
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 201

SEEDS

The Seed Potatoes (Scotland) Regulations 2000

<i>Made</i> - - - - -	<i>15th June 2000</i>
<i>Laid before the Scottish Parliament</i> - - - - -	<i>16th June 2000</i>
<i>Coming into force</i>	
<i>(except regulation 6)</i>	<i>7th July 2000</i>
<i>(as regards regulation 6)</i>	<i>1st April 2001</i>

The Scottish Ministers acting in exercise of the powers conferred by sections 16(1), (1A), (2), (3), (4), (5) and 36 as read with section 38(1) of the Plant Varieties and Seeds Act 1964⁽¹⁾ 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:

PART I
PRELIMINARY

Citation, commencement and extent

- 1.—(1) These Regulations may be cited as the Seed Potatoes (Scotland) Regulations 2000.
- (2) These Regulations, except regulation 6, shall come into force on 7 July 2000.
- (3) Regulation 6 shall come into force on 1 April 2001.
- (4) These Regulations extend to Scotland only,

Interpretation

- 2.—(1) In these Regulations, unless the context otherwise requires—
“the Act” means the Plant Varieties and Seeds Act 1964;

(1) 1964 c. 14: 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 and by S.I. 1977/1112; and section 38(1) was amended by S.I. 1978/272, Schedule 5, paragraph 10. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998, (c.46).

“the 1991 Regulations” means the Seed Potatoes Regulations 1991(2);

“agricultural unit” has the meaning assigned to that expression in section 86(2) of the Agriculture (Scotland) Act 1948(3);

“authorised officer” means an officer of the Scottish Ministers or a person authorised by the Scottish Ministers to execute Part II of the Act;

“basic seed potatoes” means—

- (a) in the case of seed potatoes produced in Scotland, seed potatoes in relation to which a certificate of classification as basic seed potatoes has been issued and not withdrawn; and
- (b) in the case of seed potatoes produced outside Scotland, seed potatoes being a lot or part of a lot moved into Scotland in a package or container, to or in which a label or document, approved by the relevant authority, has been attached or placed, stating that on examination of the potatoes they were classified as seed potatoes of a basic category in that country or place;

“certificate of classification” means a certificate of classification issued under these Regulations stating the particulars specified in Schedule 3;

“class” means—

- (a) in to the case of seed potatoes produced in Scotland 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 any 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 in Schedule 2; and
- (b) in relation to seed potatoes produced outside Scotland, the class specified in a label or document approved by the relevant authority, being a label attached to or document contained in the package or container in which the seed potatoes are moved into Scotland,

and “classification”, “classify” and “classified” shall be construed accordingly;

“the Common Catalogue Directive” means Council Directive 70/457EEC(4) on the common catalogue of varieties of agricultural plant species;

“Community grade” in relation to basic seed potatoes means EEC1, EEC2 or EEC3 being one of the grades determined by Commission Directive 93/17/EEC(5) determining Community grades of basic seed potatoes, together with the conditions and designations applicable to such grades;

“container” includes a chitting tray, box or crate;

“Council Directive 66/403” means Council Directive 66/403(6) of June 14, 1966 on the marketing of seed potatoes;

“Council Directive 90/220” means Council Directive 90/220 EEC(7) of 23 April 1990 on the deliberate release into the environment of genetically modified organisms;

“genetically modified” has the same meaning as for the purposes of Council Directive 90/220 EEC;

“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 14;

(2) S.I. 1991/2206; amended by 1992/1031, 1993/1878, 1994/2592 and 1997/1474.

(3) 1948 c. 45.

(4) O.J. No. L225, 12.10.70, p1 (English Special Edition Supplement Series 1 (66-70) p.36); as last amended by Council Directive 98/96 EC (O.J. No. L25, 1.2.1999, p.27).

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

(6) O.J. No. L125, 11.7.66, p.154 as last amended by Council Directive 98/96 EC (O.J. No. L25, 1.2.1999, p.27).

(7) O.J. No. L117, 8.5.90, p.15.

“marketing” means marketing to which these Regulations apply by virtue of regulation 3;

“nuclear stock” means the initial propagating material which, in circumstances notified in writing as being acceptable to the Scottish Ministers, is tested and maintained free from pathogens;

“official document” means the document required by Article 10.1(b) of Council Directive 66/403;

“official examination” means an examination carried out by or on behalf of the Scottish Ministers;

“official label” means—

(a) in the case of seed potatoes produced in Scotland, a wear and tear resistant label supplied by or on behalf of the Scottish Ministers which meets the requirements set out in Schedule 6, paragraph 1 or 2; and

(b) in the case of seed potatoes produced outside Scotland, a label approved by the relevant authority and issued pursuant to Council Directive 66/403 which meets the requirements set out in Schedule 6, paragraph 1 or 2;

“package” includes a bag, box or sack;

“pre-basic seed potatoes” means—

(a) in the case of seed potatoes produced in Scotland, seed potatoes in relation to which a certificate of classification as pre-basic seed potatoes has been issued in accordance with Schedule 1 and not withdrawn; and

(b) in the case of seed potatoes produced outside Scotland, seed potatoes –

(i) produced in a country or place where the arrangements applying to pre-basic seed potatoes have been approved by Scottish Ministers as being equivalent to those applying in Scotland; and

(ii) being a lot or part of a lot moved into Scotland in a package or container, to or in which a label or document, approved by the relevant authority, has been attached or placed, stating that on examination of the potatoes they were classified as seed potatoes of a pre-basic category;

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

“premises” includes any land or building other than a private dwellinghouse and also includes any vehicle, vessel, aircraft, hovercraft or freight container;

“relevant authority” means the authority in the country or place where seed potatoes are produced which is concerned with the classification of seed potatoes in that country or place for the purposes of Council Directive 66/403;

“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 outside Scotland” means seed potatoes produced in any part of the European Community other than Scotland or in Switzerland, the Channel Islands, or the Isle of Man or in any country or place in which seed potatoes are produced in circumstances notified in writing as being acceptable to the Scottish Ministers;

“size” in relation to seed potatoes means the size of the square mesh of the riddle or gauge through or by which the seed potatoes may be passed or retained.

(2) Unless the context otherwise requires, any reference in these Regulations to a numbered regulation or Schedule shall be construed as a reference to the regulation or Schedule bearing that

number in these Regulations and in any Schedule to these Regulations any reference to a numbered paragraph or Table shall be construed as a reference to the paragraph or Table so numbered in that Schedule.

(3) Any reference in these Regulations to a Community instrument is a reference to that instrument and any amendment of such instrument in force on the date these Regulations are made.

Application

3.—(1) Subject to paragraphs (2), (4) and (5), these Regulations apply to—

- (a) the production of seed potatoes on or after 7 July 2000 with a view to marketing;
- (b) the classification and grading on or after that date of seed potatoes produced in Scotland; and
- (c) the marketing on or after that date of seed potatoes.

(2) In the case of regulation 6, for the reference in paragraph (1) to 7 July 2000 there is substituted reference to 1 April 2001.

(3) In paragraph (1), “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; and “market” and “marketed” shall be construed accordingly.

(4) The supply of seed potatoes, not aimed at commercial exploitation of the variety, such as the following operations, shall not be treated as marketing of seed potatoes of that variety—

- (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.

(5) Nothing in these Regulations shall apply to the marketing by a producer under the authority of the Scottish Ministers of small quantities of seed potatoes used or to be used for the purposes of scientific investigation or in the course of a process of selection by or under the supervision of an authorised officer.

