
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 201

The Seed Potatoes (Scotland) Regulations 2000

PART I

PRELIMINARY

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.