
STATUTORY INSTRUMENTS

1994 No. 2592

SEEDS

The Seed Potatoes (Amendment) Regulations 1994

Made - - - - *30th September 1994*
Laid before Parliament *14th October 1994*
Coming into force - - *4th November 1994*

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales acting jointly, in exercise of the powers conferred on them by sections 16(1), (1A), (2), (3), (5) and (8) and 36 as read with section 38(1) of the Plant Varieties and Seeds Act 1964(1) and of all other powers enabling them in that behalf, after consultation in accordance with section 16(1) with representatives of such interests as appear to them to be concerned, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Seed Potatoes (Amendment) Regulations 1994 and shall come into force on 4th November 1994.

Amendment of the Seed Potatoes Regulations 1991

2.—(1) The Seed Potatoes Regulations 1991(2) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2 (interpretation) there shall be inserted in the appropriate places the following definitions:—

““Community grade” in relation to basic seed potatoes means one of the grades determined by Commission Directive [93/17/EEC](#) determining Community grades of basic(3);”;

““relevant authority” means the authority in the country or place where seed potatoes are produced which is concerned with the certification and classification of seed potatoes in that country or place;”.

(1) [1964 c. 14](#); see section 38(1), as amended by S.I. [1978/272](#) for a definition of “the Ministers”; section 16 was amended by the European Communities Act [1972 \(c. 68\)](#), section 4(1) and paragraphs 5(1), (2) and (3) of Schedule 4 and by S.I. [1977/1112](#); section 16 is applied to seed potatoes by section 29(1); section 29 was amended by the European Communities Act 1972, section 4(1) and paragraph 5(4) of Schedule 4.
(2) S.I. [1991/2206](#); amended by S.I. [1992/1031](#) and [1993/1878](#).
(3) O.J. No.L106, 30.4.93, p.7.

(3) In regulation 6 (marketing of seed potatoes) after paragraph (2) there shall be added the following paragraph:—

“(3) Subject to the provisions of regulation 21, no person shall market any seed potatoes within the protected region other than basic seed potatoes of a Community grade.”.

(4) After regulation 7 (classification of seed potatoes) there shall be added the following regulation:—

“Grading of seed potatoes

7A.—(1) Basic seed potatoes marketed within the protected region shall be graded by an authorised officer into one of the Community grades.

(2) Basic seed potatoes marketed outside the protected region which fulfil the requirements of a Community grade may be graded by an authorised officer into that Community grade.”.

(5) In regulation 11(7) (labelling of packages) the word “or” shall be inserted between the words “official document,” and “any label”.

(6) In Schedule 1 (classification of seed potatoes)—

(a) in Part I, for paragraph 3(c) there shall be substituted the following:—

“(c) 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((4)) to be part of a safety zone for the purpose of that Order;”;

(b) in Part II—

(i) for paragraph 4(a)(i) there shall be substituted the following:—

“(i) 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); and if potato cyst nematode has been found on that land at any time during the period of 12 years immediately preceding the planting of the crop that—

(aa) the land is no longer demarcated as infected with potato cyst nematode under Schedule 12 to the Plant Health (Great Britain) Order 1993;

(bb) six years have elapsed since the last positive finding; and

(cc) 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”;

(ii) in paragraph 4(b) for the words “article 22(3) of the Plant Health (Great Britain) Order 1987” there shall be substituted the words “article 18(4) of the Plant Health (Great Britain) Order 1993”;

(c) in Part III, for paragraph 6(2)(a)(i) there shall be substituted the following:—

“(i) 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; and the land is no longer

demarcated as infected with potato cyst nematode under Schedule 12 to the Plant Health (Great Britain) Order 1993;”.

