1978 No. 215

SEEDS

The Seed Potatoes Regulations 1978

Made - - - -	10*th February* 1978
Laid before Parliament	28*th February* 1978
Coming into Operation	22*nd March* 1978

The Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly in exercise of the powers conferred on them by section 7(1) of the Seeds Act 1920(**a**) sections 16(1), (1A), (2), (3), (4), (5) and (8) and 36 of the Plant Varieties and Seeds Act 1964(**b**), as amended by section 4(1) of and paragraph 5(1), (2) and (3) of Schedule 4 to the European Communities Act 1972(**c**), and of all other powers enabling them in that behalf, after consultation with representatives of such interests as appear to them to be concerned, hereby make the following regulations:—

Citation and commencement

1. These regulations, which apply to Great Britain, may be cited as the Seed Potatoes Regulations 1978 and except where otherwise provided shall come into operation on 22nd March 1978.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

"the Act" means the Plant Varieties and Seeds Act 1964 as amended by section 4(1) of and Schedule 4 to the European Communities Act 1972;

"authorised officer" means an officer of the Minister or a person authorised by the Minister to execute Part II of the Act;

"basic seed potatoes" has the meaning assigned to that expression by regulation 5(3)(*a*) and (*b*);

"basic seed potatoes certificate" means a certificate issued on certification in accordance with Parts I, II and IV of Schedule 1;

"certificate" means a certificate issued by or on behalf of the Minister or Ministers in accordance with Schedule 1 stating in respect of the seed potatoes to which it relates the particulars specified in Schedule 2;

"certification" in relation to seed potatoes produced in Great Britain means certification in accordance with Schedule 1;

"certified seed potatoes" has the meaning assigned to that expression by regulation 5(3)(*a*) and (*b*);

"certified seed potatoes certificate" means a certificate issued on certification in accordance with Parts I, III and IV of Schedule 1;

"Common Catalogue" means the Common Catalogue of varieties of seed potatoes published in the Official Journal of the European Communities;

"damage" in relation to seed potatoes means damage as a result of frost

(**a**) 1920 c. 54. (**b**) 1964 c. 14. (**c**) 1972 c. 68.

or bruising or arising in any other way particularly if such damage is likely to cause or allow the spread of any disease or pest;

"grade" means—

(*a*) in relation to seed potatoes produced in Great Britain, the grade in which the seed potatoes were placed during the course of certification, and specified in the certificate relating to those potatoes, being, in the case of certified seed potatoes, CC grade and in the case of basic seed potatoes any one of the grades specified in paragraph 2 of Schedule 3; and

(*b*) in relation to seed potatoes produced outside Great Britain, the grade specified in a label or document approved by the authority concerned with certification of seed potatoes in the country or place where the potatoes were produced, being a label affixed to or document contained in the package or container in which the seed potatoes are imported into Great Britain;

and "grading" and "graded" shall be construed accordingly;

"high grade seed potato production region" means Scotland and the area of England specified in the Schedule to the Prevention of Spread of Pests (Seed Potatoes) (Great Britain) Order 1974(**a**);

"marketing" includes the offer for sale, exposure for sale, sale and possession with a view to sale of seed potatoes and any transaction in the course of business—

(*a*) under which the property in seed potatoes is transferred from one person to another; or

(*b*) under which the seed potatoes are made over by one person to another in pursuance of a contract under which the seed potatoes will be used for producing further potatoes;

and "market" and "marketed" shall be construed accordingly;

"the Minister" means as respects England and Wales the Minister of Agriculture Fisheries and Food and as respects Scotland, the Secretary of State; and

"the Ministers" means those Ministers acting jointly;

"National List" means the list of varieties of potatoes published in accordance with the Seeds (National Lists of Varieties) (Regulations) 1973(**b**);

"official document" means a document supplied by or on behalf of the Minister or Ministers, in accordance with Part II of Schedule 4;

"official examination" means an examination carried out by or on behalf of the Minister or Ministers;

"official label" means a label supplied by or on behalf of the Minister or Ministers in accordance with Part I of Schedule 4;

"package or container" means—

(*a*) any bag or sack being new and not exceeding in capacity 50 kg;

(*b*) any package or container (other than a bag or sack) approved by the Minister including any chitting tray, box or crate being new, or which having been previously used for any purpose, has been cleaned and disinfected since being last so used;

(**a**) S.I. 1974/1152. (**b**) S.I. 1973/994.

"potato" means any tuber or part thereof or any plant or part thereof of *Solanum tuberosum* L. or other tuber-forming species or hybrids of *Solanum*;

"premises" includes any land or building other than a private dwelling-house and also includes any vehicle, vessel, aircraft, hovercraft or freight container;

"scheme" means any scheme for the inspection of growing crops of potatoes mentioned in regulation 2(1) of either of the Seed Potatoes Regulations 1963(**a**) or the Seed Potatoes (Scotland) Regulations 1963(**b**);

"seed potatoes produced outside Great Britain" means seed potatoes produced in Belgium, Denmark, Federal Republic of Germany, France, Italy, Luxembourg, Netherlands, Republic of Ireland, Northern Ireland, the Isle of Man, the Channel Islands or any country or place in which seed potatoes are produced in circumstances acceptable to the Ministers;

"size" in relation to seed potatoes means the size of the square mesh of the riddle or gauge through or by which the seed potatoes may be passed or retained;

sizes over 35mm must be stated in multiples of 5mm;

"specified disease or pest" means any disease or pest specified in Groups I to IV inclusive of column 1 of Parts I and II of Schedule 5 and Groups I to III inclusive of column 1 Part III of Scheudule 5.

(2) The Interpretation Act 1889(**c**) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament and as if these regulations were an Act of Parliament and the regulations and licences which cease to have effect in accordance with regulation 3 were Acts of Parliament revoked by an Act of Parliament.