(6) In respect of genetically modified material, an authorisation may be granted under paragraph (5) only if—

- (a) the deliberate release of the genetically modified material has been authorised under a Part B consent, or the genetically modified material has been accepted for marketing in accordance with a Part C consent, issued for the purposes of Council Directive [90/220/EEC](#);
- (b) the seed potatoes are accompanied during marketing by a copy of the consent;
- (c) all appropriate measures, in accordance with an environmental risk assessment in respect of the material carried out in accordance with article 7(4) of the Common Catalogue Directive, have been taken by the producer of the seed potatoes to avoid adverse effects on human health and the environment; and
- (d) in the case of genetically modified material issued with a Part C consent, the conditions mentioned in paragraph (7) are met.

(7) The conditions referred to in paragraph (6)(d) are—

- (a) the producer intending to market the small quantity of seed potatoes for scientific purposes or selection work has made a written application for authorisation under paragraph (5) to Scottish Ministers giving—

- (i) notice of intention to market a small quantity of seed potatoes for scientific purposes or selection work; and
 - (ii) such information relating to the acceptance for marketing of the variety of the seed potatoes concerned under Council Directive 90/220/EEC, and the scientific purposes or selection work in respect of which the marketing is to be carried out, as the Minister may require for the purposes of identifying the marketing and determining whether or not to grant the authorisation; and
- (b) the Minister is satisfied that an authorisation would be in accordance with the purpose of Article 4a.1(a) of Council Directive 66/403/EEC.

PART II

CLASSIFICATION AND GRADING

Classification of seed potatoes

- 4.—(1) Seed potatoes produced in Scotland shall be classified by an authorised officer as –
- (a) pre-basic seed potatoes of one of the classes (Pre-basic TC, Pre-basic 1 or Pre-basic 2) specified in column 1 of Table I in Schedule 2; or
 - (b) basic seed potatoes of one of the classes (VTSC1, VTSC2, Super Elite 1, Super Elite 2, Super Elite 3, Elite 1, Elite 2, Elite 3 or AA) specified in column 1 of Table II in Schedule 2.
- (2) Application for classification (of seed potatoes produced in Scotland) shall be made to the Scottish Ministers with such information in such form and in such manner as they may require.

Community Grading of basic seed potatoes

5. Basic seed potatoes marketed in Scotland shall be graded by an authorised officer into one of the Community grades.

Production measures in the interests of plant health

6.—(1) The production of seed potatoes shall at all stages be conducted in such manner as to ensure that they do not come into contact with any potatoes other than seed potatoes or with any plant, machinery, equipment, container, store or vehicle previously used in the production of potatoes other than seed potatoes.

(2) The Scottish Ministers may withdraw a certificate of classification where they are not satisfied that the seed potatoes covered by the certificate have been produced in compliance with paragraph (1).

(3) Paragraph (1) shall not apply where–

- (a) the potatoes were produced on the same agricultural unit; or
- (b) the production is conducted in accordance with arrangements approved in writing by the Scottish Ministers prior to the use of the plant, machinery, equipment, container, store or vehicle.

Separation in the interests of varietal purity

7.—(1) The production of seed potatoes shall at all stages be conducted in such manner as to ensure that they are kept separate from–

- (a) seed potatoes of any other class or variety;

(b) any potatoes other than seed potatoes.

(2) The Scottish Ministers may withdraw a certificate of classification where they are not satisfied that the seed potatoes covered by the certificate have been produced in compliance with paragraph (1).

PART III

MARKETING AND LABELLING OF SEED POTATOES

Marketing of seed potatoes

8.—(1) No person shall market any seed potatoes other than—

- (a) pre-basic seed potatoes; or
- (b) basic seed potatoes of a Community grade.

(2) No person shall market seed potatoes—

- (a) as being of a class superior to that in which they were classified;
- (b) otherwise than in a lot consisting wholly of seed potatoes of that class;
- (c) otherwise than in a lot which meets the requirements as to varietal purity and size specified in Schedule 4 in relation to a lot of seed potatoes of that class;
- (d) which have been treated with a product which is produced primarily as an application for inhibiting germination; or
- (e) otherwise than in—
 - (i) a new package or container; or
 - (ii) a container which, having been previously used for any purpose, has been cleaned and disinfected, in accordance with the requirements of an authorised officer, since being last so used.

(3) No person shall market any genetically modified seed potatoes unless it is clearly indicated in the sales catalogue of the person marketing the seed potatoes and in any other marketing information or marketing representations provided by that person, that the seed potatoes have been genetically modified.

(4) A person who imports any quantity of seed potatoes exceeding 2 kilograms from outside the European Community shall provide the Scottish Ministers with the particulars specified in Schedule 5 in respect of the seed potatoes.

Labelling of seed potatoes

9.—(1) No person shall market a package or container of seed potatoes unless there is attached to the outside—

- (a) in the case of pre basic seed potatoes, the official label meeting the requirements set out in Schedule 6, paragraph 1 issued in relation to those potatoes;
- (b) in the case of basic seed potatoes, the official label meeting the requirements set out in Schedule 6, paragraph 2 issued in relation to those potatoes; and
- (c) in either case, where the label particulars are not indelibly printed on the package or container or on a wear and tear resistant or adhesive label attached to it, it contains the official document required by Article 10.1(b) of Council Directive 66/403 so issued.

(2) Application for an official label in respect of seed potatoes produced in Scotland shall be made to the Scottish Ministers with such information in such form and in such manner as they may require.

(3) No person shall, in connection with the issue of an official label, supply any information which is false in a material respect.

(4) Where seed potatoes have been treated with any chemical product, the type and function 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.

(5) In the case of a genetically modified variety of seed potatoes, any label, whether official or otherwise, attached to any lot of that variety and any document contained in the package or container, shall clearly indicate that the variety has been genetically modified.

(6) When a package or container is re sealed in accordance with regulation 10(2) the official label shall state—

- (a) that the package or container has been so re sealed;
- (b) the date of re sealing; and
- (c) the authority responsible for re sealing.

(7) Except in accordance with the requirements of the Act or of these Regulations or of any Order made under the Plant Health Act 1967⁽⁸⁾, no person shall in connection with the marketing or the preparation for the marketing of any seed potatoes, wilfully reproduce, remove, alter, deface, conceal or misuse in any way any official label or any other label attached to or document contained in the package or container of such potatoes in accordance with this regulation.

Sealing of packages

10.—(1) No person shall market a package or container of pre-basic or basic seed potatoes unless it is sealed with an unbroken sealing device.

(2) Where a sealing device on a package or container is broken, the package or container shall not be re-sealed with a sealing device otherwise than by or under the supervision of an authorised officer.

(3) For the purposes of this regulation a “sealing device” means a device applied in such a manner to a package or container that when the package or container is opened the device will be broken but does not include an official label with a punched tie hole which is machine stitched into the mouth of a bag.

Official examination prior to marketing

11. No person shall market any quantity of seed potatoes which has been prepared for marketing until it has been subjected to an official examination, or that person has been notified in writing by an authorised officer that official examination prior to marketing is not required.

Withholding or withdrawal of official label

12. The Scottish Ministers may withhold an official label or may withdraw any official label in respect of any lot or any part thereof where they are satisfied that—

- (a) the lot does not comply with the requirements as to varietal purity and size specified in Schedule 4 in relation to a lot of seed potatoes of the class stated on the label;
- (b) the seed potatoes comprised in the lot exceed any of the tolerances for diseases, pests, damage and defects specified in the Table set out in Schedule 7 applicable to those potatoes;

(8) 1967 c. 8.

- (c) any official label already issued in respect of the seed potatoes contains any particular which is false in a material respect; or
- (d) there has been any failure to comply with these Regulations in respect of any of the seed potatoes.

