

1981 No. 243

SEEDS

Seed Potatoes Regulations (Northern Ireland) 1981

Made 17th July 1981

Coming into operation 1st September 1981

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The Department(a) of Agriculture, in exercise of the powers conferred on it by sections 1(1)(b), and (2A)(c), 2 and 12(1)(b) of the Seeds Act (Northern Ireland) 1965(d) and of every other power enabling it in that behalf, after consultation with representatives of such interests as appear to it to be concerned, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Seed Potatoes Regulations (Northern Ireland) 1981 and shall come into operation on 1st September 1981.

Interpretation

2.—(1) In these regulations—

“the Act” means the Seeds Act (Northern Ireland) 1965;

“authority concerned” 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;

“basic seed potatoes” means—

- (a) in relation to seed potatoes produced from a crop grown in Northern Ireland in 1981, those potatoes which were entered for the Department's Growing Crop Scheme and received from the Department a certificate indicating that they were classified as being equal to or superior to the requirements and tolerances of Class A as set out in Schedule 2;
- (b) in relation to seed potatoes produced in Northern Ireland other than from a crop grown in 1981, those potatoes for which a certificate giving the particulars set out in Schedule 3 has been issued in accordance with the provisions of Schedules 1 and 2;
- (c) in relation to seed potatoes produced elsewhere, those potatoes in a lot or part of a lot brought into Northern Ireland in a package or container to or on which there has been affixed or placed a label approved by the authority concerned which states that requirements at least equivalent to sub-paragraphs 2(a), 2(c), 2(f), 3(a), 3(d) and 4 in Schedule 1 were met and on examination of those potatoes they were classified as being equal to or superior to the requirements and tolerances of Class A as set out in Schedule 2;

“certificate” means a certificate issued by the Department in accordance with the provisions of Schedule 1 stating in respect of basic seed potatoes particulars as set out in Schedule 3;

“certification” means—

- (a) in relation to seed potatoes produced in Northern Ireland, certification in accordance with the provisions of Schedule 1;
- (b) in relation to seed potatoes produced elsewhere, the official controls exercised by and the official examination carried out by the authority concerned;

“class” means—

- (a) in relation to seed potatoes produced in Northern Ireland, the class (being one of those set out in Schedule 2) into which those potatoes were placed during the course of certification and which is stated in the certificate relating to those potatoes;

(a) Formerly Ministry: see Northern Ireland Constitution Act 1973 (c. 36) s.40 and Sch. 5 para. 8(1)

(b) As amended by S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Sch. 3

(c) As inserted by S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Sch. 3 para. 1

(d) 1965 c. 22 (N.I.)

- (b) in relation to seed potatoes produced elsewhere, the class stated in a label approved by the authority concerned;
- “Common Catalogue” means the Common Catalogue of varieties of seed potatoes published in the Official Journal of the European Communities;
- “damage” means damage arising from the action of frost or from bruising or in any other way if such damage is likely to cause or allow the spread of any disease or pest;
- “disease or pest” means a disease or pest set out in Groups I to III in Column 1 of Part I of Schedule 5 and Groups I to IV in Column 1 of Part II of Schedule 5;
- “export and import” respectively mean the sending out of Northern Ireland to any other place and the bringing into Northern Ireland from any other place;
- “grower’s number” has the meaning assigned to it in Regulation 5(2);
- “lot” means a quantity of basic seed potatoes prepared either for delivery in the course of marketing in or for exportation from Northern Ireland, which—
- (a) subject to Regulation 13(2), is of one variety;
 - (b) is of one class;
 - (c) consists of potatoes of the same size; and
 - (d) has the same grower’s number;
- “marketing” includes—
- (a) the sale, offering for sale, exposing for sale and possession with a view to sale of basic seed potatoes;
 - (b) the importation or attempted importation of seed potatoes into, or the exportation or attempted exportation of seed potatoes out of, Northern Ireland;
 - (c) the delivery of seed potatoes to a grower who has a grower’s number which is different from that of the grower who produced such potatoes; and
 - (d) any transaction in the course of business—
 - (i) under which the property in seed potatoes is transferred from one person to another; or
 - (ii) under which seed potatoes are made over by one person to another in pursuance of a contract under which such potatoes will be used for producing further potatoes;
- “Member State” means a Member State, other than the United Kingdom, of the European Community;
- “official document” means a document which complies with the requirements set out in Part II of Schedule 4 and which is supplied by or on behalf of either the Department or the authority concerned;
- “official examination” means an examination carried out by or on behalf of the Department;
- “official label” means a label which complies with the requirements set out in Part I of Schedule 4 and which is supplied by or on behalf of either the Department or the authority concerned;
- “package or container” means—
- (a) a bag, or sack, which has been previously unused and which does not exceed 50 kg in capacity; or
 - (b) a box, or crate, which has either been previously unused or has been cleaned and disinfected since its previous use;

“potato” means a tuber or part thereof or any plant or part thereof of *Solanum tuberosum* L. or other tuber-forming species or hybrid of *Solanum*;

“scheme” means a scheme for the inspection of crops of growing potatoes which is administered by the Department;

“sealing device” means—

(a) a device which will necessarily be broken if it is applied to a package or container and the package or container is opened in the ordinary way, but does not include an official label with a punch tie hole which is machine stitched into the mouth of a bag;

(b) in the case of basic seed potatoes produced in Northern Ireland, a machine stitched official label which is endorsed with the official stamp of the Department;

“seed potatoes” means potatoes used, or intended to be used, or accompanied by any description which could indicate intention for use, for producing further potatoes;

“seed potatoes produced elsewhere” means seed potatoes produced outside Northern Ireland and imported into Northern Ireland in compliance with Orders made under the Plant Health Act (Northern Ireland) 1967(a) which regulate the landing of potatoes in Northern Ireland;

“size” means the size of the square of the mesh of the riddle or gauge through, or by means of which, basic seed potatoes are passed or retained.

