

1994 No. 459

SEEDS

Seed Potatoes (Amendment) Regulations
(Northern Ireland) 1994

Made 23rd November 1994

Coming into operation 30th December 1994

The Department of Agriculture, in exercise of the powers conferred on it by sections 1(a), 2 and 12(1) of the Seeds Act (Northern Ireland) 1965(b) 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 (Amendment) Regulations (Northern Ireland) 1994 and shall come into operation on 30th December 1994.

Amendment of the Seed Potatoes Regulations (Northern Ireland) 1981

2. The Seed Potatoes Regulations (Northern Ireland) 1981(c) shall be amended as provided in regulations 3 to 14.

Interpretation

3.—(1) In regulation 2(1)—

(a) after the definition of “Common Catalogue” there shall be inserted the following definition—

“ “Community grade” in relation to basic seed potatoes means one of the grades designated by Commission Directive 93/17/EEC(d) determining Community grades of basic seed potatoes, together with the conditions and designations applicable to such grades;”;

(b) the definition of “official document” shall be deleted;

(c) after the definition of “potato” there shall be inserted the following definition—

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

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

(c) S.R. 1981 No. 243 as amended by S.R. 1983 No. 244, S.R. 1985 No. 2, S.R. 1991 No. 397 and S.R. 1993 No. 372

(d) O.J. No. L106, 30.4.93, p. 7

“ “protected region” means Northern Ireland and any of those regions listed in the Annex to Commission Decision 93/231/EEC(a);”.

(2) For regulation 2(2) there shall be substituted the following paragraph—

“(2) These Regulations are without prejudice to the provisions of the Plant Health Order (Northern Ireland) 1993(b).”.

Scope of regulations

4. In regulation 3, paragraph (1) shall be deleted.

Marketing of seed potatoes

5. In regulation 4 after paragraph (1) there shall be inserted the following paragraph—

“(1A) A person shall not market any seed potatoes within a protected region other than basic seed potatoes of a Community grade.”.

Certification and classification

6. After regulation 5 there shall be inserted the following regulation—

“Grading of basic seed potatoes into Community grades

5A.—(1) Basic seed potatoes marketed within a protected region shall be graded by an authorised officer into one of the Community grades.

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

Labelling of packages and containers

7. For regulation 7 there shall be substituted the following regulation—

“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), (4), (5) and (6) and regulation 9.

(2) Subject to paragraph (4), there shall be attached 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) Application for official labels 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.

(a) O.J. No. L106, 30.4.93, p. 11

(b) S.R. 1993 No. 256 as amended by S.R. 1994 No. 28

(4) 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.

(5) Subject to paragraph (6) 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.

(6) Paragraph (5) 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.

(7) 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;
- (b) a label attached in accordance with paragraph (5) or (6);
- (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 or official labels

8. In regulation 8(1)—

- (a) for the words “sealing device, official label or official document” there shall be substituted “sealing device or official label”; and
- (b) in sub-paragraph (f) the words “or official document” shall be deleted.

Sub-standard basic seed potatoes

9. In regulation 15(5) the words “official document” shall be deleted.

Certification of seed potatoes

10. In Schedule 1 paragraph 3(a) for head (i) there shall be substituted the following head—

- “(i) is not land in respect of which a notice has been served under Article 22(4) of the Plant Health Order (Northern Ireland) 1993 declaring that land to be infected with wart disease, potato ring rot or potato cyst nematode;”.

Classification of basic seed potatoes

11. In Schedule 2 paragraph 2—

- (a) in Column 2 (Requirements)—

- (i) opposite the entries relating to classes VTSC1 and SE1 at the end of sub-paragraph (a) and classes VTSC2, SE2 and SE3 at the end, there shall be inserted—

“Provided that the seed potatoes may also be derived from seed potatoes classified under the circumstances referred to in paragraph 3(b)(iii) or (iv) 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 (E) there shall be inserted at the end of sub-paragraph (a)—

“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 authority concerned as Community grade EEC1 or EEC2.”.

- (b) in Column 3 (Tolerances) opposite the entry relating to Class A, in paragraph (ii) there shall be deleted—

“of which not more than 0.25% (in total) shall be of Leaf Roll and Severe Mosaic”.

Requirements for an official label

12. In Schedule 4—

- (a) in Part I after the entry relating to “Class” in paragraph 1(c) there shall be inserted the following entry—

“Community grade (as appropriate)”;

and for the entry relating to “Variety” there shall be substituted the following entry—

“Variety indicated at least in Roman characters”;

- (b) Part II shall be deleted.

Tolerances for disease or pest, damage, blemish and impurity

13. In Schedule 5—

- (a) in Column 1 for the description of “Blackleg” in each place where that word occurs there shall be substituted the following:—

“Blackleg (*Erwinia carotovora* (Jones) Bergery *et al* ssp *atroseptica* (Hellmers & Dowson) Dye) or *Erwinia chrysanthemi* Burkholder *et al* or both”;

- (b) in Part I at the end of Group II and in Part II at the end of Group I there shall be added—

“Provided that in respect of seed potatoes of a Community grade marketed in Northern Ireland the individual tolerances listed in Column 2 and the group tolerances listed in Column 3 shall not exceed 0.5%.”.

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

14. In Schedule 6 after the entry relating to “Class” there shall be inserted the following entry—

“Community grade (as appropriate).”

Sealed with the Official Seal of the Department of Agriculture on 23rd
November 1994.

(L.S.)

I. C. Henderson

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend the Seed Potatoes Regulations (Northern Ireland) 1981. The Regulations implement as respects Northern Ireland 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. Northern Ireland is such a protected region.

The Regulations also implement as respects Northern Ireland the provisions of Annex IIIA.4 to Council Directive 66/403/EEC on the marketing of seed potatoes as amended by Article 4.4 of Council Directive 88/380/EEC.

The Regulations make the following principal changes, in that they—

- (a) restrict the marketing of seed potatoes in a protected region to Community grades of basic seed potatoes as defined in regulation 2(1) (regulations 3(1)(a) and (c) and 5);
- (b) require seed potatoes marketed in a protected region to be graded into one of the Community grades (regulation 6);
- (c) amend the Seed Potatoes Regulations (Northern Ireland) 1981 to remove references to official documents (inside labels) which are no longer required (regulations 3(1)(b), 7 to 9 and 12(b));
- (d) make provision for Community grades of basic seed potatoes to enter the Northern Ireland classification system (regulation 11(a));
- (e) provide that in relation to Class A seed the tolerance for total virus disease is 1% by number of plants (regulation 11(b));
- (f) require the appropriate Community grade designation and certain additional information to be shown on the official labels and sales documentation (regulations 12(a) and 14);
- (g) provide for *Erwinia chrysanthemi* to be counted within the existing tolerance for blackleg (regulation 13(a)); and
- (h) prohibit the marketing of lots of seed potatoes of Community grades marketed in Northern Ireland which contain more than 0.5% by weight of tubers infected by blight, blackleg, soft rots, dry rot or gangrene (regulation 13(b)).