Compliance and disease control measures

13.—(1) Where in the course of any official examination of seed potatoes an authorised officer is satisfied that in relation to the seed potatoes—

- (a) any requirement specified in these Regulations has not been met; or
- (b) any of the tolerances specified in the Table set out in Schedule 7 applicable to those potatoes are exceeded,

the authorised officer may serve a notice on the person in whose possession or charge the potatoes appear to be informing that person accordingly and requiring him—

- (i) not to move or permit or cause to be moved the seed potatoes specified in the notice from the premises specified in the notice except in accordance with the written consent of an authorised officer; or
- (ii) to move or permit or cause to be moved such seed potatoes within the period specified in the notice to such premises as may be so specified and thereafter not to move or permit or cause to be moved the seed potatoes from those premises except as provided in the notice.

(2) A notice served on a person by an authorised officer under paragraph (1) of this regulation may require that person to carry out on such premises at such time, within such period and in accordance with such methods as may be specified in the notice, such measures as may be specified being measures which in the opinion of the authorised officer are necessary—

- (a) to ensure that the requirements specified in these Regulations are met; or
- (b) to prevent the spread of any of the specified diseases or pests by means of the seed potatoes.

(3) The measures specified pursuant to paragraph (2) shall—

- (a) not be varied except by or in accordance with the written consent of an authorised officer; and
- (b) be carried out to the satisfaction of an authorised officer by and at the expense of the person on whom the notice has been served.

(4) Where in the course of any official examination an authorised officer is of the opinion that any seed potatoes are affected by any disease, pest or damage mentioned in the Table set out in Schedule 7 applicable to those potatoes, the authorised officer may serve on the person in whose possession or charge the potatoes appear to be a notice—

- (a) making any requirement and specifying any measure which may be made or specified pursuant to paragraph (2) in a notice served under paragraph (1);
- (b) specifying a period not exceeding 14 days beginning with the date of service of the notice during which the potatoes shall not be moved from the premises specified in the notice except in accordance with the written consent of an authorised officer.

(5) Where a notice has been served under paragraphs (1) or (4) and until such time as the requirements of the notice have been complied with to his satisfaction, an authorised officer may remove and retain or direct the person in whose possession or charge the potatoes appear to be to remove and deliver to the authorised officer—

- (a) any official label; and
- (b) in the case of seed potatoes produced outside Scotland, any document of the kind referred to in regulation 9(1)(c).

Particulars of sale

14. Any person who sells, consigns or delivers seed potatoes shall issue to the purchaser not later than 14 days after the sale, or, if the seed potatoes are not delivered at the time of the sale, not later than 14 days after delivery thereof, a sale note, delivery note, invoice or similar document specifying in relation to the seed potatoes so sold, consigned or delivered the particulars specified in Schedule 8.

Retail sales of seed potatoes

15.—(1) The regulations mentioned in paragraph (2) do not apply to a sale by retail of a quantity of less than 50 kg of seed potatoes—

- (a) in circumstances where at the time of sale there is displayed conspicuously on or in close proximity to the seed potatoes a statement of the particulars specified in Schedule 8; or
- (b) in a package or container upon which is printed, or otherwise legibly and indelibly marked, or attached to or inserted therein a label marked with the particulars specified in Schedule 8.

(2) The regulations referred to in paragraph (1) are—

- (a) regulation 9 (labelling of seed potatoes);
- (b) regulation 10 (sealing of packages);
- (c) regulation 11 (official examination prior to marketing); and
- (d) regulation 14 (particulars of sale).

PART IV GENERAL

Sampling of seed potatoes

16.—(1) A sample of seed potatoes required for the purposes of these Regulations shall be taken by an authorised officer in accordance with the provisions of this regulation.

(2) Where a sample is so required in connection with classification of seed potatoes an authorised officer may take a sample of potatoes of such quantity or number and from such part or parts of the growing or harvested crop as he may think expedient.

(3) Where a sample is so required otherwise than as mentioned in paragraph (2) of this regulation an authorised officer shall take the sample in accordance with Schedule 9.

Information regarding seed potatoes

17.—(1) Any person who produces pre-basic seed potatoes or basic seed potatoes shall maintain for a period of not less than 2 years records of purchase of seed potatoes for planting and particulars of the crops grown and of the marketing of the produce of these crops.

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

(3) Any person who produces or markets pre-basic seed potatoes or basic seed potatoes or otherwise has or has had pre-basic seed potatoes or basic seed potatoes in his possession or in his charge shall if so required in writing by an authorised officer give within 7 days any information he may possess as to the person in whose possession or under whose charge they are or have been and shall produce for examination by an authorised officer any declarations, certificates, labels, records or invoices relating to the planting, classification or marketing of seed potatoes.

Service of notices

18.—(1) For the purposes of these Regulations, a notice shall be deemed to have been served on any person if it is delivered to him personally or left for him at his last known place of abode or business or sent through the post in a letter addressed to him there.

(2) A notice may—

- (a) in case of a body corporate, be served on the secretary or clerk of that body at the address of the registered or principal office of that body; and
- (b) in the case of a partnership, be served on the firm at the principal office of the partnership.

Exemptions

19. Notwithstanding any provisions of these Regulations, the Scottish Ministers may exempt any person or class of person, or persons generally, from compliance with any of the requirements of these Regulations in respect of seed potatoes subject to such conditions as the Scottish Ministers may think fit.

Consequential Amendment to Plant Health Order 1993

20. For article 18(4) (miscellaneous provisions for certain solanaceous species) of the Plant Health Order 1993(**(9)**) there is substituted—

“(4) No person shall plant, or knowingly cause or permit to be planted, in Scotland, potatoes other than—

- (a) potatoes which may be marketed in Scotland under the Seed Potatoes (Scotland) Regulations 2000; or
- (b) one year’s direct progeny of such potatoes, where that direct progeny has been grown by that person.

Persons involved in the planting of potatoes in Scotland shall retain and make available to an authorised officer documentation specified in paragraph (5).”.

Extension and modification of provisions of the Act

21.—(1) In connection with the provisions of these Regulations the operation of the provisions of sections 25 and 26 of the Act shall be modified or, as the case may be, excluded in accordance with the provisions of this regulation.

(2) Section 25(**(10)**) of the Act (powers of entry) shall be modified as if for the purposes of that section any reference to “premises” were a reference to premises as defined in these Regulations relating to seed potatoes and any reference to a subsection containing a reference to premises were a reference to that subsection as so modified.

(3) Section 25(1) of the Act shall be modified as if the reference to subsection (4) of that section were a reference to that subsection as modified by paragraph (4) of this regulation.

(4) In section 25(4) of the Act the words after “potatoes” (where it first occurs) to the end shall be omitted.

(5) In section 26 of the Act (use of samples in criminal proceedings) subsections (2), (4), (5), (6), (7), (8) and (9) shall be omitted.

(9) 1993/1320; to which there are amendments not relevant to these Regulations.

(10) Section 25 was amended by the European Communities Act 1972 (c. 68), Schedule 3, Part III and Schedule 4, paragraph 5; Criminal Justice Act 1982 (c. 48), Schedule 6, paragraph 16.

Revocations and savings

22.—(1) The Regulations specified in Schedule 10 to these Regulations are revoked.

(2) Any classification or grading in Scotland of seed potatoes undertaken under regulations 7 or 7A of the 1991 Regulations and any application for classification made or certificate of classification issued in Scotland in pursuance of those Regulations shall be deemed to be undertaken, made or, as the case may be issued under and in accordance with these Regulations.

(3) Any official label or document issued in respect of an application under regulation 11(4) of the 1991 Regulations in relation to seed potatoes produced in Scotland shall be deemed to be an official label within the meaning of these Regulations.