(2) These regulations are without prejudice to the provisions of the Import and Export (Potatoes) (Plant Health) Order (Northern Ireland) 1981(b).

(3) In these regulations a reference to a tolerance in a sample shall be construed in relation to basic seed potatoes in the sample affected by—

(a) disease, damage, external blemish, pest or any combination thereof as a reference to the proportion, expressed as a percentage, of the weight of potatoes so affected in relation to the total weight of potatoes in the sample;

(b) earth or other extraneous matter as a reference to the proportion, expressed as a percentage, of the weight of such matter in relation to the total weight of potatoes in the sample.

Scope of regulations

3.—(1) Subject to paragraphs (2) and (3), these regulations shall apply to seed potatoes marketed in Northern Ireland.

(2) These regulations shall not apply to seed potatoes used or to be used for the purposes of scientific investigation under the authority of the Department or in the course of a process of selection by or under the supervision of an authorised officer.

(3) These regulations shall not apply to seed potatoes produced in the Republic of Ireland consigned through Northern Ireland to a destination outside Northern Ireland if without being unloaded in Northern Ireland they are moved direct from the point of entry to the point of exit.

Marketing of Seed Potatoes

4.—(1) A person shall not market any potatoes as seed potatoes other than basic seed potatoes.

(2) A person shall not market basic seed potatoes:

(a) as belonging to a class superior to that into which such potatoes were classified; or

(a) 1967 c. 28 (N.I.)

(b) S.R. 1981 No. 36

- (b) which have been treated with a product primarily to inhibit germination; or
 - (c) which are of a size less than 25 mm; or
 - (d) all of which are too large to pass through a square mesh of 35 mm by 35 mm, unless the upper and lower size limits of such lot are expressed in multiples of 5 mm; or
 - (e) some of which are too large to pass through a square mesh of 35 mm by 35 mm, unless the upper size limit of such lot is expressed in a multiple of 5 mm; or
 - (f) unless—
 - (i) in the case of a lot which passes through a square mesh of 60 mm by 60 mm but does not pass through a square mesh of 35 mm by 35 mm, the maximum variation between the upper and lower size limits is 25 mm;
 - (ii) in the case of a lot some or all of which are too large to pass through a square mesh of 60 mm by 60 mm, the maximum variation between the upper and lower size limits is 20 mm;
 - (iii) in the case of a lot some or all of which are small enough to pass through a square mesh of 35 mm by 35 mm, the maximum variation between the upper and lower size limits is 20 mm.
- (3) A person shall not market basic seed potatoes which exceed any of the tolerances for disease, pest, damage, external blemish or impurity set out in Columns 2, 3 and 4 of Parts I and II of Schedule 5.

Certification and Classification

5.—(1) Application for certification of seed potato crops shall be made in writing to the Department with such information, in such form and in such manner as it may require.

(2) On receipt of an application under paragraph (1) the Department shall allocate to the grower who produces the seed potatoes in respect of which such application has been made a number to be hereinafter called a "grower's number".

(3) Certification and classification shall be carried out by an authorised officer in accordance with the provisions of Schedule 1 and Schedule 2.

(4) A certificate shall not be issued in respect of seed potatoes which fail to meet the requirements and tolerances set out in Schedule 2 in respect of Class A.

(5) The Department may withdraw a certificate after it has been issued where an authorised officer is satisfied that the basic seed potatoes in respect of which that certificate has been issued have not been so harvested, stored or prepared for marketing as to ensure that basic seed potatoes of each class or variety have been or are kept separate from all other potatoes.

Packages and containers

6.—(1) Subject to paragraph (2) and Regulation 12, a person shall not, in the course of marketing, deliver or cause to be delivered a lot otherwise than in a package or container.

(2) A person shall not export, attempt to export or cause the export from Northern Ireland of a lot produced in Northern Ireland otherwise than in a package or container marked with the information and complying with the requirements set out in Part III of Schedule 4.

(3) Each lot delivered, or intended for delivery, in the course of marketing shall be homogeneous to the extent that the contents of each package or container in the lot is fairly and truly representative of the contents of all packages or containers in the lot.

(4) Each package or container in the lot shall be so packed that any potatoes exposed to view, or which would be exposed to view if the package or container is opened, are representative in size, condition and quality of the entire contents of that package or container.

Labelling of packages and containers

7.—(1) Subject to Regulation 12, a person shall not market a package or container of basic seed potatoes otherwise than in accordance with the provisions of paragraphs (2), (3), (6), (7), (8) and Regulation 9.

(2) Subject to paragraph (6), there shall be affixed to the outside of each package or container an official label on which there is correctly stated in relation to the contents the particulars set out in sub-paragraph 1(c) of Schedule 4.

