.

### Offences

13. Any person who—

- (a) fails to comply with articles 3, 6, 10(1) or 12 of this Order; or
- (b) fails to comply with the terms of any notice served or licence issued under this Order; or
- (c) obstructs any person in the exercise of his powers under this Order; or
- (d) wilfully or negligently makes any statement for the purpose of this Order which is false in any material particular,

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

### Revocation

14. The Sale of Strawberry Plants and Blackcurrant Bushes (Scotland) Order 1947((4)) is hereby revoked.

St. Andrew's House,  
Edinburgh  
12th August 1991

*Strathclyde*  
Parliamentary Under Secretary of State, Scottish  
Office

We consent,

21st August 1991

*Thomas Sackville*  
*Sydney Chapman*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

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

SCHEDULE 1

Article 4(3)

CERTIFICATION OF STRAWBERRY PLANTS

PART I

FOUNDATION GRADE

1. Strawberry plants of the Foundation grade (F) shall—
  - (a) be derived directly from virus-tested nuclear stock from a source approved by the Secretary of State;
  - (b) be plants which have been kept free from strawberry virus and Red Core disease (*Phytophthora fragariae*) during the propagation period and which have been grown during the said propagation period by a person whose facilities and planting arrangements are acceptable to the Secretary of State;
  - (c) be grown in virus-vector proof conditions throughout the propagation period;
  - (d) be kept completely separate by virus-vector proof material from all plants not eligible for certification;
  - (e) be kept isolated from soil and risk of infection from strawberry Red Core disease and contamination by raspberry Root Rot disease (*Phytophthora megasperma*), Wart Disease of potatoes or Potato Cyst Nematode;
  - (f) be grown in soil free medium;
  - (g) be subject to an effective spray programme to control pests and diseases throughout the propagation period;
  - (h) be inspected twice during the growing season by inspectors;
  - (i) be clearly labelled by variety and clone;
  - (j) be true to type.
2. The standards of purity and health for Foundation grade strawberry plants shall be—

Purity: 100% true to type.

Health: 100% free from pests and diseases.

PART II

SUPER ELITE GRADE

3. Strawberry plants of the Super Elite grade (SE) shall—
  - (a) be derived from stock certified at Foundation grade during the previous growing season;
  - (b) be eligible for certification at Super Elite grade for one generation only;
  - (c) be grown on land which has been inspected and approved by the Secretary of State as suitable for the certification of strawberries at Super Elite grade;
  - (d) be grown in the year entered for certification by a person whose facilities and planting arrangements are acceptable to the Secretary of State;
  - (e) not be grown on land on which strawberry Red Core disease (*Phytophthora fragariae*) or raspberry Root Rot disease (*Phytophthora megasperma*) has been known to occur or be present in the vicinity;

- (f) not be grown on land which is subject to a Notice served or continued under the Plant Health (Great Britain) Order 1987((5)) in respect of infection by Wart Disease of potatoes or Potato Cyst Nematode;
  - (g) not be grown on land on which strawberries have previously been grown;
  - (h) not be subject to any fungicidal treatments for the control of strawberry Red Core disease;
  - (i) not be more than one year old;
  - (j) be grown in the block or strip system with runners trained inwards;
  - (k) be inspected twice during the growing season by inspectors;
  - (l) be kept at all times in the year of certification—
    - (i) at least 4 metres from different varieties of the same generation;
    - (ii) at least 100 metres from strawberry stocks entered for Elite grade certification;
    - (iii) at least 1,000 metres from all other strawberry stocks;
    - (iv) at least 1,000 metres from raspberry stocks infected with soil-borne virus to which the variety entered is susceptible;
  - (m) be de-blossomed before fruits set;
  - (n) be kept free from aphid infestation by a suitable spray programme;
  - (o) not be rogued prior to the first inspection;
  - (p) be rogued subsequent to the first inspection only at the discretion of the inspector;
  - (q) be clearly labelled by variety;
  - (r) be true to type;
  - (s) be kept in a reasonable state of cultivation.
4. The standards of purity and health for Super Elite grade strawberry plants shall be—
- Purity: 100%.
- Health:
- (a) 100% free from strawberry Red Core disease;
  - (b) 100% free from visible symptoms of virus diseases;
  - (c) 100% free from nematode infestation;
  - (d) substantially free from other pests and diseases.

