
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 201

The Seed Potatoes (Scotland) Regulations 2000

PART III

MARKETING AND LABELLING OF SEED POTATOES

Marketing of seed potatoes

- 8.**—(1) No person shall market any seed potatoes other than—
- (a) pre-basic seed potatoes; or
 - (b) basic seed potatoes of a Community grade.
- (2) No person shall market seed potatoes—
- (a) as being of a class superior to that in which they were classified;
 - (b) otherwise than in a lot consisting wholly of seed potatoes of that class;
 - (c) otherwise than in a lot which meets the requirements as to varietal purity and size specified in Schedule 4 in relation to a lot of seed potatoes of that class;
 - (d) which have been treated with a product which is produced primarily as an application for inhibiting germination; or
 - (e) otherwise than in—
 - (i) a new package or container; or
 - (ii) a container which, having been previously used for any purpose, has been cleaned and disinfected, in accordance with the requirements of an authorised officer, since being last so used.
- (3) No person shall market any genetically modified seed potatoes unless it is clearly indicated in the sales catalogue of the person marketing the seed potatoes and in any other marketing information or marketing representations provided by that person, that the seed potatoes have been genetically modified.
- (4) A person who imports any quantity of seed potatoes exceeding 2 kilograms from outside the European Community shall provide the Scottish Ministers with the particulars specified in Schedule 5 in respect of the seed potatoes.

Labelling of seed potatoes

- 9.**—(1) No person shall market a package or container of seed potatoes unless there is attached to the outside—
- (a) in the case of pre basic seed potatoes, the official label meeting the requirements set out in Schedule 6, paragraph 1 issued in relation to those potatoes;
 - (b) in the case of basic seed potatoes, the official label meeting the requirements set out in Schedule 6, paragraph 2 issued in relation to those potatoes; and

- (c) in either case, where the label particulars are not indelibly printed on the package or container or on a wear and tear resistant or adhesive label attached to it, it contains the official document required by Article 10.1(b) of Council Directive 66/403 so issued.
- (2) Application for an official label in respect of seed potatoes produced in Scotland shall be made to the Scottish Ministers with such information in such form and in such manner as they may require.
- (3) No person shall, in connection with the issue of an official label, supply any information which is false in a material respect.
- (4) Where seed potatoes have been treated with any chemical product, the type and function 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.
- (5) In the case of a genetically modified variety of seed potatoes, any label, whether official or otherwise, attached to any lot of that variety and any document contained in the package or container, shall clearly indicate that the variety has been genetically modified.
- (6) When a package or container is re sealed in accordance with regulation 10(2) the official label 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.
- (7) Except in accordance with the requirements of the Act or of these Regulations or of any Order made under the Plant Health Act 1967(1), no person shall in connection with the marketing or the preparation for the marketing of any seed potatoes, wilfully reproduce, remove, alter, deface, conceal or misuse in any way any official label or any other label attached to or document contained in the package or container of such potatoes in accordance with this regulation.

Sealing of packages

- 10.**—(1) No person shall market a package or container of pre-basic or basic seed potatoes unless it is 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.
- (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 but does not include an official label with a punched tie hole which is machine stitched into the mouth of a bag.

Official examination prior to marketing

- 11.** No person shall market any quantity of seed potatoes which has been prepared for marketing until it has been subjected to an official examination, or that person has been notified in writing by an authorised officer that official examination prior to marketing is not required.

Withholding or withdrawal of official label

- 12.** The Scottish Ministers may withhold an official label or may withdraw any official label in respect of any lot or any part thereof where they are satisfied that—
- (a) the lot does not comply with the requirements as to varietal purity and size specified in Schedule 4 in relation to a lot of seed potatoes of the class stated on the label;

(1) 1967 c. 8.

- (b) the seed potatoes comprised in the lot exceed any of the tolerances for diseases, pests, damage and defects specified in the Table set out in Schedule 7 applicable to those potatoes;
- (c) any official label already issued in respect of the seed potatoes contains any particular which is false in a material respect; or
- (d) there has been any failure to comply with these Regulations in respect of any of the seed potatoes.

Compliance and disease control measures

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

- (a) any requirement specified in these Regulations has not been met; or
- (b) any of the tolerances specified in the Table set out in Schedule 7 applicable to those potatoes are exceeded,

the authorised officer may serve a notice on the person in whose possession or charge the potatoes appear to be informing that person 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 period 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 seed potatoes from those premises except as provided in the notice.

(2) A notice served on a person by an authorised officer under paragraph (1) of this regulation 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—

- (a) to ensure that the requirements specified in these Regulations are met; or
- (b) to prevent the spread of any of the specified diseases or pests by means of the seed potatoes.

(3) The measures specified pursuant to paragraph (2) shall—

- (a) not be varied except by or in accordance with the written consent of an authorised officer; and
- (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 any official examination an authorised officer is of the opinion that any seed potatoes are affected by any disease, pest or damage mentioned in the Table set out in Schedule 7 applicable to those potatoes, the authorised officer may serve on the person in whose possession or charge the potatoes appear to be a notice—

- (a) making any requirement and specifying any measure which may be made or specified pursuant to paragraph (2) in a notice served under paragraph (1);
- (b) specifying 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 paragraphs (1) or (4) and until such time as the requirements of the notice have been complied with to his satisfaction, an authorised officer may remove and retain or direct the person in whose possession or charge the potatoes appear to be to remove and deliver to the authorised officer—

- (a) any official label; and
- (b) in the case of seed potatoes produced outside Scotland, any document of the kind referred to in regulation 9(1)(c).

Particulars of sale

14. Any person who sells, consigns or delivers 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 8.

Retail sales of seed potatoes

15.—(1) The regulations mentioned in paragraph (2) do not apply to a sale by retail of a quantity of less than 50 kg of seed potatoes—

- (a) in circumstances where at the time of sale there is displayed conspicuously on or in close proximity to the seed potatoes a statement of the particulars specified in Schedule 8; or
- (b) in a package or container upon which is printed, or otherwise legibly and indelibly marked, or attached to or inserted therein a label marked with the particulars specified in Schedule 8.

(2) The regulations referred to in paragraph (1) are—

- (a) regulation 9 (labelling of seed potatoes);
- (b) regulation 10 (sealing of packages);
- (c) regulation 11 (official examination prior to marketing); and
- (d) regulation 14 (particulars of sale).