(3) There shall be placed on the inside of each package or container an official document on which there is correctly stated in relation to the contents—

- (a) in the case of basic seed potatoes produced in Northern Ireland the particulars set out in sub-paragraphs 2(b) and 2(c) of Schedule 4;
- (b) in the case of basic seed potatoes produced elsewhere the particulars set out in sub-paragraph 2(b) of Schedule 4.

(4) Paragraph (3) shall not apply where the particulars referred to in that paragraph are indelibly printed on the package or container or where the particulars referred to in paragraph (2) are printed on a wear and tear resistant label, or adhesive label, attached to that package or container.

(5) Application for official labels and official documents for basic seed potatoes produced in Northern Ireland in respect of which a certificate has been issued under Regulation 5 shall be made in writing to the Department with such information as the Department may require. Information supplied in connection with such application shall in all material respects be true and correct.

(6) If a package or container has been re-sealed in accordance with Regulation 9 by an authorised officer or an officer of the authority concerned the official label in respect of it shall also state:

- (a) that the package or container has been so re-sealed;
- (b) the date of re-sealing;
- (c) the authority concerned with such re-sealing.

(7) Subject to paragraph (8) where basic seed potatoes have been treated with a chemical product the name of the chemical product or the generally recognised abbreviation of the chemical name 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.

(8) Paragraph (7) shall not apply where the statement required thereby is indelibly printed on the package or container or on a wear and tear resistant label, or adhesive label, attached to that package or container.

(9) A person shall not in connection with the marketing or preparation for marketing of basic seed potatoes wilfully reproduce, remove, deface, conceal or misuse in any way:

- (a) an official label or official document;
- (b) a label affixed or document supplied in accordance with paragraph (7) or (8);
- (c) a label approved by the authority concerned; or
- (d) any particulars or statement printed on such package or container.

Withholding or withdrawal of sealing devices, official labels or official documents

8.—(1) An authorised officer may in respect of a lot or any part thereof withhold or withdraw a sealing device, official label or official document where he is reasonably satisfied that:

- (a) the lot or part thereof has not been so harvested, stored or prepared for marketing as to ensure that basic seed potatoes of one class or variety have been or are kept separate from all other potatoes;
- (b) the lot or part thereof contains basic seed potatoes which do not meet the requirements of Regulation 4(2)(c), (d), (e) and (f);
- (c) the lot or part thereof is not contained, or intended for delivery, in a package or container;
- (d) the lot or part thereof has been treated with a product which is produced primarily as an application for inhibiting germination;
- (e) subject to Regulation 16, a sample taken from the lot exceeds any of the tolerances for disease, pest, damage, external blemish or impurity set out in Columns 2 to 4 of Parts I and II of Schedule 5;
- (f) an official label or official document already issued in respect of the lot contains particulars which are false in a material respect;
- (g) the lot is delivered, or intended for delivery, in conditions which expose potatoes in the lot to damage by frost or other weather conditions; or
- (h) there has been any other failure to comply with the provisions of these regulations.

(2) Where a certificate has been issued in respect of a crop and Potato Cyst Eelworm is subsequently found in the land in which any of the potatoes comprised in that crop were grown an authorised officer shall cancel such certificate in respect of any unsold portion of that crop or part thereof.

(3) If in the opinion of the Department weather conditions are such that they do not permit delivery in the course of marketing of basic seed potatoes produced in Northern Ireland without a risk of damage by frost to such potatoes the Department may, for such period as it may decide, withhold sealing devices for such potatoes. A decision so to withhold sealing devices shall be communicated in writing by the Department to representatives of such interests as appear to the Department to be concerned.

(4) An authorised officer shall not, without the authority of the person who in accordance with Regulation 5 made application for certification and classification of the crop, apply a sealing device to any seed potatoes from such crop.

Sealing of packages and containers

9.—(1) Subject to paragraph (3) and Regulation 12, a person shall not market a package or container of basic seed potatoes produced outside Northern Ireland unless that package or container has been sealed by or under the supervision of an authorised officer or an officer of the authority concerned and the sealing device thus applied remains unbroken.

(2) Subject to paragraph (3) and Regulation 12, a person shall not market a package or container of basic seed potatoes produced in Northern Ireland unless that package or container has been sealed by an authorised officer and the sealing device thus applied remains unbroken.

(3) Where a sealing device on a package or container of basic seed potatoes has been broken that package or container shall not be re-sealed with a sealing device except by or under the supervision of an authorised officer or an officer of the authority concerned.

Separate note, etc., of Schedule 6 particulars

10.—(1) Subject to paragraph (2) and Regulation 12, a person who sells, consigns or delivers basic seed potatoes shall, not later than 14 days after the sale or the delivery, whichever is the later, of such basic seed potatoes, furnish to the purchaser a sale note, delivery note, invoice or similar document setting out in respect of those basic seed potatoes the particulars listed in Schedule 6.

(2) Paragraph (1) shall not apply where a movement permit as referred to in Regulation 11 is delivered with the basic seed potatoes.

Control of movement of Northern Ireland seed potatoes

11.—(1) A person shall not move a lot which has been prepared, treated, packed, labelled and sealed in accordance with these regulations unless it is accompanied by a movement permit in the form set out in Schedule 9 which has been issued by an authorised officer.