(3) Any reference in these regulations to a numbered regulation or Schedule shall be construed as a reference to the regulation or Schedule bearing that number in these regulations.

(4) Any reference in these regulations to a tolerance in relation to potatoes comprised in a sample shall be construed—

(*a*) in relation to potatoes in the sample affected by a specified disease or pest, damage or any combination of such disease or pest or damage, as a reference to the proportion of the weight of potatoes so affected in relation to the total weight of the sample, expressed as a percentage;

(*b*) in relation to potatoes in the sample affected by dirt or other extraneous matter, as a reference to the proportion of the weight of such matter in relation to the total weight of the sample expressed as a percentage.

Revocations

3. The Seed Potatoes Regulations 1963, the Seed Potatoes (Scotland) Regulations 1963, the Seed Potatoes (Amendment) Regulations 1964(**d**), the Seed Potatoes (Scotland) Amendment Regulations 1964(**e**), the Seed Potatoes Amendment Regulations 1965(**f**), the Seed Potatoes (Scotland) Amendment Regulations 1965(**g**), the Seed Potatoes (Retail Sales) General Licence 1965(**h**), and the Seed Potatoes (Retail Sales) General Licence (Scotland) 1965(**i**), shall

(**a**) S.I. 1963/1374. (**b**) S.I. 1963/1590. (**c**) 1889 c. 63.
(**d**) S.I. 1964/1174. (**e**) S.I. 1964/1223. (**f**) S.I. 1965/1456.
(**g**) S.I. 1965/1470. (**h**) S.I. 1965/1457. (**i**) S.I. 1965/1469.

cease to have effect on 1st July 1978 in relation to seed potatoes being basic seed potatoes or certified seed potatoes and on 1st July 1979 in relation to any other seed potatoes, and they are hereby revoked with effect from 1st July 1979.

Potatoes to which the regulations do not apply

4. Nothing in these regulations shall apply to seed potatoes used or to be used for the purposes of scientific investigation under the authority of the Minister or in the course of a process of selection by or under the supervision of an authorised officer.

Marketing of seed potatoes

5.—(1) No person shall on and after 1st July 1979 market any seed potatoes other than basic seed potatoes or certified seed potatoes.

(2) No person shall on and after 1st July 1978 market any basic seed potatoes or certified seed potatoes—

(*a*) which have been treated with a product which is produced primarily as an application for inhibiting germination; or

(*b*) which are of a size less than 25 millimetres; or

(*c*) as being of a grade superior to that in which those potatoes were graded.

(3) For the purposes of this regulation "basic seed potatoes" and "certified seed potatoes" mean respectively—

(*a*) in relation to seed potatoes produced in Great Britain, seed potatoes in relation to which a basic seed potatoes certificate has been issued in accordance with Parts I, II and IV of Schedule I or, as the case may be, a certified seed potatoes certificate has been issued in accordance with Parts I, III and IV of Schedule I; and

(*b*) in relation to seed potatoes produced outside Great Britain, seed potatoes being a lot or part of a lot imported into Great Britain in a package or container, to or in which a label or document, approved by the authority concerned with certification of seed potatoes in the country or place where the potatoes were produced, has been affixed or placed, stating that on examination of the potatoes they were certified as seed potatoes of a basic category or, as the case may be, of a certified category in that country or place.

Certification of seed potatoes

6.—(1) Application for certification shall be made in writing to the Minister with such information in such form and in such manner as he may require and certification shall be carried out by an authorised officer in accordance with Schedule 1.

(2) The Minister may withdraw a certificate after issue where he is satisfied that the seed potatoes covered by that certificate have not been harvested, stored or prepared for marketing so as to ensure that seed potatoes of one grade or variety are kept separate from seed potatoes of any other grade or variety.

Basic and certified seed potatoes: identity and packing

7. Subject to the provisions of regulation 18 no person shall market basic seed potatoes or certified seed potatoes otherwise than in a lot consisting wholly of either basic seed potatoes or certified seed potatoes of one variety and of one grade;

provided the provisions of this regulation shall be deemed to be complied with if in relation to the lot the tolerance as to varietal purity specified in regulation 14 is not exceeded.

Packages and containers for seed potatoes

8. Subject to regulation 13 no person shall deliver or cause to be delivered any lot of seed potatoes otherwise than in one or more packages or containers in accordance with the provisions of these regulations.

Basic and certified seed potatoes: labelling of packages

9.—(1) Subject to regulation 13 no person shall market a package or container of basic seed potatoes or certified seed potatoes otherwise than in accordance with the requirements of paragraphs (2), (3), (5) and (6) of this regulation and of regulation 11 below;

provided that it shall be lawful to market a package or container of seed potatoes produced outside Great Britain to which there shall be affixed a label, and which contains a document, both approved by the authority concerned with certification of seed potatoes in the country or place where the potatoes were produced except that no such document shall be required where particulars approved by the said authority are indelibly printed on the package or container or on a wear and tear resistant or adhesive label attached to it.

(2) Subject to paragraph (5) below each package or container shall have affixed to the outside an official label on which there shall be correctly stated in relation to the seed potatoes in the package or container the particulars specified in paragraph 4 of Schedule 4.

(3) Each package or container shall contain in the inside an official document on which there shall be stated in relation to the seed potatoes in the package or container the particulars specified in paragraph 7 of Schedule 4; provided that no such official document shall be required where such last mentioned particulars are indelibly printed on the package or container or where the particulars referred to in paragraph (2) above are printed on a wear and tear resistant label attached to it.

(4) Application for official labels and official documents shall be made in writing to the Minister with such information in such form and in such manner as he may require. No person shall, in connection with the issue of an official label or an official document, supply any information which is false in a material respect.

