

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2000 No. 201**

**The Seed Potatoes (Scotland) Regulations 2000**

**PART IV**

**GENERAL**

**Sampling of seed potatoes**

**16.**—(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 classification 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 or harvested crop as he may think expedient.

(3) Where a sample is so required otherwise than as mentioned in paragraph (2) of this regulation an authorised officer shall take the sample in accordance with Schedule 9.

**Information regarding seed potatoes**

**17.**—(1) Any person who produces pre-basic seed potatoes or basic 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 these crops.

(2) Any person who markets pre-basic seed potatoes or basic 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 pre-basic seed potatoes or basic seed potatoes or otherwise has or has had pre-basic seed potatoes or basic 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, classification or marketing of seed potatoes.

**Service of notices**

**18.**—(1) For the purposes of these Regulations, a notice shall be deemed to have been served on 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) A notice may—

- (a) in case of a body corporate, be served on the secretary or clerk of that body at the address of the registered or principal office of that body; and
- (b) in the case of a partnership, be served on the firm at the principal office of the partnership.

## Exemptions

19. Notwithstanding any provisions of these Regulations, the Scottish Ministers 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 Scottish Ministers may think fit.

## Consequential Amendment to Plant Health Order 1993

20. For article 18(4) (miscellaneous provisions for certain solanaceous species) of the Plant Health Order 1993(1)there is substituted—

“(4) No person shall plant, or knowingly cause or permit to be planted, in Scotland, potatoes other than—

- (a) potatoes which may be marketed in Scotland under the Seed Potatoes (Scotland) Regulations 2000; or
- (b) one year’s direct progeny of such potatoes, where that direct progeny has been grown by that person.

Persons involved in the planting of potatoes in Scotland shall retain and make available to an authorised officer documentation specified in paragraph (5).”.

## Extension and modification of provisions of the Act

21.—(1) In connection with the provisions of these Regulations the operation of the provisions of sections 25 and 26 of the Act shall be modified or, as the case may be, excluded in accordance with the provisions of this regulation.

(2) Section 25(2) of the Act (powers of entry) shall be modified as if for the purposes of that section any reference to “premises” were a reference to premises as defined in these 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) of the Act shall be modified as if the reference to subsection (4) of that section were a reference to that subsection as modified by paragraph (4) of this regulation.

(4) In section 25(4) of the Act the words after “potatoes” (where it first occurs) to the end shall be omitted.

(5) In section 26 of the Act (use of samples in criminal proceedings) subsections (2), (4), (5), (6), (7), (8) and (9) shall be omitted.

## Revocations and savings

22.—(1) The Regulations specified in Schedule 10 to these Regulations are revoked.

(2) Any classification or grading in Scotland of seed potatoes undertaken under regulations 7 or 7A of the 1991 Regulations and any application for classification made or certificate of classification issued in Scotland in pursuance of those Regulations shall be deemed to be undertaken, made or, as the case may be issued under and in accordance with these Regulations.

(3) Any official label or document issued in respect of an application under regulation 11(4) of the 1991 Regulations in relation to seed potatoes produced in Scotland shall be deemed to be an official label within the meaning of these Regulations.

---

(1) 1993/1320; to which there are amendments not relevant to these Regulations.

(2) Section 25 was amended by the European Communities Act 1972 (c. 68), Schedule 3, Part III and Schedule 4, paragraph 5; Criminal Justice Act 1982 (c. 48), Schedule 6, paragraph 16.

---

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

---