(2) A movement permit referred to in paragraph (1) shall:

- (a) in the case of a lot which is delivered to a customer in Northern Ireland be delivered to him with the lot; or
- (b) in the case of a lot which is exported from Northern Ireland other than to the Republic of Ireland be delivered with the lot to an authorised officer of the Department at an office of the Department at the point of shipment; or
- (c) in the case of a lot which is being exported from Northern Ireland to the Republic of Ireland be delivered with the lot to an officer of Customs and Excise on duty at the appropriate route approved for the exportation of goods under the Customs (Land Boundary) Regulations 1953(a).

Retail sales

12. Regulations 6, 7, 9 and 10 shall not apply to a sale by retail of a quantity of less than 50 kg of basic seed potatoes:

- (a) where, at the time of sale, there was conspicuously displayed on or in close proximity to the basic seed potatoes a statement setting out the particulars listed in Schedule 6;
- (b) in new containers, upon each of which there is printed or otherwise legibly or indelibly marked or to or in which there is attached or inserted a label setting out the particulars listed in Schedule 6.

Tolerances

13.—(1) Where the size of basic seed potatoes being marketed is stated pursuant to these regulations, the size thereof so stated shall be deemed to be correct if the percentage by weight of basic seed potatoes smaller than the minimum size stated does not exceed 1.5% of the total weight of the basic seed potatoes to which the statement refers and the percentage by weight of such potatoes greater than the maximum size stated does not exceed 1.5% of such total weight.

(2) Where particulars of the variety of basic seed potatoes being marketed are stated pursuant to these regulations, the particulars so stated shall be deemed to be correct if the varietal impurity of those basic seed potatoes does not exceed 0.1% by number of tubers or plants.

(3) The tolerances set out in Column 3 of Schedule 2 are to be calculated as the number of plants in a sample affected by disease or impurity expressed as a percentage of the total number of plants in that sample.

(4) The tolerances referred to in Columns 2, 3 and 4 of Parts I and II of Schedule 5 are to be calculated as the weight of basic seed potatoes in a sample affected by disease or pest, damage, blemish or impurity expressed as a percentage of the total weight of basic seed potatoes in that sample.

Taking of samples

14.—(1) Where a sample of basic seed potatoes is required for the purposes of these regulations such sample shall be taken by an authorised officer in accordance with the provisions of this regulation.

(2) Where a sample of basic seed potatoes is required in connection with the certification or classification of basic seed potatoes an authorised officer may take a sample of the soil in which the crop of such potatoes is growing or of any part of the plant of that crop, of such quantity or number and from such part of that crop as he may think appropriate.

(3) Where a sample of basic seed potatoes is required otherwise than as is mentioned in paragraph (2) an authorised officer shall take the sample in accordance with the provisions of Schedule 8.

Sub-standard basic seed potatoes

15.—(1) Where in the course of an official examination of basic seed potatoes an authorised officer is reasonably satisfied that such potatoes do not meet the requirements of these regulations he shall serve a notice in writing on the person in whose possession or charge the potatoes appear to be so informing him and prohibiting delivery in the course of marketing of those potatoes as basic seed potatoes.

(2) Where in the course of an official examination of basic seed potatoes an authorised officer is of the opinion that any of such potatoes are affected, or may within a period of 14 days beginning with the date of such examination become affected, by a disease, pest or damage to such an extent that such potatoes may not meet the requirements of these regulations he may serve a notice in writing on the person in whose possession or charge the potatoes appear to be so informing him and prohibiting delivery of those potatoes.

(3) A notice under paragraph (1) or (2) may require the person upon whom such notice is served to carry out on such premises at such time, within such period and in accordance with such methods as are stated in the notice the measures set out therein, being measures which in the opinion of the authorised officer are necessary:

- (a) to ensure that the requirements of these regulations are met; or
 - (b) to prevent the spread by means of the basic seed potatoes of any disease or pest, including in particular, but without prejudice to the generality of the foregoing, any of the measures set out in Schedule 7.
- (4) The measures set out in a notice under paragraph (1) or (2) shall:
- (a) not be varied except by or in accordance with the consent in writing of an authorised officer;
 - (b) be carried out to the satisfaction of an authorised officer by and at the expense of the person upon whom the notice has been served.

(5) Where a notice under paragraph (1) or (2) has been served, and until such time as the requirements of that notice have been complied with to his satisfaction, an authorised officer may withhold or remove or cause to be removed and retain any official label, official document or sealing device.

More stringent tolerances

16. Where in pursuance of a sale or proposed sale a lot produced in Northern Ireland is, or is intended to be, delivered elsewhere than at a place within the United Kingdom or a Member State and the tolerances permitted by the governmental authority of that place in respect of any of the matters mentioned in Parts I and II of Schedule 5 are more stringent or restrictive than the tolerances set out in Schedule 5 then an authorised officer shall in the course of an official examination of such lot require compliance by that lot with these more stringent tolerances in place of the tolerances set out in Schedule 5.

Records and information

17.—(1) A person who produces basic seed potatoes shall for a period of not less than 2 years maintain records of:

- (a) such potatoes purchased by him for planting;
- (b) particulars of the crops grown from such potatoes; and
- (c) the sales or other disposal of the produce of those crops.

(2) A person who markets basic seed potatoes shall for a period of not less than 2 years thereafter maintain a record of his marketing of such basic seed potatoes.

