

L.N. 122 of 2004**PLANT QUARANTINE ACT, 2001
(ACT NO. XVIII OF 2001)****Control of San Josè Scale 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 San Josè Scale Regulations, 2004. Title and commencement.

(2) These regulations shall come into force on 1st April, 2004.

2. These regulations concern the measures to be taken to control San Josè 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;

“contaminated plants or fruit “ means plants or fruit on which one or more San Josè 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 Josè 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..

Contaminated areas and safety zones.

4. (1) When an occurrence of San Josè Scale is recorded, the Department shall demarcate the contaminated area and a safety zone large enough to ensure the protection of the surrounding areas.

(2) In contaminated areas and safety zones, San Josè Scale host plants must be appropriately treated to control this pest and to prevent it from spreading.

Measures to be taken.

5. (1) All contaminated plants in nurseries must be destroyed.

(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 Josè 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 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 Josè 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 Josè Scale insects which might still be present are destroyed.

Safety zones.

6. In the safety zones San Josè 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 Josè Scale.

Revocation of measures.

7. The measures taken to control San Josè Scale or to prevent it from spreading shall be revoked only if San Josè Scale is no longer found to be present.

Prohibition.

8. The holding of San Josè 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 Josè 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, L.N. 97 of 2004, 2004 are met.

(2) The Director may authorise:

(a) by way of derogation from regulations 5(2) and 5(4) of these regulations, the immediate processing of contaminated fresh fruit;

(b) by way of derogation from regulations 5(2) and 5(4) of these regulations, 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) of this regulation are granted only where adequate controls guarantee that they do not prejudice the control of San Josè Scale and create no risk of the spread of this pest.

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.

Enforcement by
Director.

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 Josè Scale or to prevent it from spreading.

Additional
measures.

