
STATUTORY RULES OF NORTHERN IRELAND

2001 No. 188

Seed Potatoes Regulations (Northern Ireland) 2001

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 in Northern Ireland, seed potatoes in relation to which a certificate classifying them as seed potatoes of a basic category has been issued in accordance with Schedule 1;
- (b) in relation to seed potatoes produced elsewhere, seed potatoes in a lot or part of a lot imported into Northern Ireland in a package or container, to or in which has been affixed or placed a label or document, approved by the authority concerned which states that on examination of the potatoes they were classified as seed potatoes of a basic category in that country or place where the Department has approved the arrangements applying to basic seed potatoes in that country or place as being equivalent to those applying in Northern Ireland;

“certificate” means a certificate issued by the Department in accordance with the provisions of Schedule 1 stating in respect of the seed potatoes to which it relates the particulars specified 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 in which the seed potatoes were placed during the course of classification and specified in the certificate relating to those potatoes, being, in the case of pre-basic seed potatoes, the class or one of the classes specified in order of superiority in Column 1 of Table I in Schedule 2, and in the case of basic seed potatoes any one of the classes specified in order of superiority in Column 1 of Table II of Schedule 2; and
- (b) in relation to seed potatoes produced elsewhere, the class stated in a label or document approved by the authority concerned, being a label attached to or document contained in the package or container in which the seed potatoes are imported into Northern Ireland;

“Common Catalogue” means the Common Catalogue of varieties of seed potatoes published in the Official Journal of the European Communities;

“Community grade” in relation to basic seed potatoes means one of the grades designated by Commission Directive [93/17/EEC](#)(1) determining Community grades of basic seed potatoes, together with the conditions and designations applicable to such grades;

“damage” means damage arising from the action of extreme temperature or from bruising or in any other way if such damage is likely to impair germination and growth or allow the spread of any disease or pest;

“Department” means the Department of Agriculture and Rural Development;

“disease or pest” means a disease or pest set out in Groups I to III in Column 1 of Tables I, II, III, IV and V of Schedule 6;

“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;

“genetically modified” has the same meaning as for the purposes of Council Directive [90/220/EEC](#)(2) on the deliberate release into the environment of genetically modified organisms;

“grower’s number” has the meaning assigned to it in regulation 8(2);

“lot” means an identifiable part of a consignment which is recorded and listed as a separate item in an invoice, delivery note or other document provided in accordance with regulation 15;

“member State” means a member State of the Communities;

“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 5 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*;

“pre-basic seed potatoes” means—

- (a) in relation to seed potatoes produced in Northern Ireland, seed potatoes in relation to which a certificate classifying them as seed potatoes of a pre-basic category has been issued in accordance with Schedule 1; and
- (b) in relation to seed potatoes produced outside Northern Ireland, seed potatoes being a lot or part of a lot imported into Northern Ireland in a package or container, to or in which a label or document, approved by the authority concerned has been affixed or placed, stating that on examination of the potatoes they were classified as seed potatoes of a pre-basic category in that country or place where the Department has approved the arrangements applying to pre-basic seed potatoes in that country or place as being equivalent to those applying in Northern Ireland;

“protected region” means Northern Ireland and any of those regions listed in the Annex to Commission Decision [93/231/EEC](#)(3);

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

(2) O.J. No. L117, 8.5.90, p. 15; as last amended by Commission Decision [98/294/EC](#), O.J. No. L131, 5.5.98, p. 33

(3) O.J. No. L106, 30.4.93, p. 13

“sealing device” means a device used to seal a package or a container of seed potatoes which will be broken if it is applied to a package or a container and that package or container is opened in the ordinary way subject to—

- (i) such a device not being deemed to include an official label which is machine stitched into the mouth of the bag;
- (ii) in the case of seed potatoes produced in Northern Ireland such a device being deemed to include an official label which is machine stitched into the mouth of the bag and which is also endorsed with the official stamp of the Department;

“seed potatoes” means potatoes which bear that description or any description indicating their suitability for planting and propagation and which are capable of being used for planting and propagation or any potatoes that are intended to be used for planting and propagation;

“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⁽⁴⁾ 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, seed potatoes are passed or retained.

(2) These Regulations are without prejudice to the provisions of the Plant Health Order (Northern Ireland) 1993⁽⁵⁾.

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

- (a) disease, damage, 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.

(4) In these Regulations “marketing” means—

- (a) selling, holding with a view to sale and offering for sale; and
- (b) any disposal, supply or transfer, for the purpose of commercial exploitation of seed potatoes to third parties, whether or not for consideration.

(5) Trade in seed potatoes not aimed at commercial exploitation of the variety, such as the following operations—

- (a) the supply of seed potatoes to official testing and inspection bodies; or
- (b) the supply of seed potatoes to any person for the purpose of processing or packaging the seed potatoes provided he does not acquire title to the seed potatoes supplied,

shall not be treated as marketing of seed potatoes of that variety.

(6) The Interpretation Act (Northern Ireland) 1954⁽⁶⁾ shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

⁽⁴⁾ 1967 c. 28 (N.I.)

⁽⁵⁾ S.R. 1993 No. 256 as amended by S.R. 1995 No. 164, No. 250 and No. 494, S.R. 1996 No. 204 and No. 249, S.R. 1997 No. 110 and No. 397, S.R. 1998 No. 16, No. 107, No. 146 and No. 315, S.R. 1999 No. 1, No. 24 and No. 212, S.R. 2000 No. 108 and No.126 and S.R. 2001 No. 32

⁽⁶⁾ 1954 c. 33 (N.I.)