(3) A person who produces, markets or otherwise has or has had in his possession or charge basic seed potatoes shall if so required by notice in writing from an authorised officer within 7 days of the service of the notice give to an authorised officer any information in his possession as to the identity, address and occupation of the person in whose possession or under whose charge such potatoes are or have been and shall also produce for examination by an authorised officer any declaration, certificate, label, record or invoice relating to the planting, classification or marketing of such potatoes.

(4) Information given under paragraph (3) shall not be available as evidence in any proceedings under these regulations against a person required to give such information except in respect of an alleged failure to comply with this regulation.

Power to exempt

18. Notwithstanding any provision in these regulations the Department may, subject to such conditions as it thinks fit, exempt any person, class of person or persons generally from compliance with any of the requirements of these regulations in respect of basic seed potatoes.

Modification of the Act

19. The operation of the provisions of the Act referred to in paragraphs (a) and (b) shall in connection with these regulations be modified as follows:—

- (a) Section 7 shall not apply.
- (b) Section 9 sub-sections (2), (4), (5), (6), (7), (8), (9) and (10) shall be omitted.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 17th July 1981.

(L.S.)

D. J. Alexander

Assistant Secretary

SCHEDULE 1

Regulations 2(1) and 5(1),
(2), (3) and (4)**Certification of seed potatoes**

1. Certification shall consist of an official examination of seed potatoes made by an authorised officer which shall include the classification of such potatoes in accordance with the provisions of Schedule 2 and the issue by the Department of a certificate of the result of that examination.

2. The Department may refuse to issue a certificate if an authorised officer is not satisfied that:

- (a) the seed potatoes (other than seed potatoes delivered or intended to be delivered in pursuance of a sale or proposed sale elsewhere than in the United Kingdom or a Member State) are of a variety complying with the Seeds (National Lists of Varieties) Regulations 1979(a) and which in the opinion of the Department or an authorised officer are otherwise acceptable for classification; or
- (b) the seed potatoes are or were grown and stored so as to minimise the risk of contamination by a disease or pest considered by the Department to be harmful; or
- (c) the land on which the seed potatoes are growing or were grown has not been declared, under Article 5(1) of the Wart Disease of Potatoes (Northern Ireland) Order 1973(b) or any Order revoked by that Order, to be land on which wart disease is present; or
- (d) blanking in the growing crop of seed potatoes is or was not excessive; or
- (e) roguing of the growing crop of seed potatoes is or was carried out only under the direction of an authorised officer; or
- (f) all reasonable husbandry practices for the prevention of the occurrence, development or spread of pests and diseases have been effectively carried out.

3. A certificate shall not be issued by the Department unless an authorised officer is satisfied that:

- (a) the land on which the seed potatoes are growing or were grown—
 - (i) is not land in respect of which a notice was issued under Article 8 of the Potato Root Eelworm Order (Northern Ireland) 1968(c); and
 - (ii) has by sampling and laboratory examination been found to be free from Potato Cyst Eelworm; and
 - (iii) is land which has not at any time been used for growing potatoes of a crop classified VTSC in any of the previous 6 years and of any other class of crop in any of the previous 4 years;
- (b) the seed potatoes have been produced from:
 - (i) seed potatoes subjected to certification and classification under a scheme which, subject to the terms of that scheme, could be entered for the production of further seed potatoes for certification and classification under that same scheme;
 - (ii) basic seed potatoes or pre-basic seed potatoes;
 - (iii) a crop grown with the authority of or in circumstances acceptable to the Department; or
 - (iv) seed potatoes grown elsewhere than in Northern Ireland and in respect of which an examination acceptable to the Department has been carried out;
- (c) the seed potatoes in any crop are of a single variety, or where two or more varieties of seed potatoes in a crop are grown in the same field unless between the varieties of such seed potatoes there is a separation of at least 2.5 metres in any such crop harvested or to be harvested with a spin digger or 1.25 metres in any such crop harvested or to be harvested using an elevator digger or complete harvester, the separation area in either case to be left uncropped or planted with a crop other than potatoes or tomatoes;

(a) S.I. 1979/133

(b) S.R. & O. (N.I.) 1973 No. 266

(c) S.R. & O. (N.I.) 1968 No. 258

- (d) 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 Eelworm (*Globodera* (*Heterodera*) species infesting potatoes)

Ring Rot (*Corynebacterium sepedonicum* (Spieck. and Kotth.) Skapt. and Burkh.)

Brown Rot (*Pseudomonas solanacearum* (E. F. Smith) (E. F. Smith))

Potato Tuber Moth (*Phthorimaea* (= *Gnorimoschema*) *operculella* (Zell.))

Potato Tuber Eelworm (*Ditylenchus destructor* Thorne)

Potato Spindle Tuber Viroid

Colorado Beetle (*Leptinotarsa decemlineata* (Say))

- (e) the seed potatoes are taken from a crop which has been classified in accordance with the provisions of Schedule 2 and in which the presence of diseased potato plants and rogues, ground keepers and undesirable variations is ascertained not to exceed the respective tolerances set out in Schedule 2 in relation to the classes described therein.

4. Seed potatoes shall not be classified as basic seed potatoes unless the immediately succeeding crop produced therefrom is likely to contain:

- (a) not more than 0.25% by number of growing plants which deviate from type and variety, of which not more than 0.1% will deviate from variety; and
- (b) not more than 4% by number of growing plants which show symptoms of either mild or severe virus disease attributable to infection in the mother crop.

