

SUBSIDIARY LEGISLATION 433.05

CONTROL OF SAN JOSÈ SCALE REGULATIONS*

1st April, 2004

LEGAL NOTICE 122 of 2004.

1. The title of these regulations is the Control of San José Scale Regulations. Title.
2. These regulations concern the measures to be taken to control San José Scale (*Quadraspidiotus perniciosus* Comst.) and to prevent it from spreading. Scope.
3. In these regulations, unless the context otherwise requires: Interpretation.
- "the Act" means the Plant Quarantine Act; Cap. 433
- "contaminated plants or fruit" means plants or fruit on which one or more San José Scale insects are found, unless it is confirmed that they are dead;
- "the Department" means the Plant Health Department;
- "nurseries" means plantations in which plants intended for transplanting, multiplying or distributing as individually rooted plants are grown;
- "San José Scale host plants" means plants of the genera *Acer* L., *Cotoneaster* Ehrh., *Crataegus* L., *Cydonia* Mill., *Euonymus* L., *Fagus* L., *Juglans* L., *Ligustrum* L., *Malus* Mill., *Populus* L., *Prunus* L., *Pyrus* L., *Ribes* L., *Rosa* L., *Salix* L., *Sorbus* L., *Syringa* L., *Tilia* L., *Ulmus* L., *Vitis* L..
4. (1) When an occurrence of San José Scale is recorded, the Department shall demarcate the contaminated area and a safety zone large enough to ensure the protection of the surrounding areas. Contaminated areas and safety zones.
- (2) In contaminated areas and safety zones, San José Scale host plants must be appropriately treated to control this pest and to prevent it from spreading.
5. (1) All contaminated plants in nurseries must be destroyed. Measures to be taken.
- (2) All other plants which are contaminated or suspected of being contaminated, and which are growing in a contaminated area, shall be treated in such manner that those plants and the fresh fruit there from are no longer contaminated when moved.
- (3) All rooted San José Scale host plants growing within a contaminated area, and parts of such plants which are intended for multiplication and are produced within that area, may be replanted within the contaminated area or transported away from it only if

*These Regulations have been repealed by Legal Notice 238 of 2022.

	they have not been found to be contaminated and if they have been treated in such manner, to the satisfaction of the Director, that any San José Scale insects which might still be present are destroyed. (4) In any batch of plants (other than those that are rooted in the ground) and fresh fruit within which contamination has been found, the contaminated plants and fruit shall be destroyed, and the other plants and fruit in the batch treated or processed in such manner, to the satisfaction of the Director, that any San José Scale insects which might still be present are destroyed.
Safety zones.	6. In the safety zones San José Scale host plants shall be subjected to official supervision and shall be inspected at least once a year in order to detect any occurrence of San José Scale.
Revocation of measures.	7. The measures taken to control San José Scale or to prevent it from spreading shall be revoked only if San José Scale is no longer found to be present.
Prohibition.	8. The holding of San José Scale is hereby prohibited.
Derogations.	9. (1) The Director may authorise exemptions from the measures referred to in these regulations for scientific and phytosanitary purposes, tests and selection work provided that such derogations do not prejudice the control of San José Scale and create no risk of the spread of this disease, and as long as the requirements laid down in the Plant Quarantine (Harmful Organisms) Regulations are met.
S.L. 433.03	(2) The Director may authorise: (a) by way of derogation from regulation 5(2) and (4), the immediate processing of contaminated fresh fruit; (b) by way of derogation from regulation 5(2) and (4), the movement of contaminated fresh fruit within the contaminated area. (3) The Director shall ensure that the authorisations referred to in subregulations (1) and (2) are granted only where adequate controls guarantee that they do not prejudice the control of San José Scale and create no risk of the spread of this pest.
Enforcement by Director.	10. The Director shall have access to any premises where an activity regulated by these regulations is being carried out and shall 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.
Additional measures.	11. Without prejudice to the provisions of these regulations the Director may adopt such additional or stricter provisions as may be required to control San José Scale or to prevent it from spreading.