St Andrew's House, Edinburgh
15th June 2000

ROSS FINNIE
A member of the Scottish Executive

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⁽¹¹⁾ 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;

⁽¹¹⁾ 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.

- (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.

SCHEDULE 2

Regulations 2(1) and 4(1)

CLASSIFICATION: SOURCE MATERIAL, OTHER REQUIREMENTS AND TOLERANCES

1. Following completion of examination of the crop in accordance with paragraph 1(c) of Schedule 1, an authorised officer may classify the potatoes as being pre-basic seed potatoes or basic seed potatoes of a class specified in column 1 of Table I (pre-basic seed potatoes) or Table II (basic seed potatoes) to this Schedule where he is satisfied–

- (a) that the seed potatoes are derived from source material of the kind specified in the entry in column 2 corresponding to that class;
- (b) that the other requirements specified in the entry in column 3 corresponding to that class have been met; and
- (c) on a sample that any of the tolerances specified in the entry in column 4 corresponding to that class have not been exceeded.

2. Any tolerance in column 4 of Table I or Table II expressed as a percentage is a reference to the proportion expressed as a percentage which the number of growing plants affected by the disease or varietal impurity bears to the total number of plants in the sample.

TABLE I

PRE-BASIC SEED POTATOES

<i>Column 1 Class</i>	<i>Column 2 Source Material</i>	<i>Column 3 Other Requirements</i>	<i>Column 4 Tolerances</i>
Pre-basic TC	Nuclear stock or a crop which meets the requirements set out in Schedule 1 paragraph 3(k)(iii).	The seed potatoes are– (a) grown in a unit officially approved for production of Pre-basic TC; (b) kept free, as far as practicable from	(i) deviations from variety – nil; (ii) severe mosaic – nil; (iii) leafroll – nil; (iv) mild mosaic – nil; (v) blackleg – nil.

<i>Column 1</i> <i>Class</i>	<i>Column 2</i> <i>Source Material</i>	<i>Column 3</i> <i>Other Requirements</i>	<i>Column 4</i> <i>Tolerances</i>
		diseases and aphids by appropriate husbandry measures.	
Pre-basic 1	Stock which was classified in the year preceding the planting of the crop as Pre-basic TC or a crop which meets the requirements set out in Schedule 1 paragraph 3(k)(iii).	<p>The seed potatoes are—</p> <p>(a) grown and entered for classification by a person whose facilities, test methods, planting arrangements and manner of keeping appropriate records in relation to production of seed potatoes are acceptable to the Scottish Ministers; and</p> <p>(b) grown in the year in which they are entered for classification on an agricultural unit on which all potato crops planted were seed potatoes of the VTSC and SE1 classes.</p>	<p>(i) deviations from a variety and type and groundkeepers – nil;</p> <p>(ii) severe mosaic – nil;</p> <p>(iii) leafroll – nil;</p> <p>(iv) mild mosaic – nil;</p> <p>(v) blackleg – nil.</p>

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<i>Column 1 Class</i>	<i>Column 2 Source Material</i>	<i>Column 3 Other Requirements</i>	<i>Column 4 Tolerances</i>
Pre-basic 2	Stock which was classified in the year preceding the planting of the crop as Pre-basic 1.	As for Pre basic 1.	As for Pre basic 1.

TABLE II

BASIC SEED POTATOES

<i>Column 1 Class</i>	<i>Column 2 Source Material</i>	<i>Column 3 Other Requirements</i>	<i>Column 4 Tolerances</i>
VTSC 1	Stock classified in the year preceding the planting of the crop as Pre basic TC, Pre-basic 1, Pre basic 2 or a crop which meets the requirements set out in Schedule 1 paragraph 3(k)(iii).	As for Pre-basic 1.	(i) deviations from variety and type and groundkeepers – nil; (ii) severe mosaic – nil; (iii) leafroll – nil; (iv) mild mosaic – nil; (v) blackleg – nil.
VTSC 2	Stock classified in the year preceding the planting of the crop as VTSC1.	As for Pre-basic 1.	As for VTSC1.
Super Elite 1 (SE1)	(a) Stock classified in the year preceding the planting of the crop as Pre-basic TC, Pre-basic 1, Pre-basic 2, VTSC1, VTSC2; or (b) A crop which meets the requirements set out in Schedule 1, paragraph 3(k)(iii).		(i) deviations from variety and type and groundkeepers-0.05%. (ii) severe mosaic-nil. (iii) leafroll-0.01%. (iv) mild mosaic-0.05%. (v) blackleg-0.25%.

<i>Column 1</i> <i>Class</i>	<i>Column 2</i> <i>Source Material</i>	<i>Column 3</i> <i>Other Requirements</i>	<i>Column 4</i> <i>Tolerances</i>
Super Elite 2 (SE2)	(a) Stock classified in the year preceding the planting of the crop as SE1; or (b) Seed potatoes produced outwith the Community which meet the requirements set out in Schedule 1 paragraph 3(k)(iv).		As for SE1.
Super Elite 3 (SE3)	Stock classified in the year preceding the planting of the crop as SE2.		As for SE1.
Elite 1 (E1)	(a) Stock classified in the year preceding the planting of the crop as Pre-basic TC, Pre-basic 1, Pre-basic 2, VTSC1, VTSC2, SE1, SE2, SE3; or (b) A crop which meets the requirements set out in Schedule 1 paragraphs 3(k)(iii) and (iv).		(i) deviations from variety and type and groundkeepers-0.05%; (ii) total virus disease (leafroll, severe mosaic and mild mosaic)-0.5% of which not more than 0.1% (in total) shall be of leafroll and severe mosaic; (iii) blackleg-0.5%.
Elite 2 (E2)	(a) Stock—		As for E1.

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<i>Column 1</i> <i>Class</i>	<i>Column 2</i> <i>Source Material</i>	<i>Column 3</i> <i>Other Requirements</i>	<i>Column 4</i> <i>Tolerances</i>
		<p>(i) classified in the year preceding the planting of the crop as E1; or</p> <p>(ii) which meets the requirements of Commission Directive 93/17/EEC and which has been designated by the relevant authority as Community Grade EEC1 or EEC2; or</p> <p>(b) Seed potatoes produced outwith the Community which meet the requirements set out in Schedule 1 paragraphs 3(k)(iv).</p>	
Elite 3 (E3)	Stock classified in the year preceding the planting of the crop as E2.		As for E1.

<i>Column 1</i> <i>Class</i>	<i>Column 2</i> <i>Source Material</i>	<i>Column 3</i> <i>Other Requirements</i>	<i>Column 4</i> <i>Tolerances</i>
AA	(a) Stock—	(i) classified in the year preceding the planting of the crop as Pre-basic TC, Pre-basic 1, Pre-basic 2, VTSC1, VTSC2, SE1, SE2, SE3, E1, E2; or	(i) deviations from variety and type and groundkeepers-0.1%;
		(ii) which meets the requirements of Commission Directive 93/17EEC and which has been designated by the relevant authority as Community grade EEC1 or EEC2;	(ii) total virus disease-1.0%;
			(iii) blackleg-1%.
	(b) Seed potatoes		

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<i>Column 1 Class</i>	<i>Column 2 Source Material</i>	<i>Column 3 Other Requirements</i>	<i>Column 4 Tolerances</i>
		produced outwith the Community which meet the requirements set out in Schedule 1 paragraphs 3(k)(iii) and (iv).	