SCHEDULE 2

Regulation 2(1), 5 & 13(3)

Classification of basic seed potatoes

1. In the course of certification of seed potatoes produced in Northern Ireland as basic seed potatoes where an authorised officer is satisfied that the standards set out in column 2 of paragraph 2 in relation to those potatoes have been met and that the tolerances, if any, set out in column 3 have not been exceeded by those potatoes the Department shall classify those potatoes into the classes set out in column 1 of paragraph 2. The Department shall state in the certificate the class into which such potatoes have been classified. The classes listed in column 1 are arranged in descending order of quality.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>2. Class</i>	<i>Requirements</i>	<i>Tolerances</i>
VIRUS TESTED STEM CUTTINGS (VTSC) VTSC 1	<p>The seed potatoes shall:</p> <ul style="list-style-type: none"> (a) be derived from pathogen tested mother tubers from selected clones which were propagated under the supervision of an authorised officer; (b) be free from leaf roll and visible signs of other virus diseases and from blackleg; (c) be found, on leaf-testing, to be free from virus diseases X, S and M; (d) be free from rogues and recognisable variations and ground keepers; (e) have been grown and entered for classification by a person whose facilities, planting arrangements and manner of keeping appropriate records in relation to production of seed potatoes are acceptable to the Department; (f) be grown on land where potatoes have not been grown in any of the 6 preceding years and which on laboratory examination is found to be free from Potato Cyst Eelworm; (g) be sufficiently isolated from potato crops below the standard of classes VTSC 1 and VTSC 2; (h) not be planted immediately adjacent to another variety of potatoes and shall comply with the requirements regarding separation set out in Schedule 1 paragraph 3(c); 	

Column 1

Column 2

Column 3

- (i) have had the foliage of the plants destroyed by the date notified to the owner of the crop or his agent by an authorised officer.

VTSC 2

The requirements shall be the same as for class VTSC 1 except that the seed potatoes shall be derived from a stock which was classified as class VTSC 1 in the generation preceding the planting of the crop.

FOUNDATION SEED (FS)
FS 1

The seed potatoes shall:

- (a) be derived from a stock which was classified as class VTSC 1 or class VTSC 2 in the year preceding the planting of the crop;
- (b) be grown on land where potatoes have not been grown in any of the previous 4 years and which on laboratory examination is found to be free from Potato Cyst Eelworm;
- (c) be sufficiently isolated from potato crops below any class of Foundation Seed standard;
- (d) not be planted immediately adjacent to another variety of potatoes and shall comply with the requirements regarding separation set out in Schedule 1 paragraph 3(c);
- (e) have had the foliage of the plants destroyed by the date notified to the owner of the crop or his agent by an authorised officer.

- (i) Varietal impurity and deviation from type — 0.05% by number of plants
- (ii) Tobacco Veinal Necrosis — Nil
- (iii) Leaf Roll and Severe Mosaic (other than Tobacco Veinal Necrosis) combined — 0.01% by number of plants
- (iv) Mild Mosaic including all mottles — 0.05% by number of plants
- (v) Blackleg — 0.25% by number of plants

FS 2

The requirements shall be the same as for class FS 1 except that the seed potatoes shall be derived from a stock which was classified as FS 1 in the year preceding the planting of the crop.

As for class FS 1

FS 3

The requirements shall be the same as for class FS 1 except that the seed potatoes shall be derived from a stock which was classified as class FS 2 in the year preceding the planting of the crop.

As for class FS 1

FS 4

The requirements shall be the same as for class FS 1 except that the seed potatoes shall be derived from a stock which was classified

As for class FS 1

Column 1

Column 2

Column 3

	as class FS 3 in the year preceding the planting of the crop.	
FS	The requirements shall be the same as for class FS 1 except that the seed potatoes shall be derived from a stock which was classified as class FS in the year preceding the planting of the crop or grown with the authority of or in circumstances acceptable to the Department.	As for class FS 1
A	The seed potatoes shall: <ul style="list-style-type: none"> (a) be derived from a stock of basic seed potatoes classified as such in the year preceding the planting of the crop, provided that any such seed potatoes may also be derived from seed potatoes classified under a scheme or other arrangements referred to in paragraph 3(b)(i), (iii) or (iv) of Schedule 1 as being seed potatoes which could be entered for the production of further seed potatoes for classification under that scheme; (b) be grown on land where potatoes have not been grown in any of the 4 preceding years and which on laboratory examination is found to be free from Potato Cyst Eelworm; (c) be sufficiently isolated from potato crops below class A standard; (d) not be planted immediately adjacent to another variety of potatoes and shall comply with the requirements regarding separation set out in Schedule 1 paragraph 3(c); (e) have had the foliage of the plants destroyed by the date notified to the owner of the crop or his agent by an authorised officer. 	<ul style="list-style-type: none"> (i) Varietal impurity and deviation from type — 0.1% by number of plants (ii) Tobacco Veinal Necrosis — Nil (iii) Leaf Roll and Severe Mosaic (other than Tobacco Veinal Necrosis) combined — 0.25% by number of plants (iv) Mild Mosaic including all mottles — 1.0% by number of plants (v) Blackleg — 1.0% by number of plants

SCHEDULE 3

Regulation 2(1)

Particulars to be set out in a certificate

1. Name and address of the applicant.
2. Location of the farm on which the crop was grown.
3. Grower's number.
4. Basic seed potatoes.
5. Class.
6. Date on which the certificate was issued.
7. Variety of the crop classified.
8. Area of the crop classified.
9. The Department's farm registration number and field number on which the crop was grown.

