STATUTORY INSTRUMENTS

1963 No. 1590 (S. 75)

SEEDS

The Seed Potatoes (Scotland) Regulations 1963

Made - - - -	*18th September* 1963
Laid before Parliament	*26th September* 1963
Coming into Operation	*15th November* 1963

In exercise of the powers conferred upon me by section 7 of the Seeds Act 1920(a), as amended and extended by section 24 of the Agriculture (Miscellaneous Provisions) Act 1963(b) and of all other powers enabling me in that behalf, and after consultation with representatives of the interests concerned, I hereby make the following regulations:—

Citation and Commencement

1. These regulations, which may be cited as the Seed Potatoes (Scotland) Regulations 1963, shall come into operation on 15th November 1963.

Interpretation

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

"the Act" means the Seeds Act 1920;

"class" means, in relation to any seed potatoes, the name of the class, whether Certified (Scotch), Certified (Northern Ireland), Certified (Republic of Ireland), Certified (English), Certified (Welsh), Certified (Isle of Man), Uncertified (English once-grown), Uncertified (Welsh once-grown), Uncertified (Scotch), Uncertified (English) or Uncertified (Welsh), appropriate to those potatoes;

"Certified (Scotch)", "Certified (Northern Ireland)", "Certified (Republic of Ireland)", "Certified (English)", "Certified (Welsh)" and "Certified (Isle of Man)" mean respectively seed potatoes obtained from crops grown in Scotland, Northern Ireland, the Republic of Ireland, England, Wales or the Isle of Man, which crops were certified under a scheme for the inspection of growing crops of potatoes authorised by the Secretary of State for Scotland, the Ministry of Agriculture for Northern Ireland, the Minister for Agriculture for the Republic of Ireland, the Minister of Agriculture, Fisheries and Food (as to England and Wales) or the Isle of Man Board of Agriculture and Fisheries, as the case may be, which is for the time being in force; "certificate" means a certificate under one of such schemes and "certified" and "uncertified" mean respectively certified and not certified under one of such schemes;

"Uncertified (English once-grown)" and "Uncertified (Welsh once-grown)" mean respectively seed potatoes obtained from crops grown in England and in Wales, which crops were not certified but were grown from seed potatoes of one of the classes defined in the last foregoing paragraph produced in the preceding year;

"Uncertified (Scotch)", "Uncertified (English)", and "Uncertified (Welsh)" mean respectively seed potatoes obtained from crops grown in

(a) 10 & 11 Geo. 5. c. 54. (b) 1963 c. 11.

Scotland, in England and in Wales and not falling within any of the definitions in the two preceding paragraphs;

"container" means anything capable of containing seed potatoes and includes a bag, sack, chitting tray, slatted box and slatted crate;

"delivery" means delivery in pursuance of a sale;

"grade" means the grade in which the crop from which the seed potatoes were obtained was placed at the time when it was certified;

"officially allocated", in relation to any certified seed potatoes, means allocated pursuant to the scheme under which they were certified;

"size and dressing" means the sizes of the mesh of the riddles (exclusive of the thickness of the wire) through and by which, respectively, the seed potatoes may be passed and retained.

(2) The Interpretation Act 1889(a) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Amendment of the Seeds (Scotland) Regulations 1961

3. The Seeds (Scotland) Regulations 1961(b) are hereby amended by omitting—

(*a*) In Regulation 5(1), the words "or seed potatoes" wherever they occur and the concluding words "and, as regards seed potatoes, such particulars as are set out in Part III of the said Second Schedule";

(*b*) Regulation 5(2);

(*c*) Regulation 7(2);

(*d*) In Regulation 9, the words "or seed potatoes";

(*e*) Part III of Schedule 2; and

(*f*) Part II of Schedule 8.

Seed Potatoes to which the regulations apply

4. These regulations shall only apply to, or in respect of, seed potatoes which were or have been cleaned and dressed for the purpose of sale.