SCHEDULE 3

Regulation 2(1) and Schedule 1 paragraph 2(a)

PARTICULARS TO BE SPECIFIED IN CERTIFICATE

1. Name and address of the applicant
2. Name of the agricultural unit on which the crop was grown
3. Producer's Identification Number
4. Crop Identification Number
5. Pre-basic seed potatoes or basic seed (as appropriate) and class
6. Community grade, where appropriate
7. Date on which certificate was issued
8. Variety of the crop classified
9. Area of the crop classified
10. Location (O.S. Field No. or F.I.S No.) of the field on which the crop was grown

SCHEDULE 4

Regulations 2(1), 8(2)(c), 12(a) and Schedule 6 paragraph 4(1)(a)

REQUIREMENTS AS TO VARIETAL PURITY AND SIZE

Requirements as to varietal purity and size

1. For the purposes of regulation 8(2)(c), the requirements, if any, set out in paragraphs 2, 3 and 4 as to the varietal purity or minimum size of or maximum variation in size between tubers in a lot of seed potatoes are specified in relation to any lot of seed potatoes to which those paragraphs respectively apply.

Pre-basic TC and equivalent seed potatoes

- 2.—(1) This paragraph applies—

- (a) to seed potatoes classified under these Regulations as being of the class Pre-basic TC; and
- (b) to pre-basic seed potatoes produced outside Scotland which are approved by Scottish Ministers as being equivalent to that class.

(2) In the case of seed potatoes to which this paragraph applies there shall be no deviation from variety.

Pre-basic 1 and Pre-basic 2 and equivalent seed potatoes

3.—(1) This paragraph applies—

- (a) to seed potatoes classified under these Regulations as being of the class Pre-basic 1 or Pre-basic 2; and
- (b) to seed potatoes produced outside Scotland which are approved by Scottish Ministers as being equivalent to that class.

(2) Subject to sub-paragraphs (3) and (4), in the case of seed potatoes to which this paragraph applies—

- (a) there shall be no deviation from variety;
- (b) the minimum size is 25 millimetres; and
- (c) the maximum variation in size between tubers in a lot is 25 millimetres.

(3) For the purposes of determining whether any a lot of seed potatoes to which this paragraph applies meets the requirements specified in sub-paragraph (2)(a), the variety of any seed potatoes shall be deemed to be as stated on the official label in respect of the lot, if, on a sample taken in accordance with regulation 16(3) and Schedule 9, the proportion of the weight of potatoes which deviate from variety does not exceed 0.01% of the total weight of the sample.

(4) For the purposes of determining whether any a lot of seed potatoes to which this paragraph applies meets the requirements specified in sub-paragraph (2)(b) or (c), the size of any seed potatoes shall be deemed to be as stated on the official label in respect of the lot, if, on a sample taken in accordance with regulation 16(3) and Schedule 9, the proportion of the weight of the potatoes which are—

- (i) smaller than the minimum size stated on the official label; and
- (ii) larger than the maximum size stated on the official label,

does not exceed 2% of the total weight of the sample.

Basic seed potatoes

4.—(1) This paragraph applies to basic seed potatoes.

(2) Subject to sub-paragraphs (3) and (4), in the case of seed potatoes to which this paragraph applies—

- (a) there shall be no deviation from variety;
- (b) the minimum size is 25 millimetres; and
- (c) the maximum variation in size between tubers in a lot is 25 millimetres.

(3) For the purposes of determining whether a lot of seed potatoes to which this paragraph applies meets the requirements specified in sub-paragraph (2)(a), the variety of any seed potatoes shall be deemed to be as stated on the official label in respect of the lot, if, on a sample taken in accordance with regulation 16(3) and Schedule 9, the proportion of the weight of potatoes which deviate from variety does not exceed 0.1% of the total weight of the sample.

(4) For the purposes of determining whether a lot of seed potatoes to which this paragraph applies meets the requirements specified in sub-paragraph (2)(b) or (c)—

- (a) in the case of seed potatoes produced in the United Kingdom, the size of any seed potatoes shall be deemed to be as stated on the official label in respect of the lot if on a sample taken in accordance with regulation 16(3) and Schedule 9, the proportion of the weight of potatoes which are—
 - (i) smaller than the minimum size stated on the official label; and
 - (ii) larger than the maximum size stated on the official label, does not exceed 2% of the total weight of the sample; and
- (b) in the case of seed potatoes produced outside Scotland and not in the United Kingdom, the size of any seed potatoes shall be deemed to be as stated on the official label in respect of the lot if on a sample taken in accordance with regulation 16(3) and Schedule 9, the proportion of the weight of potatoes which are—
 - (i) smaller than the minimum size stated on the official label, does not exceed 3%; and
 - (ii) larger than the maximum size stated on the official label, does not exceed 3%, of the total weight of the sample.

SCHEDULE 5

Regulation 8(4)

PARTICULARS TO BE PROVIDED IN RESPECT OF SEED
POTATOES PRODUCED OUTSIDE THE EUROPEAN COMMUNITY

1. Species.
2. Variety.
3. Category.
4. Country of production and inspection authority.
5. Country of despatch.
6. Importer.
7. Quantity of seed potatoes.

SCHEDULE 6

Regulations 2(1), and 9(1)

OFFICIAL LABELS

Pre-basic seed potatoes

1.—(1) The requirements set out in this paragraph apply to an official label attached to a package or container of pre-basic seed potatoes.

- (2) An official label to which this paragraph applies shall—
 - (a) be white with a diagonal violet line;
 - (b) measure not less than 110mmx67mm and have printed on it the words “EC Rules and Standards”;
 - (c) state the following particulars—

Certification authority and Member State or their initials

Country of Production

Pre-basic seed potatoes

Species indicated at least in Roman characters, under its botanical name which may be given in abridged form and without the authors names or under its common name of both

Crop identification number including producer's identification number (*or equivalent*)

Variety indicated at least in Roman characters

Genetically modified (*if appropriate*)

Class

Size

Month and year when officially sealed

Net weight.

Basic seed potatoes

2.—(1) The requirements set out in this paragraph apply to an official label attached to a package or container of basic seed potatoes.

(2) An official label to which this paragraph applies shall—

(a) be predominately white;

(b) measure not less than 110mmx67mm and have printed on it the words “EC Rules and Standards” with the exception of official labels printed prior to 1st July 1997 with the abbreviation “EEC” instead of “EC” which may be used until 31st December 2001;

(c) state the following particulars—

Certification authority and Member State or their initials

Country of Production

Basic seed potatoes

Species indicated at least in Roman characters, under its botanical name which may be given in abridged form and without the authors names or under its common name of both

Crop identification number including producer's identification number (*or equivalent*)

Variety indicated at least in Roman characters

Genetically modified (*if appropriate*)

Community Grade

Class

Size

Month and year when officially sealed

Net weight.

3. The size stated in accordance with paragraphs 1(2)(c) and 2(2)(c) must, in the case of sizes over 35 mm, be stated in multiples of 5 mm.

4.—(1) For the purposes of section 16(7)(a) of the Act any statement made on an official label pursuant to paragraphs 1 or 2 is not false—

- (a) in respect of the particulars as to variety, only by reason of the fact that seed potatoes in a sample, taken from a lot of seed potatoes to which paragraphs 3 or 4 of Schedule 4 apply, deviate from the stated variety in any case where pursuant to those paragraphs of that Schedule the variety of those potatoes is deemed to be as stated on the label;
- (b) in respect of the particulars as to size, only by reason of the fact that seed potatoes in a sample taken from a lot of seed potatoes to which paragraphs 3 or 4 of Schedule 4 apply, are smaller than the minimum size stated or larger than the maximum size stated in any case where pursuant to those paragraphs of that Schedule the size of those potatoes is deemed to be as stated on the label.