### PART III

#### ELITE GRADE

5. Strawberry plants of the Elite grade (E) shall—
- (a) (i) be stock or derived from stock certified at Super Elite grade or higher during the previous growing season; or
  - (ii) be stock or derived from stock certified at Elite grade during the previous growing season but which was not more than one generation removed from Super Elite grade; or
  - (iii) be any other approved stock;
  - (b) be eligible for certification at Elite grade for two generations only;

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(5) S.I. [1987/1758](#); to which there are amendments not relevant to this Order.

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- (c) not be more than two years old;
  - (d) be grown in the year entered for certification by a person whose facilities and planting arrangements are acceptable to the Secretary of State;
  - (e) not be grown on land on which strawberry Red Core disease (*Phytophthora fragariae*) or raspberry Root Rot disease (*Phytophthora megasperma*) has been known to occur or be present in the vicinity;
  - (f) not be grown on land which is subject to a Notice served or continued under the Plant Health (Great Britain) Order 1987 in respect of infection by Wart Disease of potatoes or Potato Cyst Nematode;
  - (g) not be grown on land which has grown strawberries during the two years immediately prior to planting;
  - (h) not be subject to any fungicidal treatments for the control of strawberry Red Core disease;
  - (i) be grown in the block or strip system with runners trained inwards;
  - (j) be inspected twice during the growing season by inspectors;
  - (k) be kept at all times in the year of certification—
    - (i) at least 4 metres from stocks of the same or other varieties entered for Elite certification;
    - (ii) at least 100 metres from all other strawberry stocks;
    - (iii) at least 100 metres from raspberry stocks infected with soil-borne virus to which the variety entered is susceptible;
  - (l) be de-blossomed before fruits set;
  - (m) be kept free from aphid infestation by a suitable spray programme;
  - (n) not be rogued prior to the first inspection;
  - (o) be rogued subsequent to the first inspection only at the discretion of the inspector;
  - (p) be clearly labelled by variety;
  - (q) be true to type;
  - (r) be kept in a reasonable state of cultivation.
6. The standards of purity and health for Elite grade strawberry plants shall be—
- Purity: 100%
- Health:
- (a) 100% free from strawberry Red Core disease;
  - (b) 100% free from soil-borne virus diseases;
  - (c) 99.5% free from visible symptoms of other virus diseases;
  - (d) 99.5% free from nematode infestation;
  - (e) substantially free from other pests and diseases.

## PART IV

### STANDARD GRADE

7. Strawberry plants of the Standard grade (S) shall—
- (a) (i) be stock or derived from stock, certified at Elite grade or higher during the previous growing season; or



- (ii) be stock derived from stock, certified at Standard grade during the previous growing season but which was not more than one generation removed from Elite grade or higher; or
  - (iii) be any other approved stock;
  - (b) be eligible for certification at Standard grade for two generations only;
  - (c) not be more than two years old;
  - (d) be grown in the year entered for certification by a person whose facilities and planting arrangements are acceptable to the Secretary of State;
  - (e) not be grown on land on which strawberry Red Core disease (*Phytophthora fragariae*) or raspberry Root Rot disease (*Phytophthora megasperma*) has been known to occur or be present in the vicinity;
  - (f) not be grown on land which is subject to a Notice served or continued under the Plant Health (Great Britain) Order 1987 in respect of infection by Wart Disease of potatoes or Potato Cyst Nematode;
  - (g) not be subject to any fungicidal treatments for the control of strawberry Red Core disease;
  - (h) be kept at all times in the year of certification:–
    - (i) at least 2 metres from any other strawberry varieties or plantations;
    - (ii) at least 20 metres from raspberry stocks infected with soil-borne virus disease to which the variety entered is susceptible;
    - (iii) at least 20 metres from any strawberry stock substantially infected with any other visible virus diseases, pests or other diseases;
  - (i) be inspected twice during the growing season by inspectors;
  - (j) be kept free from aphid infestation by a suitable spray programme;
  - (k) be clearly labelled by variety;
  - (l) not be excessively rogued prior to inspection;
  - (m) be true to type;
  - (n) be kept in a reasonable state of cultivation.
- 8.** The standards of purity and health for Standard grade strawberry plants shall be–
- Purity: 99.5%
- Health:
- (a) 100% free from strawberry Red Core disease;
  - (b) 100% free from soil borne virus diseases;
  - (c) 98% free from visible symptoms of other virus diseases;
  - (d) 98% free from nematode infestation;
  - (e) reasonably free from other pests and diseases.