Sacks and Containers for Seed Potatoes

5. Seed potatoes may be delivered to a purchaser only if they are contained in—

(*a*) new bags or sacks of a capacity not exceeding one hundredweight of seed potatoes each;

(*b*) new containers, other than bags or sacks, of a like capacity;

(*c*) chitting trays which, if they have previously been used to contain potatoes, have been cleaned, disinfected or fumigated since they were last so used;

(*d*) slatted boxes or slatted crates which have a maximum capacity of 10 hundredweight of seed potatoes each and which, if they have previously been used to contain potatoes, have been cleaned, disinfected or fumigated since they were last so used;

or, by agreement between the seller and the purchaser, but not otherwise, in

(*e*) 1st Selection twill or hessian bags or sacks each of a quality of not less than 10 oz./40 in. and of a capacity not exceeding one hundredweight of seed potatoes, being bags or sacks which have not previously contained potatoes and which, if they have previously been used to contain something other than potatoes, have been cleaned and reconditioned since they were last so used.

(a) 52 & 53 Vict. c. 63. (b) S.I. 1961/274 (1961 I, p. 446)

Labelling of Containers

6.—(1) Where in accordance with these regulations a label is to be attached to a container—

(i) it shall either be firmly attached to the outside of the container or otherwise be affixed to the container in such a way that the particulars on the label shall be readily and clearly visible from the outside of the container;

(ii) it shall be made of such material or be so protected as to be resistant to the effects of the weather; and

(iii) it shall be of a length not exceeding 4¼ inches and of a width not exceeding 2¼ inches.

(2) The particulars required by these regulations to be marked on a label shall be so marked by being printed in type of a size not less than 8 point type or otherwise marked legibly and indelibly in letters and figures of a like size.

CERTIFIED SEED POTATOES

Particulars accompanying certified seed potatoes on sales other than retail sales of less than one hundredweight

7.—(1) The following paragraphs of this regulation shall apply in the case of every sale otherwise than by retail of certified seed potatoes and of every sale by retail of a quantity of one hundredweight or more of certified seed potatoes.

(2) Subject to paragraph (5) of this regulation on the delivery of seed potatoes each of their containers shall have attached to it a label marked with the following particulars or, alternatively, in the case of containers, (not being chitting trays, slatted boxes or slatted crates) shall have inserted in it a label marked with the following particulars or be indelibly marked in letters and figures of at least 2 inches in height with such particulars, namely—

(*a*) the officially allocated number identifying the farm or land on which the seed potatoes were grown or the crop from which they were obtained; and

(*b*) the name and address of or a mark sufficiently identifying the person (not being the grower of the seed potatoes or a person acting on his behalf) by whom or on whose behalf the seed potatoes were first placed in containers after being prepared for sale.

(3) Subject to paragraphs (4) and (5) of this regulation on the delivery of seed potatoes each of their containers (not being chitting trays, slatted boxes or slatted crates) shall be indelibly marked in letters and figures of at least 2 inches in height with, and each of their chitting trays, slatted boxes or slatted crates shall have attached to it a label marked with the following particulars, namely—

(*a*) the variety of the seed potatoes;

(*b*) the class of the seed potatoes;

provided that where particulars of the class of the seed potatoes are marked on a container in a language other than English this requirement shall be deemed to be satisfied if such particulars are marked in English on a label attached to the container;

(*c*) the grade of the seed potatoes; and

(*d*) the size and dressing of the seed potatoes:

provided that in the case of the delivery of seed potatoes before 1st July 1964 in containers (not being chitting trays, slatted boxes or slatted crates)

the particulars mentioned in sub-paragraphs (*a*) to (*d*) of this paragraph may be marked on a label attached to each of the containers instead of being marked thereon.

(4) On the delivery of seed potatoes in 1st Selection twill or hessian bags or sacks, as described in Regulation 5(*e*) of these regulations, the particulars referred to in paragraph (3) of this regulation may be marked on a label attached to the bag or sack.

(3) On the delivery of seed potatoes in chitting trays, slatted boxes or slatted crates the particulars to be given in accordance with the requirements of this regulation may, instead of being given on a label attached to the container, be given at the time of delivery in some other manner agreed between the seller and the purchaser.