SCHEDULE 4

Regulations 2(1),
6(2), 7(2) and 7(3)

PART I

Requirements for an official label

1. An official label shall:

- (a) be predominantly white in colour;
- (b) measure not less than 110 mm by 67 mm in size;
- (c) set out:

“EEC Rules and Standards”

Certification authority

Member State

Country of production

Basic seed potatoes

Class

Merchant's number

Grower's number

Variety

Size

Net weight

Month and year of sealing.

PART II

Requirements for an official document

2. An official document shall:

- (a) be predominantly white in colour;
- (b) set out:

Grower's number

Variety

Basic seed potatoes

Class

- (c) In the case of basic seed potatoes produced in Northern Ireland also set out:

Size

Net weight

PART III

**Marking of packages and containers for basic seed potatoes
exported from Northern Ireland**

3. A package or container used for basic seed potatoes produced in Northern Ireland which is exported or intended to be exported from Northern Ireland shall be marked in letters and figures not less than 50 mm high and with the following particulars:

- (a) the name, or initials, or trade brand or other symbols identifying the person who is exporting the basic seed potatoes;
- (b) Northern Ireland Basic Seed Potatoes;
- (c) “FOUNDATION SEED” or “CLASS A” as appropriate to the contents;
- (d) the name of the variety;
- (e) the size of the basic seed potatoes in the package or container; and
- (f) the net weight of the contents in kilogrammes.

SCHEDULE 5

Regulations 2(1), 8(1)(e),
13(4) and 16

PART I

Tolerances for disease or pest, damage, blemish and impurity

Column 1	Column 2	Column 3	Column 4
	<i>Visible Tuber Symptoms</i>		
<i>Disease, pest, damage, blemish or impurity</i>	<i>Individual tolerances</i>	<i>Group tolerances</i>	<i>Collective group tolerances</i>
<i>Group I</i>			
Wart Disease (<i>Synchytrium endobioticum</i> (Schilb.) Perc.)	NIL	—	—
Potato Tuber Eelworm (<i>Ditylenchus destructor</i> Thorne)	NIL	—	—
Potato Cyst Eelworm (<i>Globodera (Heterodera)</i>) species infesting potatoes	NIL	—	—
Ring Rot (<i>Corynebacterium sepedonicum</i>) (Spieck. & Koth.) (Skapt. & Burkh.)	NIL	—	—
Brown Rot (<i>Pseudomonas solanacearum</i> (E. F. Smith) E. F. Smith)	NIL	—	—
Potato Tuber Moth (<i>Phthorimaea (= Gnorimoschema)</i> <i>operculella</i> (Zell.))	NIL	—	—
Potato Spindle Tuber Viroid	NIL	—	—
Colorado Beetle (<i>Leptinotarsa</i> <i>decemlineata</i> (Say))	NIL	—	—
<i>Group II</i>			
Blight (<i>Phytophthora infestans</i> (Mont.) de Bary)	1%	} 1%	
Blackleg (<i>Erwinia caratovora var atroseptica</i> (Hellmers & Dowson) Dye)	1%		
Soft Rots	1%		
Dry Rot (<i>Fusarium</i> species) Gangrene (<i>Phoma</i> species)	1%		
<i>Group III</i>			6%
Common Scab (<i>Streptomyces</i> species)	5% (with more than one-third of surface area affected thereby).	5%	
<i>Group IV</i>			
External blemishes such as damaged or misshapen tubers no matter how caused.	3%	3%	
<i>Group V</i>			
Earth and other extraneous matter.	2%	2%	

In respect of the disease set out in Group III a potato tuber in any sample shall be deemed not to be affected by the disease where less than one-third of its surface area has been affected thereby.

PART II

Tolerances for disease or pest, damage, blemish and impurity

Additional requirements for basic seed potatoes produced in Northern Ireland

Column 1	Column 2	Column 3	Column 4
	<i>Visible Tuber Symptoms</i>		
<i>Disease, pest, damage, blemish or impurity</i>	<i>Individual tolerances</i>	<i>Group tolerances</i>	<i>Collective group tolerances</i>
Group I Blight (Phytophthora infestans (Mont.) de Bary) Blackleg (Erwinia caratovora var atroseptica (Hellmers & Dowson) (Dye)) Soft Rots Dry Rot (Fusarium Species) Gangrene (Phoma species)	0.20% 0.05% 0.05% 0.40% 0.40%	} 1%	
Group II Skin Spot (Polyscytalum (Oospora) pustulans (Owen & Wakefield) M. B. Ellis)	10% (with more than one-tenth of surface area affected thereby)	10%	} 10%
Group III Black Scurf (Rhizoctonia solani Kuhn)	10% (with more than one-tenth of surface area affected thereby)	10%	
Group IV Common Scab (Streptomyces species (Thaxt (Waks & Henrici)) Powdery Scab (Spongospora subterranea (Wallr) (Lagerh))	10% (with more than one-tenth of surface area affected thereby)	10%	
Group V Frost damaged tubers External blemishes such as damaged or misshapen tubers no matter how caused.	NIL 0.5%	} 0.5%	
Group VI Earth and other extraneous matter	1%	1%	

In respect of the diseases set out in Groups II, III and IV a potato-tuber in any sample shall be deemed not to be affected by the disease where less than one-tenth of its surface area has been affected thereby.