(5) If a package or container shall have been re-sealed by an authorised officer in accordance with regulation 11 the official label or, in the case of seed potatoes produced outside Great Britain, the label referred to in paragraph (1) above shall state—

(*a*) that the package or container has been so re-sealed;

(*b*) the date of re-sealing; and

(*c*) the authority responsible for re-sealing.

(6) Where basic seed potatoes or certified seed potatoes have been treated with any chemical product the nature or the proprietary name of that product shall be stated on a label attached to the package or container and on a document contained in the package or container;

provided that no such document shall be required where such statement is indelibly printed on the package or container or on a wear and tear resistant label attached to it.

(7) No person shall in connection with the marketing or the preparation for the marketing of any seed potatoes except in accordance with the requirements of the Act or of these regulations or of orders made under the Plant Health Act 1967(a), wilfully, reproduce, remove, alter, deface, conceal or misuse in any way any official label or official document, any label affixed or document given in accordance with paragraph (6) of this regulation or any label or document approved by any authority concerned with certification of seed potatoes produced outside Great Britain to be affixed to or contained or to be contained in a package or container of seed potatoes to which any provision of this regulation applies or any particulars or statement printed on such a package or container.

Withholding or withdrawal of official label or official document

10. The Minister may withhold an official label or official document or may withdraw any official label or official document already issued in respect of any lot or any part thereof where he is satisfied that—

(*a*) the seed potatoes comprised in the lot or any part thereof have not been so harvested, stored or prepared for marketing as to ensure that seed potatoes of one grade or variety are kept separate from seed potatoes of any other grade or variety;

(*b*) the lot contains seed potatoes which are of a size less than 25 millimetres;

(*c*) the seed potatoes are not contained in or intended for delivery in a package or container within the meaning assigned to that expression in regulation 2(1);

(*d*) any of the seed potatoes in the lot have been treated with a product which is produced primarily as an application for inhibiting germination;

(*e*) the seed potatoes comprised in the lot on a sample taken exceeded any of the tolerances for diseases or pests, damage and defects specified in the appropriate part of Schedule 5;

(*f*) any official label or official document already issued in respect of the seed potatoes contains any particular which is false in a material respect; or

(*g*) there has been any other failure to comply with these regulations.

Basic and certified seed potatoes: sealing of packages

11.—(1) Subject to regulation 13 and paragraph (2) below, no person shall market a package or container of basic seed potatoes or certified seed potatoes unless it has been sealed with an unbroken sealing device.

(2) Where a sealing device on a package or container is broken, the package or container shall not be re-sealed with a sealing device otherwise than by or under the supervision of an authorised officer.

(a) 1967 c. 8.

(3) For the purposes of this regulation a "sealing device" means a device applied in such a manner to a package or container that when the package or container is opened the device will be broken. An official label with a punched tie hole which is machine stitched into the mouth of a bag does not constitute a "sealing device".

Basic and certified seed potatoes: separate particulars

12. Subject to regulation 13 a person who sells, consigns or delivers basic seed potatoes or certified seed potatoes shall issue to the purchaser not later than 14 days after the sale, or, if the seed potatoes are not delivered at the time of the sale, not later than 14 days after delivery thereof, a sale note, delivery note, invoice or similar document specifying in relation to the seed potatoes so sold, consigned or delivered the particulars specified in Schedule 6.

Retail sales of seed potatoes

13. Regulations 8, 9, 11 and 12 shall not apply to—

(*a*) a sale by retail of a quantity of less than 50 kg of seed potatoes in circumstances where at the time of sale there shall have been displayed conspicuously on or in close proximity to the seed potatoes a statement of the particulars specified in Schedule 6, or

(*b*) a sale by retail of a quantity of less than 50 kg of seed potatoes in new containers upon each of which has been printed, or otherwise legibly and indelibly marked, or attached to or inserted in each of which is a label marked with the particulars specified in Schedule 6.

Tolerances of size and varietal purity

14.—(1) Where the size of the seed potatoes being marketed is stated pursuant to any of the provisions of these regulations, the size of the seed potatoes shall be deemed to be correct if the percentage of the total weight of the potatoes to which the statement refers consisting of potatoes of less than the minimum size stated does not exceed 3% and the percentage of that weight consisting of potatoes greater than the maximum size stated does not exceed 3%.

(2) Where particulars of the variety of seed potatoes being marketed are stated pursuant to any provision of these regulations a tolerance as to varietal purity shall apply to the effect that the particulars shall not be held to be incorrectly stated by reason only that of the total number of potatoes to which the statement refers—

(*a*) in the case of basic seed potatoes, not more than 0.1%; and

(*b*) in the case of certified seed potatoes, not more than 0.2% of such total number consists of potatoes in relation to which any of the particulars so stated do not apply.

Sampling of seed potatoes

15.—(1) A sample of seed potatoes required for the purposes of these regulations shall be taken by an authorised officer in accordance with the provisions of this regulation.

(2) Where a sample is so required in connection with certification of seed potatoes an authorised officer may take a sample of potatoes of such quantity

or number and from such part or parts of the growing crop as he may think expedient.

(3) Where a sample is so required otherwise than as mentioned in paragraph (2) above an authorised officer shall take the sample in accordance with Schedule 7.

Prevention of marketing of sub-standard potatoes and the prevention of spread of disease by marketing of potatoes

16.—(1) Where in the course of any official examination of seed potatoes an authorised officer is satisfied that—

(*a*) in relation to the seed potatoes, any requirement specified in these regulations which in his opinion is capable of having been met at the the time of the examination has not been so met; or

(*b*) the seed potatoes exceed any of the tolerances for diseases or pests, damage and defects specified in the appropriate part of Schedule 5;

the authorised officer may serve a notice on the person in whose possession or charge the potatoes appear to be informing him accordingly and requiring him—

(i) not to move or permit or cause to be moved the seed potatoes specified in the notice from the premises specified in the notice except in accordance with the written consent of an authorised officer; or

(ii) to move or permit or cause to be moved such seed potatoes within the time specified in the notice to such premises as may be so specified and thereafter not to move or permit or cause to be moved the said potatoes from those premises except as aforesaid.