SCHEDULE 2

Article 4(3)

CERTIFICATION OF RASPBERRY PLANTS

PART I

FOUNDATION GRADE

1. Raspberry plants of the Foundation grade (F) shall—
  - (a) be derived directly from virus-tested nuclear stock from a source approved by the Secretary of State;
  - (b) be plants which have been kept free from raspberry virus and raspberry Root Rot disease (*Phytophthora megasperma*) during propagation period and which have been grown during the said propagation period by a person whose facilities and planting arrangements are acceptable to the Secretary of State;
  - (c) be grown in virus-vector proof conditions throughout the propagation period;
  - (d) be kept completely separate by virus-vector proof material from all plants not eligible for certification;
  - (e) be kept isolated from soil and risk of infection from raspberry Root Rot disease, and contamination by strawberry Red Core disease, (*Phytophthora fragariae*), Wart Disease of potatoes or Potato Cyst Nematode;
  - (f) be grown in soil free medium;
  - (g) be subject to an effective spray programme to control pests and diseases throughout the propagation period;
  - (h) be inspected twice during the growing season by inspectors;
  - (i) be clearly labelled by variety and clone;
  - (j) be true to type.
2. The standards of purity and health for Foundation grade raspberry plants shall be—

Purity: 100%

Health: 100% free from pests and diseases.

PART II

SUPER ELITE GRADE

3. Raspberry plants of the Super Elite grade (SE) shall—
  - (a) (i) be derived from stock certified at Foundation grade during season prior to planting;  
or  
(ii) have an unbroken history of certification at Super Elite grade or higher;
  - (b) be eligible for certification at Super Elite grade for four generations only with daughter stocks being treated as part of the parent stock;
  - (c) be grown in spawn-beds not more than four years old;
  - (d) be grown on land which has been inspected and approved by the Secretary of State as suitable for the certification of raspberries at Super Elite grade;

- (e) be grown in the year entered for certification by a person whose facilities and planting arrangements are acceptable to the Secretary of State;
  - (f) not be grown on land on which raspberry Root Rot disease (*Phytophthora megasperma*) or strawberry Red Core disease (*Phytophthora fragariae*) has been known to occur or be present in the vicinity;
  - (g) not be grown on land which is subject to a Notice served or continued under the Plant Health (Great Britain) Order 1987 in respect of inspection by Wart Disease of potatoes or Potato Cyst Nematode;
  - (h) not be grown on land on which raspberries have previously been grown;
  - (i) not be grown on holdings where raspberry fruit production takes place;
  - (j) be grown in spawn-beds with “alleyways” provided at 1.25 metre intervals to facilitate inspection;
  - (k) be inspected twice during the growing season by inspectors;
  - (l) be kept at all times in the year of certification—
    - (i) at least 4 metres from different varieties of the same or other generations eligible for Super Elite certification including daughter stocks;
    - (ii) at least 100 metres from raspberry stocks entered for Elite grade certification;
    - (iii) at least 250 metres from wild raspberries, brambles and other *Rubus* species or varieties;
    - (iv) at least 250 metres from small fruiting plantations of *Rubus* in private gardens;
    - (v) at least 250 metres from raspberry spawn-beds entered for Standard certification;
    - (vi) at least 1,000 metres from commercial fruiting plantations of *Rubus* eg raspberry, bramble or Tayberry;
  - (m) be kept free from flowering canes at all times except in the case of autumn fruiting varieties;
  - (n) be kept free from aphid infestation by a suitable spray programme;
  - (o) not be rogued prior to the first inspection;
  - (p) be rogued subsequent to the first inspection only at the discretion of the inspector;
  - (q) be clearly labelled by variety;
  - (r) be true to type;
  - (s) be kept in a reasonable state of cultivation.
4. The standards of purity and health for Super Elite grade raspberry plants shall be—
- Purity: 100%.
- Health:
- (a) 100% free from raspberry Root Rot disease;
  - (b) 100% free from visible symptoms of virus diseases;
  - (c) substantially free from other pests and diseases.