SCHEDULE 6

Regulations 10(1) and 12

Particulars to be set out in a sale note, delivery note, invoice or similar document

- Name and address of the seller
- Quantity
- Variety
- Basic seed potatoes
- Class
- Size
- Grower's number
- Particulars of any chemical treatment

SCHEDULE 7

Regulation 15(3)

Measures to prevent spread, by means of basic seed potatoes, of disease or pests

- (a) The dressing or redressing of the basic seed potatoes;
- (b) the replacing of the basic seed potatoes in a different package or container;
- (c) the destruction of any packages or containers which appear to have been in contact with basic seed potatoes affected by disease;
- (d) the disposal, as set out in the notice, of the basic seed potatoes for a use other than as seed potatoes;
- (e) the destruction of basic seed potatoes as set out in the notice;
- (f) the cleaning and disinfection of premises and equipment as set out in the notice;
- (g) the disinfection of basic seed potatoes as set out in the notice on premises set out therein.

SCHEDULE 8

Regulation 14(3)

Sampling Procedures

1. If the bulk consists of basic seed potatoes—

(a) comprising more than one consignment, or

(b) associated with more than one certificate issued by the Department in accordance with these regulations,

it shall be so divided that each consignment or, as the case may be, the quantity of basic seed potatoes associated with each such certificate, constitutes a separate lot and each lot shall be separately sampled.

2. Where the total quantity of the basic seed potatoes being sampled separately does not exceed 50 kg all the basic seed potatoes shall be examined.

3.—(1) Where the total quantity exceeds 50 kg all the basic seed potatoes in a sample selected as set out in paragraphs (2) and (3) shall be examined.

(2) Where basic seed potatoes are packed in packages or containers (other than sacks or bags) of 50 kg or less or in sacks and bags:

(i) from lots not exceeding 5 tonnes at least one package or container in twenty shall be selected at random, the sample so selected being not less than 50 kg;

(ii) from lots exceeding 5 tonnes a sample of at least 250 kg shall be selected at random.

(3) Where basic seed potatoes are packed in packages or containers (other than sacks or bags) of more than 50 kg or unpacked:

(i) from lots not exceeding 5 tonnes at least one-twentieth of the weight of the lot shall be selected at random, the sample so selected being not less than 50 kg;

(ii) from lots exceeding 5 tonnes a sample of at least 250 kg shall be selected at random.

Movement permit for basic seed potatoes produced in Northern Ireland

SEEDS ACT (NORTHERN IRELAND) 1965

SEED POTATOES REGULATIONS (NORTHERN IRELAND) 1981

1. Name of grower

Address of grower

Grower's number

2. Name of merchant

Address of merchant

3. Particulars of lot

Quantity (Tonnes)

Variety

Class

Size

Number of packages or containers

4. I hereby certify that I have inspected the basic seed potatoes particularised above and found the lot to be of the standard of quality required by, and to have been properly dressed, packed and labelled in accordance with, the above Act and Regulations.

5. I hereby authorise the movement of the above lot from
to

6. Date of inspection Authorised officer

Note: This document must accompany the potatoes to which it relates.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations are made under the Seeds Act (Northern Ireland) 1965 as amended following upon the passing of the European Communities Act 1972.

The Regulations control the marketing, as defined, of seed potatoes. They do not apply to seed potatoes within the provisions of paragraphs (2) and (3) of Regulation 3.

Seed potatoes may only be marketed if they are basic seed potatoes as defined and, with certain exceptions, they are delivered in sealed packages or containers labelled with the required particulars.

The Regulations provide for the taking of samples to verify that the required standards are being met and for their enforcement. Among other things it is an offence to alter or tamper with a label required by the Regulations.

Schedules to the Regulations set out certification and classification procedures in respect of such potatoes and the requirements to be met and standards to be attained for classification. These Schedules list:

- (a) the particulars to appear on labels, packages and containers of basic seed potatoes and in certificates and other documents;
- (b) measures which may (among others) be required to prevent the spread, by means of basic seed potatoes, of diseases or pests;
- (c) procedures for the taking of samples.

In addition the Regulations give effect to Directive 66/403/EEC of the Council of the European Economic Community (O.J. No. 125, 11.7.66), as amended by Directives:

- | | |
|--------------------------------|--------------------------------|
| (a) 69/62/EEC (O.J. No. L48) | (b) 71/162/EEC (O.J. No. L87) |
| (c) 72/274/EEC (O.J. No. L171) | (d) 72/418/EEC (O.J. No. L287) |
| (e) 73/438/EEC (O.J. No. L356) | (f) 75/444/EEC (O.J. No. L196) |
| (g) 76/307/EEC (O.J. No. L72) | (h) 77/648/EEC (O.J. No. L261) |
| (i) 78/692/EEC (O.J. No. L236) | (j) 78/816/EEC (O.J. No. L281) |
| (k) 79/967/EEC (O.J. No. L293) | (l) 80/52/EEC (O.J. No. L18) |

regarding the marketing of seed potatoes.

A contravention of, or failure to comply with, these Regulations is an offence under section 3 of the Seeds Act (Northern Ireland) 1965 as amended.