(2) A notice served on a person by an authorised officer under paragraph (1) above may require that person to carry out on such premises at such time, within such period and in accordance with such methods as may be specified in the notice, such measures as may be specified being measures which in the opinion of the authorised officer are necessary to ensure that the requirements specified in these regulations are met or prevent the spread of any of the specified diseases or pests by means of the seed potatoes including in particular but without prejudice to that generality any one or more of the measures specified in Schedule 8.

(3) The measures specified in any notice under paragraph (2) above shall—

(*a*) not be varied except by or in accordance with the written consent of an authorised officer;

(*b*) be carried out to the satisfaction of an authorised officer by and at the expense of the person on whom the notice has been served.

(4) Where in the course of an official examination an authorised officer is of the opinion that any seed potatoes are affected or may, within a period of 14 days beginning with the date of such examination, become affected by any specified disease or pest or damage, the authorised officer may serve on the person in whose possession or charge the potatoes appear to be a notice making any requirement and specifying any measure which may be made or specified under paragraph (2) above;

provided that in any such notice there shall be specified a period not exceeding 14 days beginning with the date of service of the notice during which the potatoes shall not be moved from the premises specified in the notice except in accordance with the written consent of an authorised officer.

(5) Where a notice has been served under paragraph (1) or (4) above and until such time as the requirements of the notice have been complied with to his satisfaction, an authorised officer may remove and retain—

(*a*) any official labels or official documents; or

(*b*) in the case of seed potatoes produced outside Great Britain any labels or documents of the kind referred to in regulation 9(1).

(6) For the purposes of this regulation an authorised officer may in relation to the diseases or pests specified in Groups III and IV of Parts I and II and Group III of Part III of Schedule 5 deem a potato in any such sample not to be affected by disease where in his opinion less than one third of its surface area has been affected and that it has at least 2 eyes at the rose end wholly unaffected by the disease.

Information regarding seed potatoes

17.—(1) Any person who produces basic seed potatoes or certified seed potatoes shall maintain for a period of not less than 2 years records of purchase of seed potatoes for planting and particulars of the crops grown and of the marketing of the produce of those crops.

(2) Any person who markets basic seed potatoes or certified seed potatoes shall maintain for a period of not less than 2 years thereafter a record of his marketing of such seed potatoes.

(3) Any person who produces or markets basic seed potatoes or certified seed potatoes or otherwise has or has had basic seed potatoes or certified seed potatoes in his possession or in his charge shall if so required in writing by an authorised officer give within 7 days any information he may possess as to the person in whose possession or under whose charge they are or have been and shall produce for examination by an authorised officer any declarations, certificates, labels, records or invoices relating to the planting, certification or marketing of seed potatoes;

provided that any information given under this paragraph shall not be available as evidence in any proceedings under these regulations against any person required to give such information except in respect of an alleged failure to comply with this regulation.

Exemptions

18. Notwithstanding any provisions of these regulations, the Minister may exempt any person or class of person, or persons generally, from compliance with any of the requirements of these regulations in respect of seed potatoes subject to such conditions as the Minister may think fit.

Service of notices

19. For the purposes of these regulations—

(*a*) subject to sub-paragraph (*b*) below, 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 abodé or business or sent to him there by recorded delivery service; and

(*b*) a notice shall be deemed to be served on or given to a person being an incorporated body or an unincorporated body if—

(i) in the case of an incorporated body it is delivered or sent by recorded delivery service to the secretary, manager or other similar officer of the body;

(ii) in the case of an unincorporated body it is delivered or sent by recorded delivery service to the secretary, manager or other similar officer of the body or in the case of a partnership any one of the partners.

Extension and modification of provisions of the Act

20.—(1) In connection with the provisions of these regulations the operation of the provisions aftermentioned of the Act shall be modified or excluded in accordance with the provisions of this regulation.

(2) Section 25 shall be modified as if for the purposes of the section any reference to "premises" were a reference to premises as defined in seeds regulations relating to seed potatoes and any reference to a subsection containing a reference to premises were a reference to that subsection as so modified.

(3) Section 25(1) shall be modified as if the reference to subsection (4) of that section were a reference to that subsection as modified by the provision of paragraph (4) below.

(4) In section 25(4) the words from "potatoes" (where it first occurs) to the end shall be omitted.

(5) In section 26 subsections (2), (4), (5), (6), (7), (8) and (9) shall be omitted.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 10th February 1978.

John Silkin,
Minister of Agriculture, Fisheries and Food.

(L.S.)

Bruce Millan,
Secretary of State for Scotland.

6th February 1978.

SCHEDULE 1

Regulations 2(1), 5(3)(a) and 6

CERTIFICATION OF SEED POTATOES

PART I

1. Certification shall consist of an official examination made by an authorised officer and the issue of a certificate of the result of that examination following upon an application for certification made in accordance with regulation 6(1).

2. On receipt of an application for certification of any seed potatoes, an authorised officer shall allocate to the person making such application a number hereinafter in these regulations referred to as "producer's identification number".

3. A certificate may be refused in respect of any such seed potatoes where an authorised officer is not satisfied in respect of any of the following matters—

(*a*) the seed potatoes are of a variety for the time being listed in accordance with the National List or the Common Catalogue and which in the opinion of the Ministers is otherwise acceptable for certification;

(*b*) the seed potatoes are or were grown and stored so as to minimise the risk of contamination by any disease or pest considered by the Minister to be harmful;

(*c*) the land on which the seed potatoes are growing or were grown has not been declared to be land on which wart disease is present under article 5(1) of the Wart Disease of Potatoes (Great Britain) Order 1973(**a**) and has not been deemed in terms of article 5(4) of that order to be part of a safety zone for the purposes of that order;

(*d*) blanking if any in the growing crop of the seed potatoes is or was not excessive;

(*e*) roguing of the growing crop of the seed potatoes has been carried out and the growing crop has not been over-rogued;

(*f*) all reasonable husbandry practices for the prevention of the occurrence, development or spread of pests and diseases have been effectively carried out.