### PART III

#### ELITE GRADE

5. Raspberry plants of the Elite grade (E) shall—

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- (a) (i) be derived from stock certified at Super Elite grade or higher during the season prior to planting; or
    - (ii) have an unbroken history of certification at Elite grade or higher; or
    - (iii) be any other approved stock;
  - (b) be eligible for certification at Elite grade for four generations only with daughter stocks being treated as part of the parent stock;
  - (c) be grown in spawn-beds not more than four years old;
  - (d) be grown in the year entered for certification by a person whose facilities and planting arrangements are acceptable to the Secretary of State;
  - (e) not be grown on land on which raspberry Root Rot disease (*Phytophthora megasperma*) or strawberry Red Core disease (*Phytophthora fragariae*) has been known to occur or be present in the vicinity;
  - (f) not be grown on land which is subject to a Notice served or continued under the Plant Health (Great Britain) Order 1987 in respect of infection by Wart Disease of potatoes or Potato Cyst Nematode;
  - (g) be grown in spawn-beds with “alleyways” provided at 2.5 metre intervals to facilitate inspection;
  - (h) be inspected twice during the growing season by inspectors;
  - (i) be kept at all times in the year of certification—
    - (i) at least 4 metres from different varieties and stocks eligible for Elite certification including daughter stocks;
    - (ii) at least 100 metres from commercial fruiting plantations of *Rubus* e.g. raspberry, bramble or Tayberry;
    - (iii) at least 100 metres from raspberry spawn-beds entered for Standard certification;
    - (iv) at least 100 metres from wild raspberries, brambles and other *Rubus* species or varieties;
    - (v) at least 100 metres from any strawberry stock infected with soil-borne virus to which the variety entered for inspection is susceptible;
  - (j) be kept free from flowering canes at all times except in the case of autumn fruiting varieties;
  - (k) be kept free from aphid infestation by a suitable spray programme;
  - (l) not be rogued prior to the first inspection;
  - (m) be rogued subsequent to the first inspection only at the discretion of the inspector;
  - (n) be clearly labelled by variety;
  - (o) be true to type;
  - (p) be kept in a reasonable state of cultivation.
6. The standards of purity and health for Elite grade raspberry plants shall be—
- Purity: 100%
- Health:
- (a) 100% free from raspberry Root Rot disease;
  - (b) 100% free from *Rubus* Stunt and soil borne virus diseases;
  - (c) 99.5% free from visible symptoms of other virus diseases;
  - (d) substantially free from other pests and diseases.