Particulars accompanying certified seed potatoes on retail sales of less than one hundredweight

8. On the delivery in pursuance of a sale by retail of a quantity of less than one hundredweight of certified seed potatoes, which were packed in advance ready for retail sale, each of the containers shall either have attached to it, or inserted in it, a label marked with the particulars specified in paragraphs (2)(*a*) and (3)(*a*) to (*d*) of Regulation 7 of these regulations or itself be indelibly marked with such particulars:

Provided that this regulation shall not apply where the potatoes were packed as aforesaid by the seller and are delivered to the purchaser on the premises where the sale takes place.

UNCERTIFIED SEED POTATOES

Particulars accompanying uncertified seed potatoes on sales other than retail sales of less than one hundredweight

9.—(1) The following paragraphs of this regulation shall apply in the case of every sale otherwise than by retail of uncertified seed potatoes and of every sale by retail of a quantity of one hundredweight or more of uncertified seed potatoes.

(2) On the delivery of seed potatoes each of their containers (not being chitting trays, slatted boxes or slatted crates) shall either have attached to it or inserted in it a label marked with, or be indelibly marked in letters and figures of at least 2 inches in height with, the name and address of or a mark sufficiently identifying the person by whom or on whose behalf the seed potatoes were first placed in containers after being prepared for sale.

(3) On the delivery of seed potatoes each of their containers (not being chitting trays, slatted boxes or slatted crates) shall either have attached to it a label marked with, or be indelibly marked in letters and figures of at least 2 inches in height with, the following particulars, namely—

(*a*) the variety of the seed potatoes;

(*b*) the class of the seed potatoes; and

(*c*) the size and dressing of the seed potatoes.

(4) On the delivery of seed potatoes in chitting trays, slatted boxes or slatted crates each of the containers shall have attached to it a label marked with the particulars specified in paragraph (3)(*a*) to (*c*) of this regulation unless such particulars are given at the time of delivery in some other manner agreed between the seller and the purchaser.

Particulars accompanying uncertified seed potatoes on retail sales of less than one hundredweight

10. On the delivery in pursuance of a sale by retail of a quantity of less than one hundredweight of uncertified seed potatoes, which were packed in advance ready for retail sale, each of the containers shall either have attached to it, or inserted in it, a label marked with the particulars specified in paragraphs (2) and (3)(*a*) to (*c*) of Regulation 9 of these regulations or itself be indelibly marked with such particulars:

Provided that this regulation shall not apply where the potatoes were packed as aforesaid by the seller and are delivered to the purchaser on the premises where the sale takes place.

ALL SEED POTATOES

Separate particulars to be given on or after Sales of Seed Potatoes

11.—(1) Subject to paragraph (3) of this regulation, the seller of seed potatoes shall, not later than 10 days after the sale or, if the seed potatoes are not delivered at the time of the sale, not later than 10 days after the delivery thereof, deliver to the purchaser a sale note, delivery note, invoice or other document containing the following particulars, namely—

(*a*) the name and address of the seller;

(*b*) the variety of the seed potatoes;

(*c*) the class of the seed potatoes;

(*d*) the size and dressing of the seed potatoes; and

(*e*) where the seed potatoes have been treated with a liquid or powder to control pests or diseases, or have been otherwise treated for that purpose, or have been treated with a sprout depressant, a statement of—

(i) the nature or the proprietary name of the liquid or powder;

(ii) the nature of the other treatment to control pests or diseases and the purpose for which it has been applied; or

(iii) the fact that the seed potatoes have been treated with a sprout depressant, and the nature or the proprietary name thereof,

as the case may be.

(2) In the case of a sale of certified seed potatoes the seller shall in addition to and together with the particulars to be delivered to the purchaser in accordance with the last foregoing paragraph, deliver to the purchaser particulars of—

(*a*) the grade of the seed potatoes; and

(*b*) (i) the reference letters and number of the relevant certificate; or

(ii) the officially allocated number identifying the farm or land on which the seed potatoes were grown or the crop from which they were obtained:

Provided that where the particulars referred to in sub-paragraph (*b*) of this paragraph are marked on a label attached to or are indelibly marked on each container of the seed potatoes then the requirements of said sub-paragraph (*b*) shall be deemed to be sufficiently complied with if that fact is clearly stated in lieu of stating the said particulars.