PART II

4.—(1) No basic seed potatoes certificate shall be issued by an authorised officer unless he is satisfied that—

(*a*) (i) the land on which the seed potatoes are growing or were grown is land in respect of which a certificate issued under article 5(1) of the Potato Cyst Eelworm (Great Britain) Order 1973(**b**) was in force at the time of the planting of the crop; provided that if Potato Cyst Eelworm has been found at any time during the period of 12 years immediately preceding the planting of the crop that land shall not have been used for growing potatoes except under a licence issued under article 11 of the above-mentioned order at any time during a period of 11 years immediately preceding the planting of the crop; and

(ii) the land on which the seed potatoes are growing or were grown is land which has not at any time been used for growing potatoes during the period, in the case of a crop graded VTSC of seven years, and in the case of all other crops of five years, immediately preceding the planting of the crop;

(**a**) S.I. 1973/1060. (**b**) S.I. 1973/1059.

(*b*) in the case of seed potatoes grown within the high grade seed potato production region, in the agricultural unit where the seed potatoes are or were grown there are not growing or were not grown, concurrently with the growing of the seed potatoes, potatoes other than potatoes produced directly from grades of basic seed potatoes acceptable to the Minister for this purpose;

(*c*) the seed potatoes have been produced from—

(i) seed potatoes certified under a scheme which, under the terms of that scheme, could be entered for the production of further seed potatoes for certification under that scheme; or

(ii) basic or pre-basic seed potatoes; or

(iii) a crop grown with the authority of or in circumstances acceptable to the Minister; or

(iv) seed potatoes grown elsewhere than in Great Britain and in respect of which an examination acceptable to the Minister has been carried out;

(*d*) the seed potatoes in any one crop are of a single variety;

(*e*) the seed potatoes are taken from a crop which is free from the following diseases or pests:—

Wart Disease (*Synchytrium endobioticum* (Schilb.) Perc.)
Potato Cyst Eelworm (*Globodera* (*Heterodera*) species infesting potatoes)
Ring Rot (*Corynebacterium sepedonicum* (Spiek. & Kotth.) Skapt. & Burkh.)
Brown Rot (*Pseudomonas solanacearum* (E. F. Smith) E. F. Smith)
Potato Tuber Moth (*Phthorimaea* (=*Gnorimoschema*) *operculella* (Zell.))
Potato Spindle Tuber Viroid
Colorado Beetle (*Leptinotarsa decemlineata* (Say))
Potato Tuber Eelworm (*Ditylenchus destructor* Thorne)

(*f*) the seed potatoes are taken from a crop which has been graded in accordance with the provisions of Schedule 3 and in which the presence of diseased potato plants and rogues, ground keepers, undesirable variations, wildings and bolters is ascertained not to exceed the tolerances specified (in relation to the grades described) in Schedule 3.

(2) For the purposes of the preceding sub-paragraph "agricultural unit" shall have the meaning assigned to that expression, in relation to England and Wales in section 109(2) of the Agriculture Act 1947(**a**) and in relation to Scotland in section 86(2) of the Agriculture (Scotland) Act 1948(**b**).

5. Seed potatoes shall not be certified as basic seed potatoes unless the immediately succeeding crop produced therefrom is likely to contain—

(*a*) not more than 0.25% by number of growing plants which deviate from type and variety of which not more than 0.1% will deviate from variety; and

(*b*) not more than 4% by number of growing plants which show symptoms of either severe or mild virus diseases attributable to infection in the mother crop.

PART III

6. No certified seed potatoes certificate shall be issued by an authorised officer in the case of seed potatoes growing or grown in a high grade seed potato production region in any circumstances and in the case of seed potatoes growing or grown otherwise than in such a region unless he is satisfied that in relation to the seed potatoes examined by him—

(*a*) (i) the land on which the seed potatoes are growing or were grown is land in respect of which a certificate issued under article 5(1) of the Potato Cyst Eelworm (Great Britain) Order 1973 was in force at the time of the planting of the crop;

(**a**) 1947 c. 48. (**b**) 1948 c. 45.

(ii) the land on which the seed potatoes are growing or were grown is land which has not at any time during the period of 4 years immediately preceding the planting of that crop been used for growing potatoes;

(*b*) the seed potatoes have been produced from—

(i) seed potatoes certified under a scheme which, under the terms of that scheme, could be entered for the production of further seed potatoes for certification under that scheme; or

(ii) basic seed potatoes; or

(iii) a crop grown with the authority of or in circumstances acceptable to the Minister; or

(iv) seed potatoes grown elsewhere than in Great Britain and in respect of which an examination acceptable to the Minister has been carried out;

(*c*) the seed potatoes in any one crop are of a single variety;

(*d*) the seed potatoes are taken from a crop of seed potatoes free from the following diseases or pests: —

Wart Disease (*Synchytrium endobioticum* (Schilb.) Perc.)
Potato Cyst Eelworm (*Globodera* (*Heterodera*) species infesting potatoes)
Ring Rot (*Corynebacterium sepedonicum* (Spieck. & Kotth.) Skapt & Burkh.)
Brown Rot (*Pseudomonas solanacearum* (E. F. Smith) E. F. Smith)
Potato Tuber Moth (*Phthorimaea* (=*Gnorimoschema*) *operculella* (Zell.))
Potato Spindle Tuber Viroid
Colorado Beetle (*Leptinotarsa decemlineata* (Say))
Potato Tuber Eelworm (*Ditylenchus destructor* Thorne)

and is ascertained not to be affected by any of the diseases specified in column 1 below in excess of the tolerances respectively set out opposite each of these diseases in column 2 below;

Column 1 *Diseases*	*Column* 2 *Individual tolerances*
leafroll severe mosaic (including tobacco veinal necrosis virus infection)	2.0%
mild mosaic	10.0%
blackleg	4.0%

(*e*) the seed potatoes are taken from a crop which on a sample is ascertained not to contain more than 0.5% of rogues, groundkeepers, undesirable variations, wildings and bolters, of which not more than 0.2% shall deviate from variety.