## PART IV

### STANDARD GRADE

7. Raspberry plants of the Standard grade (S) shall—
- (a) (i) be derived from stock certified at Elite grade or higher during the season prior to planting; or
  - (ii) have an unbroken history of certification at Standard grade or higher; or
  - (iii) be any other approved stock;
  - (b) be eligible for certification at Standard grade for four years only;
  - (c) be grown in spawn-beds not more than four years old;
  - (d) be grown in the year entered for certification by a person whose facilities and planting arrangements are acceptable to the Secretary of State;
  - (e) not be grown on land on which raspberry Root Rot disease (*Phytophthora megasperma*) or strawberry Red Core disease (*Phytophthora fragariae*) has been known to occur or be present in the vicinity;
  - (f) not be grown on land which is subject to a Notice served or continued under the Plant Health (Great Britain) Order 1987 in respect of infection by Wart Disease of potatoes or Potato Cyst Nematode;
  - (g) be grown in spawn-beds with “alleyways” provided at 2.5 metre intervals to facilitate inspection;
  - (h) be kept at all times in the year of certification—
    - (i) at least 4 metres from any other raspberry stock or plantation;
    - (ii) at least 4 metres from wild raspberries, brambles and other *Rubus* species or varieties;
    - (iii) at least 20 metres from any raspberry stock or other *Rubus* species or variety infected with *Rubus* Stunt;
    - (iv) at least 20 metres from any stock of raspberry or strawberry infected with a soil-borne virus to which the variety entered is susceptible;
    - (v) at least 20 metres from any raspberry stock, wild raspberries, brambles or other *Rubus* species or variety severely infected with any other discernible virus infection;
  - (i) be inspected twice during the growing season by inspectors;
  - (j) be kept free from aphid infestation by a suitable spray programme;
  - (k) be clearly labelled by variety;
  - (l) not be excessively rogued prior to inspection;
  - (m) be true to type;
  - (n) be kept in a reasonable state of cultivation.
8. The standards of purity and health for Standard grade raspberry plants shall be—
- Purity: 99.5%
- Health:
- (a) 100% free from raspberry Root Rot disease;
  - (b) 100% free from *Rubus* Stunt and soil-borne virus diseases;
  - (c) 98% free from visible symptoms of other virus diseases;
  - (d) reasonably free from other pests and diseases.

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SCHEDULE 3

Article 4(3)

CERTIFICATION OF BLACKCURRANT BUSHES

PART I

ELITE GRADE

1. Blackcurrant bushes of the Elite Grade (E) shall—
  - (a) (i) be derived from stocks certified at Elite grade or higher during the previous growing season; or  
(ii) have an unbroken history of certification at Elite grade or higher; or  
(iii) be any other approved stock;
  - (b) be eligible for certification at Elite grade for up to four growing seasons provided the certification history remains unbroken during this period;
  - (c) not be more than 3 years old in the case of bushes for sale or 4 years old in the case of bushes grown for the production of propagation material;
  - (d) be grown in the year entered for certification by a person whose facilities and planting arrangements are acceptable to the Secretary of State;
  - (e) not be grown on land on which strawberry Red Core disease (*Phytophthora fragariae*) or raspberry Root Rot disease (*Phytophthora megasperma*) has been known to occur or be present in the vicinity;
  - (f) not be grown on land which is subject to a Notice served or continued under the Plant Health (Great Britain) Order 1987 in respect of infection by Wart Disease of potatoes or Potato Cyst Nematode;
  - (g) be kept sufficiently spaced to prevent overcrowding and allow each bush to be inspected;
  - (h) be kept at all times in the year of certification—
    - (i) at least 1 metre from different varieties and stocks eligible for Elite certification;
    - (ii) at least 90 metres from all other blackcurrant varieties;
  - (i) be inspected twice during the growing season by inspectors;
  - (j) not be rogued prior to the first inspection;
  - (k) be rogued subsequent to the first inspection only at the discretion of the inspector;
  - (l) be clearly labelled by variety and age of bushes;
  - (m) be true to type;
  - (n) be kept in a reasonable state of cultivation.
2. The standards of purity and health for Elite grade blackcurrant bushes shall be—

Purity: 100%

Health:

  - (a) 100% free from Big Bud Mite, Reversion and other discernible virus diseases;
  - (b) substantially free from American Gooseberry Mildew;
  - (c) substantially free from other pests and diseases.