- (7) In paragraph 2 of Schedule 3 (classification of basic seed potatoes)–
- (a) in column 2 (requirements)–
- (i) opposite the entries relating to classes VTSC 1, VTSC 2, Super Elite 1 (SE1), Super Elite 2 (SE2) and Super Elite 3 (SE3) there shall be added at the end–
- “Provided that any of the above seed potatoes may also be derived from seed potatoes classified under a scheme or other arrangements referred to in paragraph 4(c)(ii) or (iii) of Schedule 1 as being seed potatoes which could be entered for the production of further seed potatoes for classification.”;
- (ii) opposite the entry relating to class Elite 2 (E2) there shall be added at the end–
- “Provided that any of the above seed potatoes may also be derived from seed potatoes which have been found to meet the requirements of Commission Directive [93/17/EEC](#) and which have been designated by the relevant authority as Community grade EEC1 or EEC2”;
- (b) in column 3 (tolerances) opposite the entry relating to Class AA, for paragraph (ii) there shall be substituted the following paragraph:–
- “(ii) total virus disease–1.0%”.
- (8) In Schedule 4 (official label etc) paragraphs 4 and 7 and in Schedule 6 (particulars to be specified in a sale note, etc.) after the entry relating to Class there shall be inserted “Community Grade (as appropriate)”.
- (9) In Schedule 5 (specified diseases, pests etc.)–
- (a) in column 1 for the description of “Blackleg” in each place where it occurs there shall be substituted the following:–
- “Blackleg (*Erwinia carotovora*(Jones) Bergey et al. ssp. *atroseptica*(Hellmers & Dowson) Dye) or *Erwinia chrysanthemi* Burkholder et al. or both”;
- (b) at the end of Group II in each of Parts I, II and III there shall be inserted the following:–
- “Provided that in respect of seed potatoes of a Community grade marketed in Great Britain the individual tolerances listed in column 2 and the group tolerances listed in column 3 shall not exceed 0.5%.”.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 30th September 1994.

William Waldegrave
Minister of Agriculture, Fisheries and Food

Hector Monro
Parliamentary Under Secretary of State, Scottish
Office

26th September 1994

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

29th September 1994

Gwilym Jones
Parliamentary Under Secretary of State, Welsh
Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Seed Potatoes Regulations 1991 “the principal Regulations”). The Regulations implement Commission Directive [93/17/EEC](#) determining Community grades of basic seed potatoes, together with the conditions and designations applicable to such grades (O.J. No. L106, 30.4.93, p. 7) as supplemented by Commission Decision [93/231/EEC](#) (O.J. No. L106, 30.4.93, p. 11).

Directive [93/17/EEC](#) introduces Community grades of seed potatoes in the basic seed potato category which, if produced to the high plant health standard specified in the Directive, may be marketed in protected regions of the Community identified in Commission Decision [93/231/EEC](#). The protected region of Great Britain comprises Scotland and parts of Cumbria and Northumberland as defined in regulation 2(1) of the principal Regulations.

The Regulations—

- (a) restrict the marketing of seed potatoes in the protected region to Community grades of basic seed potatoes as defined in regulation 2(2) (regulation 2(3));
- (b) require seed potatoes marketed in the protected region to be graded into one of the Community grades; and provide for seed potatoes marketed outside the protected region of Great Britain to be graded into Community grades if appropriate (regulation 2(4));
- (c) correct a drafting error in the principal Regulations (regulation 2(5));
- (d) update references to plant health legislation (regulation 2(6));
- (e) make provision for Community grades of basic seed potatoes to enter the Great Britain classification system (regulation 2(7)(a)(i) and (ii));
- (f) provide for a combined tolerance of 1% total virus at Class AA (regulation 2(7)(b));
- (g) require the appropriate Community grade designation on the official labels, official documents and sales documentation (regulation 2(8));
- (h) provide for *Erwinia chrysanthemi* to be counted within the existing tolerance for blackleg (regulation 2(9)(a)); and
- (i) prohibit the marketing of lots of seed potatoes of Community grades marketed in Great Britain which contain more than 0.5% by weight of tubers infected by dry or wet rot (regulation 2(9)(b)).