(3) Paragraphs (1) and (2) of this regulation shall not apply to—

(*a*) a sale by retail of a quantity of less than one hundredweight 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, as the case may be, a statement of the particulars referred to in paragraph (1)(*a*) to (*e*) inclusive of this regulation and also in the case of certified seed potatoes, of the particulars referred to in paragraph (2)(*a*) and (*b*) of this regulation together with a statement that any or all of the aforesaid particulars will be supplied in writing on request made at the time of sale, and where in compliance with a request for any or all of the aforesaid particulars made at the time of sale, there shall have been delivered to the purchaser forthwith a statement in writing containing such of the particulars as are requested;

(*b*) a sale by retail of a quantity of less than one hundredweight 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 referred to in paragraph (1)(*a*) to (*e*) inclusive of this regulation and also, in the case of certified seed potatoes, with the particulars referred to in paragraph (2)(*a*) and (*b*) of this regulation.

Size, Dressing and Variety

12.—(1) Where particulars of the size and dressing of seed potatoes are stated pursuant to any provision of these regulations they shall not be deemed to be incorrectly stated if the weight of seed potatoes not of the size and dressing stated does not exceed 4 pounds per hundredweight of the seed potatoes to which the statement refers.

(2) Where seed potatoes are sold as grown and are stated to be "as grown" it shall be a sufficient compliance with any provision of these regulations that requires particulars of the size and dressing to be stated if the size of the mesh of the riddle by which the seed potatoes may be retained is stated.

(3) Where particulars of the variety of seed potatoes are stated pursuant to any provision of these regulations they shall not be deemed to be incorrectly stated if the statement is true, in the case of certified seed potatoes, in respect of 98·5% of the seed potatoes and, in the case of uncertified seed potatoes, in respect of 97% of the seed potatoes.

(4) Where seed potatoes are of mixed varieties it shall be a sufficient compliance with any provision of these regulations that requires the variety to be stated if it is stated that the potatoes are of mixed varieties.

Sampling

13.—(1) A sample or examination of seed potatoes for the purposes of the Act shall be taken or made in the manner prescribed by this regulation.

(2) If the bulk consists of seed potatoes associated with more than one mark or certificate number, it shall be divided so that the seed potatoes associated with each mark or certificate number constitutes a separate lot and each lot shall be separately sampled.

(3) For the purpose of testing a statement of the size and dressing of the seed potatoes, where the total quantity to which the statement relates does not exceed 28 pounds, all the seed potatoes shall be examined. Where the total quantity to which the statement relates exceeds 28 pounds, all the seed potatoes in a sample shall be examined, the said sample being selected as follows:—

(*a*) from lots not exceeding 5 tons, at least one bag or container in twenty shall be selected at random and in any case not less than 28 pounds;

(*b*) from lots exceeding 5 tons, at least 5 hundredweight shall be selected at random.

(4) For the purpose of testing a statement of the variety of the seed potatoes there shall be selected at random not less than 100 of the seed potatoes to which the statement relates.

Licences

14. A licence granted under section 1(7) of the Act exempting any person from compliance with the requirements of the said section as respects any sale or any exposure for sale of seed potatoes may be granted in any case where the Secretary of State is satisfied that the circumstances connected with the sale or exposure for sale are such that compliance with the provisions of section 1 of the Act, either generally or in a particular respect, cannot reasonably be enforced and that an exemption should be granted so as to apply either generally to all persons or to a particular person and either as regards all the provisions of the said section 1 or any of those provisions, and in any case, subject to any conditions which may be specified in the licence.

Michael Noble,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
18th September 1963.

EXPLANATORY NOTE

(*This Note is not part of the Regulations, but is intended to indicate their general purport.*)

These regulations are made in exercise of powers given to the Secretary of State by the Seeds Act 1920 as extended by section 24 of the Agriculture (Miscellaneous Provisions) Act 1963. The references to seed potatoes in the Seeds (Scotland) Regulations 1961 have been deleted by amendment and are substituted by the provisions of these regulations. The regulations make provision regarding the sacks and containers in which seed potatoes may be sold and prescribe the particulars which are to be given to purchasers and the manner in which they are to be given or otherwise brought to the notice of purchasers. They also prescribe the manner in which samples are to be taken and provide for licences giving exemption in certain circumstances from the obligation to give particulars.