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SCOTTISH STATUTORY INSTRUMENTS

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**2015 No. 395**

**The Seed Potatoes (Scotland) Regulations 2015**

**PART I**

**PRELIMINARY**

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Seed Potatoes (Scotland) Regulations 2015 and come into force on 1st January 2016.

(2) 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 <sup>M1</sup>;

“agricultural unit” has the meaning given to it by section 86(2) of the Agriculture (Scotland) Act 1948 <sup>M2</sup>;

“applicable Union grade”—

- (a) in relation to seed potatoes produced in Scotland, means the Union grade determined in respect of those seed potatoes under regulation 8(2)(a) or, as the case may be, under regulation 15(2); and
- (b) in relation to seed potatoes produced outside Scotland, means—
  - (i) in the case of pre-basic seed potatoes, either Union grade PBTC or PB, the minimum conditions for which are set out in Articles 2 and 3 of, and the Annex to, Commission Implementing Directive 2014/21/EU; or
  - (ii) in the case of basic seed potatoes, either Union grade S, SE or E, the minimum conditions for which are set out in Article 1 of and Annex I to, Commission Implementing Directive 2014/20/EU,

and in relation to both cases as mentioned in paragraph (a) and (b), references in these Regulations to “Union grade PBTC”, “Union grade PB”, “Union grade S”, “Union grade SE” and “Union grade E” are to be construed accordingly;

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

“basic seed potatoes”—

- (a) in relation to seed potatoes produced in Scotland, means seed potatoes which have satisfied the applicable conditions for the issue of an official label or an official document specified in regulation 10(3), in respect of seed potatoes intended to be marketed as basic seed potatoes; and

(b) in relation to seed potatoes produced outside Scotland, means seed potatoes, being a lot or part of a lot in a package or container to, or in, which a label or document approved by the relevant authority has been attached or placed in accordance with Article 13(1) of Council Directive 2002/56/EC, stating that on examination of the potatoes they were certified as basic seed potatoes and that they have fulfilled the conditions of an applicable Union grade;

“Commission Decision 2004/842/EC” means Commission Decision 2004/842/EC concerning implementing rules whereby Member States may authorise the placing on the market of seed belonging to varieties for which an application for entry in the national catalogue of varieties of agricultural plant species or vegetable species has been submitted <sup>M3</sup>[<sup>F1</sup>, as last amended by Commission Implementing Decision (EU) 2016/320];

“Commission Implementing Directive 2014/20/EU” means Commission Implementing Directive 2014/20/EU determining Union grades of basic and certified seed potatoes, and the conditions and designations applicable to such grades <sup>M4</sup>;

“Commission Implementing Directive 2014/21/EU” means Commission Implementing Directive 2014/21/EU determining minimum conditions and Union grades for pre-basic seed potatoes <sup>M5</sup>;

“Common Catalogue” means the catalogue provided for in Council Directive 2002/53/EC on the common catalogue of varieties of agricultural plant species <sup>M6</sup>;

“conservation variety” has the meaning given to it by regulation 2(1) of the National Lists Regulations;

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

[<sup>F2</sup>“Council Directive 2002/56/EC” means Council Directive 2002/56/EC on the marketing of seed potatoes;]

“crop inspection report” means the crop inspection report issued in accordance with regulation 8 and Schedules 1 and 2;

“declared net weight” means the net weight of seed potatoes contained in a package or container, as declared by the person applying for an official label or official document under regulation 10;

“Directive 2001/18/EC” means Directive 2001/18/EC of the European Parliament and of the Council on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC <sup>M7</sup>;

[<sup>F3</sup>“the EU Plant Health Regulation” means Regulation (EU) 2016/2031 of the European Parliament of the Council on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC;]

“field generation” means the number of growing cycles since the first introduction of the seed potatoes in the field after micro-propagation or selection;

“genetically modified” means a genetically modified organism as defined in Article 2(2) of Directive 2001/18/EC;

“grade” includes the applicable Union grade;

“higher grade” means any grade above the grade determined in respect of the seed potatoes by or on behalf of the relevant authority, according to the hierarchy of grades used by that authority;

“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 12;

“lower grade” means any grade below the grade determined in respect of the seed potatoes by or on behalf of the relevant authority, according to the hierarchy of grades used by that authority;

“marketing” means—

- (a) selling, holding with a view to sale or offering for sale; and
- (b) any disposal, supply or transfer to third parties for the purpose of commercial exploitation of seed potatoes,

whether or not for consideration; and for these purposes “commercial exploitation” does not include the supply of seed potatoes to official testing and inspection bodies, or the supply of seed potatoes to any person for the purpose of processing or packaging them provided that the person does not acquire title to the seed potatoes supplied; and “market” and “marketed” are to be construed accordingly;

“National List” means the list of agricultural crop varieties prepared and published in accordance with regulation 3 of, and paragraph 1 of Part I of Schedule 1 to, the National Lists Regulations;

“National Lists Regulations” means the Seeds (National Lists of Varieties) Regulations 2001 <sup>m8</sup>,

“nuclear stock” means the initial propagating material which is tested and found free from pathogens in a manner approved in writing by the Scottish Ministers;

“official document” means the document which is required for the purposes of Article 13(1) (b) of Council Directive 2002/56/EC;