SCHEDULE 7

Regulations 12(b) and 13(1) and (4)

TOLERANCES FOR DISEASES, PESTS, DAMAGE AND DEFECTS

Tolerances**1.—(1)** For the purposes of regulation 13(1)(b)—

- (a) Table I, applies—
 - (i) to seed potatoes classified under these Regulations as being of the class Pre-basic TC; and
 - (ii) to pre-basic seed potatoes produced outside Scotland which are approved by Scottish Ministers as being equivalent to that class;
- (b) Table II applies—
 - (i) to seed potatoes classified under these Regulations as being of the class Pre-basic 1 or 2; and
 - (ii) to pre-basic seed potatoes produced outside Scotland which are approved by Scottish Ministers as being equivalent to either of these classes;
- (c) Table III applies—
 - (i) to seed potatoes classified under these Regulations as being of the classes VTSC1 or VTSC2; and
 - (ii) to seed potatoes produced in any other part of the United Kingdom which are approved by Scottish Ministers as being of a class equivalent to either of these classes;
- (d) Table IV applies—
 - (i) to seed potatoes classified under these Regulations as being seed potatoes of a class other than VTSC1 or VTSC2; and
 - (ii) to seed potatoes produced in any other part of the United Kingdom which are approved by Scottish Ministers as basic seed potatoes equivalent to any of the classes other than VTSC1 or VTSC2; and
- (e) Table V applies in the case of basic seed potatoes produced outside Scotland and not in the United Kingdom.

(2) Subject to paragraph (3), any tolerance in a column of any of the Tables in this Schedule expressed as a percentage is a reference to the proportion which the weight of potatoes affected by the disease, pest, damage or defect bears to the total weight of the sample taken in accordance with regulation 16(3) and Schedule 9, expressed as a percentage.

(3) In the case of dirt or other extraneous matter, any tolerance in a column of any of the Tables in this Schedule expressed as a percentage is a reference to the proportion which the weight of such matter bears to the total weight of the sample taken in accordance with regulation 16(3) and Schedule 9, expressed as a percentage.

Individual tolerances

2. The individual tolerance set out in the entry in column 2 of Table I, II, III, IV or, as the case may be, V corresponding to the disease, pest, damage or defect set out in column 1 of those Tables is specified in the case of seed potatoes to which the Table applies in relation to the disease, pest, damage or defect to which the entry corresponds.

Group tolerances

3. The group tolerances set out in the entry in column 3 of Table II, III or, as case may be, IV corresponding to the diseases, pests, damage or defects within Group II or III set out in column 1 of those Tables is specified in the case of seed potatoes to which the Table applies in relation to the Group to which the entry corresponds.

Collective group tolerances

4. The collective group tolerances set out in the entry in column 4 of Table II, III, IV or, as the case may be, V corresponding to the diseases, pests, damage or defects within Groups II, III and IV set out in column 1 of those Tables is specified in the case of seed potatoes to which the Table applies in relation to those Groups.

Allowable surface area cover

5.—(1) This paragraph applies, for the purposes of regulation 13(1)(b), to seed potatoes to which Table II, III, IV or V applies.

(2) Subject to paragraph (3), an authorised officer may deem a potato in any sample of seed potatoes to which this paragraph applies not to be affected by a disease in Group III, set out in column 1 of the Table applicable to a potato of that class when, in his opinion—

- (a) the surface area of the potato affected by the disease is less than the percentage surface area in the entry corresponding to the disease in column 5 of the Table; and
- (b) the potato has at least two eyes at the rose end wholly unaffected by the disease.

(3) Paragraph (2) shall not apply when the disease Powdery Scab (*Spongospora subterranea*(Wallr.) Lagerh) takes its cankerous form.

TABLE I

PRE-BASIC TC CLASS

<i>Column 1</i> <i>Diseases, pests, damage and defects</i>	<i>Column 2</i> <i>Individual Tolerances</i>
GROUP I	
Wart Disease (<i>Synchytrium endobioticum</i> Schilb.)	NIL
Potato Tuber Eelworm (<i>Ditylenchus destructor</i> Thorne)	NIL

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<i>Column 1</i> <i>Diseases, pests, damage and defects</i>	<i>Column 2</i> <i>Individual Tolerances</i>
Potato Cyst Nematode (<i>Globodera</i> species infesting potatoes)	NIL
Ring Rot (<i>Clavibacter michiganensis</i> (Smith) Davis <i>et al</i> ssp. <i>Sepedonicus</i> (Spieck Kotth) Davis <i>et al</i>)	NIL
Brown Rot (<i>Ralstonia solanacearum</i> (Smith) Yabuuchi <i>et al</i>)	NIL
Potato Tuber Moth (<i>Phthorimaea operculella</i> (Zell))	NIL
Potato Spindle Tuber Viroid	NIL
Colorado Beetle (<i>Leptinotarsa decemlineata</i> (Say))	NIL
GROUP II	
Blight (<i>Phytophthora infestans</i> (Mont) de Bary)	NIL
Blackleg (<i>Erwinia carotovora</i> Jones) Bergey <i>et al</i> ssp. <i>atroseptica</i> (Hellmers & Dowson) Dye) or <i>Erwinia chrysanthemi</i> Burkholder <i>et al</i> or both	NIL
Gangrene/ Dry Rot/Wet Rot	NIL
Frost damaged tubers	NIL
GROUP II	
Skin spot (<i>Polyscytalum pustulans</i> (Owen & Wakefield) M. B. Ellis)	NIL
Black scurf (<i>Rhizoctonia solani</i> Kuhn)	NIL
Common scab (<i>Streptomyces</i> species)	NIL
Powdery scab (<i>Spongospora subterranea</i> (Wallr) Lagerh)	NIL
GROUP IV	
External blemishes or tubers other than diseased tubers whose shape is atypical for the variety	3%
GROUP V	
Dirt or other extraneous matter	1%

TABLE II

PRE-BASIC 1 AND PRE-BASIC 2 CLASS

<i>Column 1</i> <i>Diseases, pests,</i> <i>damage and</i> <i>defects</i>	<i>Column 2</i> <i>Individual</i> <i>tolerances</i>	<i>Column 3</i> <i>Group</i> <i>Tolerances</i>	<i>Column 4</i> <i>Collective group</i> <i>tolerances</i>	<i>Column 5</i> <i>Allowable %</i> <i>surface area</i> <i>cover</i>
GROUP I				
Wart Disease (<i>Synchytrium</i> <i>endobioticum</i> Schilb.)	NIL	–	–	
Potato Tuber Eelworm (<i>Ditylenchus</i> <i>destructor</i> Thorne)	NIL	–	–	
Potato Cyst Nematode (<i>Globoderaspecies</i> infesting potatoes)	NIL	–	–	
Ring Rot (<i>Clavibacter</i> <i>michiganensis</i> (Smith) Davis <i>et al</i> ssp. <i>Sepedonicus</i> (Spieck Kotth) Davis et al)	NIL	–	–	
Brown Rot (<i>Ralstonia</i> <i>solanacearum</i> (Smith) Yabuuchi <i>et al</i>)	NIL	–	–	
Potato Tuber Moth (<i>Phthorimaea</i> <i>operculella</i> (Zell)	NIL	–	–	
Potato Spindle Tuber Viroid	NIL	–	–	
Colorado Beetle (<i>Leptinotarsa</i> <i>decemlineata</i> (Say))	NIL	–	–	
GROUP II				
Blight (<i>Phytophthora</i>	0.1%	0.2%		