7. Seed potatoes shall not be certified as certified seed potatoes unless the immediately succeeding crop produced therefrom is likely to contain—

(*a*) not more than 0.5% by number of growing plants which deviate from type and variety of which not more than 0.2% will deviate from variety; and

(*b*) not more than 10% by number of the growing plants which show symptoms of severe virus diseases attributable to infection in the mother crop.

8. All certified seed potatoes shall be graded in a grade known as the CC grade.

PART IV

9. For the purposes of this Schedule and Schedule 3 any reference to tolerance in relation to potatoes comprised in a sample shall be construed as a reference to the proportion of the number of plants of potatoes so affected to the total number of plants in the sample expressed as a percentage.

SCHEDULE 2 *Regulation 2(1)*

Particulars to be specified in certificate

Name and address of the applicant
Name of the farm on which the crops were grown
Producer's identification number
Category and grade
Date on which the certificate was issued
Variety of the crops certified
Area of the crops certified
Location (O.S. Field No.) of the field on which the crops were grown

SCHEDULE 3 *Regulation 2(1)*

GRADING OF BASIC SEED POTATOES

1. In the course of certification of any seed potatoes as basic seed potatoes an authorised officer may grade the potatoes as being potatoes of any of the grades specified in column 1 of paragraph 2 below where he is satisfied on a sample that the standards specified in relation to that grade in column 2 of that paragraph have been met and that the tolerances specified in column 3 have not been exceeded in respect of those potatoes and shall state in the certificate the grade in which the potatoes have been so graded.

2.

Column 1 *Grade*	*Column 2* *Requirements*	*Column 3* *Tolerances*
VTSC	the seed potatoes shall (*a*) be grown in a crop extending to not less than 0.1 ha; (*b*) be derived from stem cuttings from selected clones which were propagated under the supervision of an authorised officer for not less than 2 or not more than 4 years and that during the propagation period the potatoes remained free from viruses A, M, S, X, Y, leafroll and tobacco veinal necrosis viruses, and from witches' broom and blackleg; and from rogues and recognisable variations and ground keepers; (*c*) have been grown during the said propagation period and entered for certification by a person whose facilities, test methods, planting arrangements and manner of keeping appropriate records in relation to production of seed potatoes are acceptable to the Minister; (*d*) have been grown during the propagation period and in the year entered for certification in land that has not been used for the growing of potatoes at any time during the preceding 7 years and which has been found	

Column 1 *Grade*	*Column 2* *Requirements*	*Column 3* *Tolerances*
	prior to the planting not to be infested with potato cyst eelworm; and (*e*) have been kept apart at all times during the said propagation period and in the year entered for certification from potatoes not derived from stem cuttings.	
FS1	The seed potatoes shall be seed potatoes derived from a stock which was certified as VTSC in the year preceding the planting of the crop.	(i) varietal impurity and deviation from type—0.05%. (ii) severe mosaic—nil (including tobacco veinal necrosis virus infection). (iii) leafroll—0.01%. (iv) mild mosaic—0.05%. (v) blackleg—0.25%. (vi) witches' broom—0.02%.
FS2	The seed potatoes shall be seed potatoes derived from a stock which was certified as FS1 in the year preceding the planting of the crop.	As for Grade FS1 potatoes.
FS3	The seed potatoes shall be seed potatoes derived from a stock which was certified as FS2 in the year preceding the planting of the crop.	As for Grade FS1 potatoes.
FS4	The seed potatoes shall be seed potatoes derived from a stock which was certified as FS3 in the year preceding the planting of the crop.	As for Grade FS1 potatoes.
SS	The seed potatoes shall be seed potatoes derived from a stock which was certified as any of the grades VTSC, FS1, FS2, FS3, FS4 or SS in the year preceding the planting of the crop.	(i) varietal impurity and deviation from type—0.05%. (ii) leafroll and severe mosaic — (including tobacco veinal necrosis virus infection)—0.02%. (iii) mild mosaic—0.25%. (iv) blackleg—1.0%. (v) witches' broom—0.25%.
AA1	The seed potatoes shall be derived from a stock of basic seed potatoes (other than grades SS and AA) certified as such in the year preceding the planting of the crop, provided that any of the above seed potatoes may also be derived from seed potatoes certified under a scheme or other arrangements referred to in paragraph 4(1)(*c*) (i), (iii) or (iv) of Schedule 1 as being seed	(i) varietal impurity and deviation from type—0.1%. (ii) leafroll—0.25% and severe mosaic—0.25% subject to a combined tolerance of 0.25%. (iii) tobacco veinal necrosis virus infection—nil. (iv) mild mosaic—2%. (v) blackleg—1%. (vi) witches' broom—0.25%.

