

SCHEDULE 1

Regulations 2(1) and 4(2)

CLASSIFICATION: CERTIFICATION CONDITIONS

1. On the receipt by Scottish Ministers of an application, under regulation 4(2), for classification of any seed potatoes, an authorised officer shall—
 - (a) allocate to the person making such application a producer's identification number;
 - (b) allocate to the crop an identification number; and
 - (c) undertake examination of the crop of seed potatoes for the purposes of classification.
2. Following completion of examination of the crop in accordance with paragraph 1(c) an authorised officer shall—
 - (a) classify the seed potatoes in accordance with Schedule 2 and thereafter issue a certificate of classification stating the particulars specified in Schedule 3; or
 - (b) issue a notice of any of the matters mentioned in paragraphs 3 or 4 in relation to which the officer is not satisfied.
3. An authorised officer shall not issue a certificate of classification under paragraph 2 unless he is satisfied that—
 - (a) the seed potatoes may be classified as being pre-basic seed potatoes or basic seed potatoes of a class specified in order of superiority in column 1 of Table I or II in Schedule 2;
 - (b) the seed potatoes are of a variety for the time being listed in the National List published in accordance with the Seeds (National Lists of Varieties) Regulations 1982(1) or in the Common Catalogue of varieties of seed potatoes published in the Official Journal of the European Communities and which has not been notified in writing by the Scottish Ministers as being considered unacceptable for classification;
 - (c) the seed potatoes are or were grown and stored so as to minimise the risk of contamination by such harmful diseases or pests as may be notified in writing by the Scottish Ministers from time to time;
 - (d) the land on which the seed potatoes are growing or were grown is land which is not contaminated with Wart Disease (*Synchytrium endobioticum*(Schilb.) Perc.) and has not been deemed in terms of Schedule 11 to the Plant Health (Great Britain) Order 1993 to be part of a safety zone for the purpose of that Order;
 - (e) blanking in any of the growing crop of the seed potatoes is not or was not excessive;
 - (f) roguing of the growing crop of the seed potatoes has been carried out and the growing crop has not been over-rogued;
 - (g) all propagation practices for the prevention of the occurrence, development or spread of pests and diseases, as set out in guidance in relation to such practices published from time to time by the Scottish Ministers, have been effectively carried out;
 - (h) the land on which the seed potatoes are growing or were grown is land which as a result of an official soil test carried out prior to the planting of the crop has been found not to be contaminated with potato cyst nematode (*Globodera* species infecting potatoes);
 - (i) in any case where potato cyst nematode has been found on the land on which the seed potatoes are growing at any time during the period of 12 years immediately preceding the planting of the crop—
 - (i) the land is no longer demarcated as infected with potato cyst nematode under Schedule 12 to the Plant Health (Great Britain) Order 1993;

(1) S.I.1982/844; amended by S.I. 1985/1529, 1989/1314, 1990/1353, 1992/1615 and 1998/2726. It is intended that these Regulations will be revoked and replaced by The Seeds (National Lists of Varieties) Regulations 2000.

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

- (ii) six years have elapsed since the last positive finding; and
 - (iii) except as authorised by an inspector under paragraph 5 of Schedule 12 to the Plant Health (Great Britain) Order 1993, the land has not been used for growing potatoes at any time during the period of 11 years immediately preceding the planting of the crop; and
 - (iv) the land on which the seed potatoes are grown or were grown is land which has not been used for growing potatoes at any time during the period, in the case of a crop classified Pre-basic 1, Pre-basic 2 or VTSC, of seven years, and in the case of all other crops, of five years, immediately preceding the planting of the crop;
- (j) in the case of seed potatoes grown within Scotland only pre-basic or basic seed potatoes permitted to be planted within Scotland in accordance with article 18(4) of the Plant Health (Great Britain Order) 1993, are or were grown in the same agricultural unit in the same year in which the seed potatoes were grown;
- (k) the seed potatoes have been produced from—
- (i) pre-basic or basic seed potatoes produced in Scotland of class E2 or higher;
 - (ii) seed potatoes produced outwith Scotland but within the European Community of a Community grade EEC1 or EEC2;
 - (iii) a crop grown with the authority of or in circumstance notified in writing as being acceptable to Scottish Ministers; or
 - (iv) seed potatoes produced outwith the Community and in respect of which an examination notified in writing as being acceptable to Scottish Ministers has been carried out;
- (l) the seed potatoes in any one crop are of a single variety;
- (m) 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 Nematode, (*Globodera*species infesting potatoes)
 - Ring Rot (*Clavibacter michiganensis*(Smith) Davis et al ssp *sepedonicus*(Spieck & Kotth) Davis et al)
 - Brown Rot (*Ralstonia solanacearum*(Smith) Yabuuchi et al)
 - Potato Tuber Moth (*Phthorimaea operculella*(Zell))
 - Potato Spindle Tuber Viroid
 - Colorado Beetle (*Leptinotarsa decemlineata*(Say))
 - Potato Tuber Eelworm (*Ditylenchus destructor*(Thorne));
- (n) the production of the seed potatoes has been and will be conducted in accordance with regulations 6 and 7.
4. Seed potatoes shall not be classified—
- (a) as Pre-basic TC seed potatoes, if the immediately succeeding crop produced from those potatoes is likely to contain—
 - (i) plants of another variety; or
 - (ii) virus affected plants;
 - (b) as Pre-basic 1 or Pre-basic 2 seed potatoes, if, in relation to the immediately succeeding crop produced from those potatoes, the number of growing plants which—
 - (i) deviate from variety and type, is likely to exceed 0.01% of the total number of plants in that crop; or

- (ii) show symptoms of mild or severe virus diseases attributable to infection in the mother crop, is likely to exceed 0.01% of that total number; or
- (c) as basic seed potatoes, if, in relation to the immediately succeeding crop produced from those potatoes, the number of growing plants which—
 - (i) deviate from variety, is likely to exceed 0.1% of the total number of plants in that crop;
 - (ii) deviate from variety and type, is likely to exceed 0.25% of that total number; or
 - (iii) show symptoms of mild or severe virus diseases attributable to infection in the mother crop, is likely to exceed 4% of that total number.