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<i>infestans</i> (Mont de Bary)				
Blackleg (<i>Erwinia carotovora</i> (Jones) Bergey et al ssp <i>atroseptica</i> (Hellmers & Dowson) Dye) or <i>Erwinia chrysanthemi</i> Burkholder et al or both	Nil	0.2%	4.0%	
Gangrene/ Dry Rot/Wet Rot	0.1%	0.2%	4.0%	
Frost damaged tubers	0.1%	0.2%	4.0%	
GROUP III				
Skin spot (<i>Polyscytalum pustulans</i> (Owen & Wakefield) M. B. Ellis	0.2%	3.0%	4.0%	
Black scurf (<i>Rhizoctonia solani</i> Kuhn)	0.5%	3.0%	4.0%	12.5%
Common scab (<i>Streptomyces</i> species)	3.0%	3.0%	4.0%	25.0%
Powdery scab (<i>Spongospora subterranea</i> (Wallr) Lagerh)	0.5%	3.0%	4.0%	12.5%
GROUP IV				
External blemishes or tubers other than diseased tubers whose shape is atypical for the variety	1.0%		4.0%	
GROUP V				

<i>Column 1</i> <i>Diseases, pests, damage and defects</i>	<i>Column 2</i> <i>Individual tolerances</i>	<i>Column 3</i> <i>Group Tolerances</i>	<i>Column 4</i> <i>Collective group tolerances</i>	<i>Column 5</i> <i>Allowable % surface area cover</i>
Dirt or other extraneous matter	1.0%			

TABLE III

VTSC CLASS AND EQUIVALENT IN OTHER PARTS OF THE UK

<i>Column 1</i> <i>Diseases, pests, damage and defects</i>	<i>Column 2</i> <i>Individual tolerances</i>	<i>Column 3</i> <i>Group Tolerances</i>	<i>Column 4</i> <i>Collective group tolerances</i>	<i>Column 5</i> <i>Allowable % surface area cover</i>
GROUP I				
Wart Disease (<i>Synchytrium endobioticum</i> (Schilb) Perc.)	NIL	–	–	
Potato Tuber Eelworm (<i>Ditylenchus destructor</i> Thorne)	NIL	–	–	
Potato Cyst Nematode (<i>Globodera</i> species infesting potatoes)	NIL	–	–	
Ring Rot (<i>Clavibacter michiganensis</i> (Smith) Davis et al ssp <i>sepedonicus</i> (Spieck. & Kotth.) Davis et al)	NIL	–	–	
Brown Rot (<i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al.)	NIL	–	–	
Potato Tuber Moth (<i>Phthorimaea operculella</i> (Zell))	NIL	–	–	

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<i>Column 1</i> <i>Diseases, pests, damage and defects</i>	<i>Column 2</i> <i>Individual tolerances</i>	<i>Column 3</i> <i>Group Tolerances</i>	<i>Column 4</i> <i>Collective group tolerances</i>	<i>Column 5</i> <i>Allowable % surface area cover</i>
Potato Spindle Tuber Viroid	NIL	–	–	
Colorado Beetle (<i>Leptinotarsa decemlineata</i> (Say))	NIL	–	–	
GROUP II				
Blight (<i>Phytophthora infestans</i> (Mont.) de Bary)	0.5%	0.5%	4.0%	
Blackleg (<i>Erwinia carotovora</i> (Jones) Bergey et al. ssp <i>atroseptica</i> (Hellmers & Dowson) Dye) or <i>Erwinia chrysanthemi</i> Burkholder et al or both	NIL	0.5%	4.0%	
Wet Rot including: Watery Wound Rot (<i>Pythium ultimum</i> Trow)	0.5%	0.5%	4.0%	
Pink Rot (<i>Phytophthora erythroseptica</i> Pethybridge) and Pit Rot	0.5%	0.5%	4.0%	
Dry Rot (<i>Fusarium</i> species)	0.5%	0.5%	4.0%	
Gangrene (<i>Phoma</i> species)	0.5%	0.5%	4.0%	
Frost damaged tubers	0.5%	0.5%	4.0%	
GROUP III				
Skin Spot (<i>Polyscytalum pustulans</i> (Owen	0.5%	3.0%	4.0%	

<i>Column 1</i> <i>Diseases, pests, damage and defects</i>	<i>Column 2</i> <i>Individual tolerances</i>	<i>Column 3</i> <i>Group Tolerances</i>	<i>Column 4</i> <i>Collective group tolerances</i>	<i>Column 5</i> <i>Allowable % surface area cover</i>
& Wakefield) M. B. Ellis)				
Black Scurf (<i>Rhizoctonia solani</i> Kuhn)	1.5%	3.0%	4.0%	25.0%
Common Scab (<i>Streptomyces species</i>)	3.0%	3.0%	4.0%	25.0%
Powdery Scab (<i>Spongospora subterranea</i> (Wallr) Lagerh.)	1.5%	3.0%	4.0%	12.5%
GROUP IV				
External blemishes or tubers other than diseased tubers whose shape is atypical for the variety	2.0%		4.0%	
GROUP V				
Dirt or other extraneous matter	1.0%	1.0%	–	

TABLE IV

BASIC SEED POTATOES OTHER THAN VTSC CLASS
AND EQUIVALENT IN OTHER PARTS OF THE UK

<i>Column 1</i> <i>Diseases, pests, damage and defects</i>	<i>Column 2</i> <i>Individual tolerances</i>	<i>Column 3</i> <i>Group Tolerances</i>	<i>Column 4</i> <i>Collective group tolerances</i>	<i>Column 5</i> <i>Allowable % surface area cover</i>
GROUP I				
Wart Disease (<i>Synchytrium endobioticum</i> (Schilb) Perc.)	NIL	–	–	
Potato Tuber Eelworm (<i>Ditylenchus destructor</i> Thorne)	NIL	–	–	

Status: This is the original version (as it was originally made). Scottish Statutory Instruments are not carried in their revised form on this site.

<i>Column 1</i> <i>Diseases, pests, damage and defects</i>	<i>Column 2</i> <i>Individual tolerances</i>	<i>Column 3</i> <i>Group Tolerances</i>	<i>Column 4</i> <i>Collective group tolerances</i>	<i>Column 5</i> <i>Allowable % surface area cover</i>
Potato Cyst Nematode (<i>Globodera</i> species infesting potatoes)	NIL	–	–	
Ring Rot (<i>Clavibacter michiganensis</i> (Smith) Davis et al ssp <i>sepedonicus</i> (Spieck. & Kotth.) Davis et al)	NIL	–	–	
Brown Rot (<i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al.)	NIL	–	–	
Potato Tuber Moth (<i>Phthorimaea operculella</i> (Zell))	NIL	–	–	
Potato Spindle Tuber Viroid	NIL	–	–	
Colorado Beetle (<i>Leptinotarsa decemlineata</i> (Say))	NIL	–	–	
GROUP II				
Blight (<i>Phytophthora infestans</i> (Mont.) de Bary)	0.5%	0.5%	4.0%	
Blackleg (<i>Erwinia carotovora</i> (Jones) Bergey et al. ssp <i>atroseptica</i> (Hellmers & Dowson) Dye) or <i>Erwinia chrysanthemi</i>	0.5%	0.5%	4.0%	

<i>Column 1</i> <i>Diseases, pests, damage and defects</i>	<i>Column 2</i> <i>Individual tolerances</i>	<i>Column 3</i> <i>Group Tolerances</i>	<i>Column 4</i> <i>Collective group tolerances</i>	<i>Column 5</i> <i>Allowable % surface area cover</i>
Burkholder et al or both				
Wet Rot including: Watery Wound Rot (<i>Pythium ultimum</i> Trow)	0.5%	0.5%	4.0%	
Pink Rot (<i>Phytophthora erythroseptica</i> Pethybridge) and Pit Rot	0.5%	0.5%	4.0%	
Dry Rot (<i>Fusarium</i> species)	0.5%	0.5%	4.0%	
Gangrene (<i>Phoma</i> species)	0.5%	0.5%	4.0%	
Frost damaged tubers	0.5%	0.5%	4.0%	
GROUP III				
Skin Spot (<i>Polyscytalum pustulans</i> (Owen & Wakefield) M. B. Ellis)	2.0%	4.0%	4.0%	12.5%
Powdery Scab (<i>Spongospora subterranea</i> (Wallr) Lagerh.)	3.0%	4.0%	4.0%	12.5%
Black Scurf (<i>Rhizoctonia solani</i> Kuhn)	3.0%	4.0%	4.0%	25.0%
Common Scab (<i>Streptomyces</i> species)	4.0%	4.0%	4.0%	25.0%
GROUP IV				
External blemishes or tubers other than diseased tubers whose shape is	2.0%	4.0%	4.0%	