Column 1 *Grade*	*Column 2* *Requirements*	*Column 3* *Tolerances*
	potatoes which could be entered for the production of further seed potatoes for certification under that scheme;	
AA	The seed potatoes shall be derived from a stock of basic seed potatoes certified as such in the year preceding the planting of the crop, provided that any of the above seed potatoes may also be derived from seed potatoes certified under a scheme or other arrangements referred to in paragraph 4(1)(*c*) (i), (iii) or (iv) of Schedule 1 as being seed potatoes which could be entered for the production of further seed potatoes for certification under that scheme.	(i) varietal impurity and deviation from type—0.1%. (ii) leafroll—0.25%, severe mosaic—0.25% and tobacco veinal necrosis virus infection—0.25% subject to a combined tolerance of 0.25%. (iii) mild mosaic—2%. (iv) blackleg—1%. (v) witches' broom—0.25%.

SCHEDULE 4 *Regulations 2(1) and 9(2)*

PART I

OFFICIAL LABEL

1. An official label affixed or to be affixed to a package or container of basic seed potatoes shall be predominantly white.

2. An official label affixed or to be affixed to a package or container of certified seed potatoes shall be predominantly blue.

3. An official label shall measure not less than 110mm × 67mm and shall have printed on it the words—

"EEC Rules and Standards".

4. An official label shall state the following particulars:—

Member State
Country of production
Producer's identification number
Variety
Basic or certified seed potatoes
Grade
Size
Net weight
Month and year of closing

PART II

OFFICIAL DOCUMENT

5. An official document inserted or to be inserted in a package or container of basic seed potatoes shall be predominantly white.

6. An official document inserted or to be inserted in a package or container of certified seed potatoes shall be predominantly blue.

7. An official document shall state the following particulars—

Producer's identification number
Variety
Basic or certified seed potatoes
Grade

Regulations 2(1), 10(e), 16(1)(b), and 16(6)

SCHEDULE 5

PART I

Specified Diseases or Pests, Damage and Defects and Tolerances—Potatoes other than VTSC grade produced in Great Britain

1. Column 1	Column 2	Column 3	Column 4
Specified Diseases or pests, damage and defects	Individual Tolerances	Group Tolerances	Collective Group Tolerances
GROUP I			
Wart Disease (*Synchytrium endobioticum* (Schilb.) Perc.)	NIL	—	—
Potato Tuber Eelworm (*Ditylenchus destructor* Thorne)	NIL	—	—
Potato Cyst Eelworm (*Globodera* (*Heterodera*) species infesting potatoes)	NIL	—	—
Ring Rot (*Corynebacterium sepedonicum* (Spieck. & Kotth) Skapt. & Burkh) ...	NIL	—	—
Brown Rot (*Pseudomonas solanacearum* (E. F. Smith) E. F. Smith)	NIL	—	—
Potato Tuber Moth (*Phthorimaea* (=*Gnorimoschema*) *operculella* (Zell.))	NIL	—	—
Potato Spindle Tuber Viroid	NIL	—	—
Colorado Beetle (*Leptinotarsa decemlineata* (Say))	NIL	—	—
GROUP II			
Blight (*Phytophthora infestans* (Mont.) de Bary)	1%	1%	6%
Blackleg (*Erwinia carotovora var atroseptica* (Hellmers & Dowson) Dye)	1%		
Soft Rots including Watery Wound Rot (*Pythium ultimum* Trow)			
Pink Rot (*Phytophthera erythroseptica* Pethybridge) and Pit Rot	1%		
Dry Rot (*Fusarium* species)	1%		
Gangrene (*Phoma* species)	1%		
GROUP III			
Skin Spot (*Polyscytalum* (*Oospora*) *pustulans* (Owen & Wakefield) M. B. Ellis)	2%		
GROUP IV		5%	
Black Scurf (*Rhizoctonia solani* Kuhn)	3%		
Common Scab (*Streptomyces* species)	5%		
Powdery Scab (*Spongospora subterranea* (Wallr.) Lagerh.)	3%		
GROUP V			
Frost damaged tubers	1%	3%	
Otherwise damaged or misshapen tubers	3%		
GROUP VI			
Dirt or other extraneous matter ...	2%	2%	

SCHEDULE 5 *Regulations 2(1), 10(e), 16(1)(b), and 16(6)*

PART II

Specified Diseases or Pests, Damage and Defects and Tolerances—VTSC Grade

1. Column 1	Column 2	Column 3	Column 4
Specified Diseases or pests, damage and defects	Individual Tolerances	Group Tolerances	Collective Group Tolerances
GROUP I			
Wart Disease (*Synchytrium endobioticum* (Schilb.) Perc.)	NIL	—	—
Potato Tuber Eelworm (*Ditylenchus destructor* Thorne)	NIL	—	—
Potato Cyst Eelworm (*Globodera* (*Heterodera*) species infesting potatoes)	NIL	—	—
Ring Rot (*Corynebacterium sepedonicum* (Spieck & Kotth.) Skapt & Burkh) ...	NIL	—	—
Brown Rot (*Pseudomonas solanacearum* (E. F. Smith) E. F. Smith)	NIL	—	—
Potato Tuber Moth (*Phthorimaea* (=*Gnorimoschema*) *operculella* (Zell.))	NIL	—	—
Potato Spindle Tuber Viroid	NIL	—	—
Colorado Beetle (*Leptinotarsa decemlineata* (Say))	NIL	—	—
GROUP II			
Blight (*Phytophthora infestans* (Mont.) de Bary)	0.5%	1%	5%
Blackleg (*Erwinia carotovora var atroseptica* (Hellmers & Dowson) Dye) ...	NIL		
Soft Rots including:			
Watery Wound Rot (*Pythium ultimum* Trow)			
Pink Rot (*Phytophthora erythroseptica* Pethybridge) and Pit Rot	0.5%		
Dry Rot (*Fusarium* species)	0.5%		
Gangrene (*Phoma* species)	0.5%		
GROUP III			
Skin Spot (*Polyscytalum* (*Oospora*) *pustulans* (Owen & Wakefield) M. B. Ellis)	0.5%	5%	
GROUP IV			
Black Scurf (*Rhizoctonia solani* Kuhn)...	1.5%		
Common Scab (*Streptomyces* species)...	5%		
Powdery Scab (*Spongospora subterranea* (Wallr.) Lagerh.)	1.5%		
GROUP V			
Frost damaged tubers	1%	3%	
Otherwise damaged or misshapen tubers	3%		
GROUP VI			
Dirt or other extraneous matter ...	2%	2%	