## PART II

### STANDARD GRADE

3. Blackcurrant bushes of the Standard Grade (S) shall—
- (a) be a recognised commercial variety;
  - (b) be eligible for certification at Standard grade for as long as the stock maintains the standards required for Standard grade;
  - (c) not be more than 3 years old in the case of bushes for sale or 4 years in the case of bushes grown for the production of propagation material;
  - (d) be grown in the year entered for certification by a person whose facilities and planting arrangements are acceptable to the Secretary of State;
  - (e) not be grown on land on which strawberry Red Core disease (*Phytophthora fragariae*) or raspberry Root Rot disease (*Phytophthora megasperma*) has been known to occur or be present in the vicinity;
  - (f) not be grown on land which is subject to a Notice served or continued under the Plant Health (Great Britain) Order 1987 in respect of infection by Wart Disease of potatoes or Potato Cyst Nematode;
  - (g) be kept sufficiently spaced to prevent overcrowding and allow each bush to be inspected;
  - (h) be kept at all times in the year of certification—
    - (i) at least 1 metre from different varieties and stocks of blackcurrants;
    - (ii) at least 50 metres from all other black currant varieties showing symptoms of Reversion or evidence of being, or having been, affected with Big Bud Mite;
  - (i) be inspected twice during the growing season by inspectors;
  - (j) not be excessively rogued prior to inspection;
  - (k) be clearly labelled by variety and age;
  - (l) be true to type;
  - (m) be kept in a reasonable state of cultivation.
4. The standards of purity and health for Standard grade blackcurrant bushes shall be—
- Purity: 99.5%
- Health:
- (a) 99% free from Big Bud Mite, Reversion and other discernible virus diseases;
  - (b) substantially free from American Gooseberry Mildew;
  - (c) reasonably free from other pests and diseases.

### SCHEDULE 4

Article 4(4)

#### PARTICULARS TO BE SPECIFIED IN CERTIFICATE

Name and address of the applicant

Name of the agricultural unit on which the crop was grown

Certificate Number

Grade

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

Date on which certificate was issued  
 Variety of the stock certified  
 Area of the crop or number of plants certified  
 Location (OS Field No.) of the field in which the crop was grown  
 Notes and Qualifications

## SCHEDULE 5

Article 9

## FEES

Column 1 Matter	Column 2 Fee
<b>1.</b> Fee for crop inspection in respect of Strawberry Plants entered for certification at Super Elite, Elite or Standard Grade:	
Up to 0.5 hectare	£82.50
Each additional 0.1 hectare	£16.50
<b>2.</b> Fee for crop inspection in respect of Raspberry Plants entered for certification at Super Elite, Elite or Standard Grade:	
Up to 0.5 hectare	£75.00
Each additional 0.1 hectare	£15.00
<b>3.</b> Fee for crop inspection in respect of Blackcurrant Bushes entered for Elite or Standard Grade:	
Up to 2,000 bushes	£55.00
Each additional 2,000 bushes or part thereof	£10.00
<b>4.</b> Fee for licences issued under article 8:	
Up to 0.5 hectare	£50.00
Each additional 0.1 hectare	£5.00

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order, which applies to Scotland only, revokes and supersedes the Sale of Strawberry Plants and Blackcurrant Bushes (Scotland) Order 1947. Article 3 prohibits the sale of strawberry plants,



raspberry plants and blackcurrant bushes unless they are from stocks which have been certified to the effect that they have been inspected whilst growing and found to confirm to certain standards of purity and health or which have been approved by the Secretary of State.

Article 4 and Schedules 1 to 4 provide for the certification of strawberry plants, raspberry plants and blackcurrant bushes and article 5 provides for the withdrawal of certificates in certain circumstances. Article 6 prohibits the planting of raspberry plants unless they are certified or approved stock. Article 7 confers powers of entry and sampling on an inspector. Article 8 makes provision for the issue of licences by the Secretary of State to meet exceptional cases. Article 9 and Schedule 5 prescribe the fees to be paid by every person to whom a certificate is issued. Article 10 provides for the treatment or destruction of plants sold or planted in contravention of the Order. Articles 11 and 12 provide for certain miscellaneous and ancillary matters. Article 13 creates offences for failing to comply with the terms of the Order punishable on summary conviction with a fine not exceeding level 5 on the standard scale (currently £2,000).