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Diseases, pests, damage and defects</i>	<i>Individual tolerances</i>	<i>Group Tolerances</i>	<i>Collective group tolerances</i>	<i>Allowable % surface area cover</i>
atypical for the variety				
GROUP V				
Dirt or other extraneous matter	1.0%		–	

TABLE V

BASIC SEED POTATOES PRODUCED OUTSIDE SCOTLAND AND NOT PRODUCED IN THE UK

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Diseases, pests, damage and defects</i>	<i>Individual tolerances</i>	<i>Group Tolerances</i>	<i>Collective group tolerances</i>	<i>Allowable % surface area cover</i>
GROUP I				
Wart Disease (<i>Synchytrium endobioticum</i> (Schilb) Perc.)	NIL		–	
Potato Tuber Eelworm (<i>Ditylenchus destructor</i> Thorne)	NIL		–	
Potato Cyst Nematode (<i>Globodera</i> species infesting potatoes)	NIL		–	
Ring Rot (<i>Clavibacter michiganensis</i> (Smith) Davis et al ssp <i>sepedonicus</i> (Spieck. & Kotth.) Davis et al)	NIL		–	
Brown Rot (<i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al.)	NIL		–	

<i>Column 1</i> <i>Diseases, pests, damage and defects</i>	<i>Column 2</i> <i>Individual tolerances</i>	<i>Column 3</i> <i>Group Tolerances</i>	<i>Column 4</i> <i>Collective group tolerances</i>	<i>Column 5</i> <i>Allowable % surface area cover</i>
Potato Tuber Moth (<i>Phthorimaea operculella</i> Zell)	NIL		—	
Potato Spindle Tuber Viroid	NIL		—	
Colorado Beetle (<i>Leptinotarsa decemlineata</i> (Say))	NIL		—	
GROUP II				
Dry and Wet Rot	0.5%	6.0%		
GROUP III				
Common Scab (<i>Streptomyces</i> species)	5.0%	6.0%	33.3%	
GROUP IV				
External blemishes or tubers other than diseased tubers whose shape is atypical for the variety	3.0%	6.0%		
GROUP V				
Dirt or other extraneous matter	2.0%		—	

SCHEDULE 8

Regulations 14 and 15(a) and (b)

PARTICULARS TO BE SPECIFIED IN A SALE NOTE, ETC

Pre basic seed potatoes

- Name and address of the seller
- Net weight
- Variety
- Genetically modified (*if appropriate*)
- Pre basic seed potatoes
- Class

Size

Crop identification number including producer's identification number

Particulars of any chemical treatment

Basic seed potatoes

Name and address of the seller

Net weight

Variety

Genetically modified (*if appropriate*)

Basic seed potatoes

Class

Community Grade

Size

Crop identification number including producer's identification number

Particulars of any chemical treatment

SCHEDULE 9

Regulation 16(3), Schedule 4 paragraphs
3(3), 4(3), and 4(4)

SAMPLING

1. If the bulk consists of seed potatoes comprising more than one consignment, or associated with more than one certificate of classification, it shall be divided so that each consignment or, as the case may be, the quantity of potatoes associated with each certificate constitutes a separate lot and each lot shall be separately sampled.

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

3. Where the total quantity of seed potatoes being sampled separately exceeds 50kg but does not exceed 5 tonnes, a sample of at least 5 per cent of the weight of the quantity or 50kg, whichever is the greater, shall be selected at random.

4. Where the total quantity of seed potatoes being sampled separately exceeds 5 tonnes, a sample of at least 250kg shall be selected at random.

SCHEDULE 10

Regulation 22

REVOCATIONS

<i>Title</i>	<i>Reference</i>
The Seed Potatoes Regulations 1991	S.I. 1991/2206
The Seed Potatoes (Amendment) Regulations 1992	S.I. 1992/1031

<i>Title</i>	<i>Reference</i>
The Seed Potatoes (Amendment) Regulations 1993	S.I. 1993/1878
The Seed Potatoes (Amendment) Regulations 1994	S.I. 1994/2592
The Seed Potatoes (Amendment) Regulations 1997	S.I. 1997/1474

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Scotland only, consolidate with amendments to the Seed Potatoes Regulations 1991 (S.I. [1991/2206](#)) as amended by the Seed Potatoes (Amendment) Regulations 1982 (S.I. [1982/1031](#)), the Seed Potatoes (Amendment) Regulations 1993 (S.I. [1993/1878](#)) Seed Potatoes (Amendment) Regulations 1994 (S.I. [1994/2592](#)) and the Seed Potatoes (Amendment) Regulations 1997 (S.I. [1997/1474](#)) (“the 1991 Regulations”). They regulate the production with a view to marketing, classification and marketing of seed potatoes and give effect to Directive [66/403/EEC](#) (O.J. No. L 125, 11.7.66, p.154) as amended by Directives [69/62/EEC](#) (O.J. No. L 48, p.55), [71/162/EEC](#) (O.J. No. L 87, p.232), [72/274/EEC](#) (O.J. No. L 171, p.37), [72/418/EEC](#) (O.J. No. L 287, p.20), [73/438/EEC](#) (O.J. No. L 356, p.79), [75/444/EEC](#) (O.J. No. L 196, p.6), [78/692/EEC](#) (O.J. No. L 236, p.13), [88/380/EEC](#) (O.J. No. L 187, p.31), [98/95/EC](#) (O.J. No. L 25, 1.2.99, p.1) and O.J. [98/96/EC](#) (O.J. No. L 25, 1.2.99, p.27) on the marketing of seed potatoes.

The Regulations make provision–

- (a) for the classification and grading of seed potatoes including provision relating to production measures in the interests of plant health and for separation in the interests of varietal purity (Part II and Schedules 1 to 3);
- (b) for the marketing and labelling of seed potatoes including requirements as to the seed potatoes that may be marketed in Scotland and in respect of labelling and sealing of lots of seed potatoes, for official examination prior to marketing, enforcement and disease control measures (Part III and Schedules 4 to 8); and
- (c) for sampling of lots, the provision of information, service of notices and exemptions (Part IV and Schedule 9).

The Regulations–

- (a) introduce provision recognising generations of seed potatoes earlier than basic seed potatoes referred to as pre-basic seed potatoes (regulations 2(1) and 8 and Schedule 2);
- (b) introduce an amended definition of marketing (regulation 3(3) and (4));
- (c) introduce provision in relation to the derogation in respect of small quantities of seed potatoes marketed for scientific purposes and for selection work that derogation may be granted in relation to genetically modified seed potatoes only where certain conditions are met (regulation 3(5) to (7)).

- (d) introduce provision in respect of genetically modified (as defined in Council Directive [90/220/EEC](#) on the deliberate release into the environment of genetically modified organisms) seed potatoes requiring that official labels and marketing information clearly indicate that the seed potatoes have been genetically modified (regulations 8(3), 9(5) and Schedules 6 and 8);
- (e) introduce provision in respect of production methods in the interests of plant health (regulation 6); and
- (f) make drafting and other amendments consequential on devolution of functions to Scottish Ministers.