Regulations 2(1), 10(e), 16(1)(b), and 16(6)

SCHEDULE 5

PART III

Specified Diseases or Pests, Damage and Defects and Tolerances—Potatoes other than VTSC grade produced outside Great Britain

1. Column 1	Column 2	Column 3	Column 4
Specified Diseases or pests, damage and defects	Individual Tolerances	Group Tolerances	Collective Group Tolerances
GROUP I			
Wart Disease (*Synchytrium endobioticum* (Schilb.) Perc.)	NIL	—	—
Potato Tuber Eelworm (*Ditylenchus destructor* Thorne)	NIL	—	—
Potato Cyst Eelworm (*Globodera* (*Heterodera*) species infesting potatoes)	NIL	—	—
Ring Rot (*Corynebacterium sepedonicum* (Spieck & Kotth.) Skapt. & Burkh.)	NIL	—	—
Brown Rot (*Pseudomonas solanacearum* (E. F. Smith) E. F. Smith)	NIL	—	—
Potato Tuber Moth (*Phthorimaea* (=*Gnorimoschema*) *operculella* (Zell.))	NIL	—	—
Potato Spindle Tuber Viroid	NIL	—	—
Colorado Beetle (*Leptinotarsa decemlineata* (Say))	NIL	—	—
GROUP II			
Blight (*Phytophthora infestans* (Mont.) de Bary)	1%		
Blackleg (*Erwinia carotovora var atroseptica* (Hellmers & Dowson) Dye)	1%		
Soft Rots including:			
Watery Wound Rot (*Pythium ultimum* Trow)		1%	
Pink Rot (*Phytophthora erythroseptica* Pethybridge) and Pit Rot	1%		6%
Dry Rot (*Fusarium* species)	1%		
Gangrene (*Phoma* species)	1%		
GROUP III			
Common Scab (*Streptomyces* species) ...	5%	5%	
GROUP IV			
External blemishes eg; damaged or misshapen tubers	3%	3%	
GROUP V			
Dirt or other extraneous matter ...	2%	2%	

SCHEDULE 6

Regulations 12, 13(a) and (b)

Particulars to be specified in a sale note, etc.

Name and address of the seller
Quantity
Variety
Basic or certified seed potatoes
Grade
Size
Producer's identification number
Particulars of any chemical treatment

SCHEDULE 7

Regulation 15(3)

Sampling

1. If the bulk consists of seed potatoes (*a*) comprising more than one consignment, or (*b*) associated with more than one certificate in accordance with these Regulations, it shall be divided so that each consignment or, as the case may be, the quantity of potatoes associated with each such certificate constitutes a separate lot and each lot shall be separately sampled.

2. Where the total quantity of the seed potatoes being sampled separately does not exceed 50 kg all the potatoes shall be examined.

3. Where the said total quantity exceeds 50 kg there shall be examined all the seed potatoes in a sample, the said sample being selected as follows:—

(*a*) Seed potatoes packed in packages or containers (other than sacks or bags) of 50 kg or less or in sacks and bags. From lots not exceeding 5 tonnes at least one package or container in twenty shall be selected at random, the sample so selected being not less than 50 kg. From lots exceeding 5 tonnes a sample of at least 250 kg shall be selected at random.

(*b*) Seed potatoes packed in packages or containers (other than sacks or bags) of more than 50 kg or unpacked. From lots not exceeding 5 tonnes at least one-twentieth of the weight of the lot shall be selected at random, the sample to be selected being not less than 50 kg. From lots exceeding 5 tonnes a sample of at least 250 kg shall be selected at random.

SCHEDULE 8

Regulation 16(2)

Measures to prevent spread of specified diseases or pests by means of seed—

(*a*) the dressing or redressing of the seed potatoes;

(*b*) the replacing of the seed potatoes in a different package or container;

(*c*) the destruction of any packages or containers which appear to have been in contact with seed potatoes affected by any specified disease;

(*d*) the destruction of such potatoes as are specified in the notice;

(*e*) the cleaning and disinfection of such premises and equipment as are specified in the notice;

(*f*) the disinfection of such potatoes as are specified in the notice and as are on such premises as may be specified.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations are made under the Plant Varieties and Seeds Act 1964 as amended by the European Communities Act 1972. They replace the Seed Potatoes Regulations 1963 and the Seed Potatoes (Scotland) Regulations 1963 which are revoked, and voluntary schemes which have been wound up.

They regulate the marketing of seed potatoes in Great Britain, but exclude seed potatoes used in scientific investigation or selection processes.

Seed potatoes may be marketed only if they are "basic" or "certified" seed potatoes as defined in the Regulations and, with certain exceptions, sold in sealed packages or containers labelled with prescribed particulars. There is provision for the taking of samples for verification of standards and for the enforcement of the Regulations. Tampering with labels prescribed by the Regulations will constitute an offence.

Schedules to the Regulations include details of the certification process and the requirements to be met and standards to be attained for the purpose of certification. They also list the particulars to appear on labels on packages and containers of seed potatoes and lay down procedures for the taking of samples.

The Regulations give effect to Directive 66/403/EEC of the Council of the European Economic Community (O.J. No. 125, 11.7.66) as amended by Directives 69/62/EEC (O.J. No. L48), 71/162/EEC (O.J. No. L87), 72/274/EEC (O.J. No. L171) 72/418/EEC (O.J. No. L287) and 73/438/EEC (O.J. No. L356) on the marketing of seed potatoes.

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