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

“official label”—

- (a) in the case of seed potatoes produced in Scotland, means a wear and tear resistant label supplied by or on behalf of the Scottish Ministers and which meets the applicable requirements referred to in regulation 10 and Schedule 5; and
- (b) in the case of seed potatoes produced outside Scotland, a label approved by the relevant authority and which meets, as appropriate to the seed potatoes to which the label relates, the requirements of Article 13(1)(a) or Article 18(f) of Council Directive 2002/56/EC, or of Article 9 of Commission Decision 2004/842/EC;

“outside Scotland”, in relation to the place of production of seed potatoes means—

- (a) any part of the British Islands other than Scotland;
- (b) any member State other than the United Kingdom; and
- (c) Switzerland;

“package” includes a bag, box, or sack;

[<sup>F4</sup>“the Plant Health Official Controls Regulations” means the Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019;]

“potato” means any tuber, or part thereof, and any plant, or part thereof, of—

- (a) *Solanum tuberosum* L; and
- (b) any other tuber-forming species or hybrid of *Solanum* L;

“pre-basic seed potatoes”—

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**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Seed Potatoes (Scotland) Regulations 2015*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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- (a) in relation to seed potatoes produced in Scotland, means seed potatoes which have satisfied the applicable conditions for the issue of an official label or an official document specified in regulation 10(3) in respect of seed potatoes intended to be marketed as pre-basic seed potatoes; and
- (b) in relation to seed potatoes produced outside Scotland, means seed potatoes brought into Scotland in a package or container which bears an official label for pre-basic seed potatoes in accordance with Article 18(f) of Council Directive [2002/56/EC](#);

“premises” includes any land or building, vehicle, vessel, aircraft, hovercraft or freight container but does not include a private dwellinghouse;

“Regulation 1829/2003” means Regulation (EC) No [1829/2003](#) of the European Parliament and of the Council on genetically modified food and feed <sup>M9</sup>;

“relevant authority” means the authority concerned with the certification of seed potatoes for the purposes of Council Directive [2002/56/EC](#) in the country or place where the seed potatoes are produced;

“scientific and selection seed potatoes”—

- (a) in relation to seed potatoes produced in Scotland, means 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 and which are authorised for such use or selection by the Scottish Ministers in accordance with regulation 6; and
- (b) in relation to seed potatoes produced outside Scotland, means seed potatoes which have been authorised for marketing by the relevant authority in accordance with Article 6(1) (a) of Council Directive [2002/56/EC](#);

“seed potatoes” means—

- (a) 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
- (b) any potatoes that are intended to be used for planting and propagation.

“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; and

“test and trial seed potatoes”—

- (a) in relation to seed potatoes produced in Scotland, means seed potatoes which have been authorised for use as test and trial seed potatoes by the Scottish Ministers in accordance with regulation 5 and which have satisfied the applicable conditions for the issue of an official label or an official document specified in regulation 10(3), in respect of seed potatoes intended to be marketed as test and trial seed potatoes; and
- (b) in relation to seed potatoes produced outside Scotland, seed potatoes which have been brought into Scotland in a closed package or container, which bears an official label meeting the requirements of Article 9 of Commission Decision [2004/842/EC](#).

(2) Unless the context otherwise requires, any reference in any Schedule to a numbered paragraph or Table is a reference to the paragraph or Table so numbered in that Schedule.

(3) In the case of seed potatoes produced in Switzerland any requirement in these Regulations which is expressed by reference to any provision of Council Directive [2002/56/EC](#) or Commission Decision [2004/842/EC](#) is to be construed as a reference to the requirement of the legislation of the Swiss Confederation having equivalent effect, in accordance with the Agreement between the European Community and the Swiss Confederation on trade in agricultural products <sup>M10</sup>, as amended by Commission Decision 2010/724/EU <sup>M11</sup>.

(4) In these Regulations, references to “writing” and “written” include electronic communications within the meaning of section 15 (general interpretation) of the Electronic Communications Act 2000<sup>M12</sup>.

- F1** Words in reg. 2(1) inserted (28.2.2019) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/391\)](#), regs. 1(1), **22(2)**
- F2** Words in reg. 2(1) substituted (31.3.2017) by [The Seed \(Miscellaneous Amendments\) \(Scotland\) Regulations 2016 \(S.S.I. 2016/434\)](#), regs. 1(1), **7(2)**
- F3** Words in reg. 2(1) inserted (14.12.2019) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/421\)](#), reg. 1(1), **Sch. 5 para. 10(2)(a)**
- F4** Words in reg. 2(1) inserted (14.12.2019) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/421\)](#), reg. 1(1), **Sch. 5 para. 10(2)(b)**

#### Marginal Citations

- M1** 1964 c.14.
- M2** 1948 c.45.
- M3** OJ L 362, 9.12.2004, p.21.
- M4** OJ L 38, 7.2.2014, p.32.
- M5** OJ L 38, 7.2.2014, p.39.
- M6** OJ L 193, 20.7.2002, p.1, as last amended by Regulation(EC) No 1829/2003 (OJ L 268, 18.10.2003, p.1).
- M7** OJ L 106, 17.4.2001, p.1, as last amended by Directive (EU) 2015/412 (OJ L 68, 12.3.2015, p.1).
- M8** [S.I. 2001/3510](#). Regulation 2(1) of [S.I. 2001/3510](#) was amended by [S.I. 2011/464](#), **regulation 2(2)(b)**. Regulation 3 was amended by [S.I. 2004/2949](#), **regulation 2(3)(b)** and (c) and by [S.I. 2011/464](#), **regulation 2(3)**. Schedule 1, Part 1, paragraph 1 was substituted by [S.I. 2010/1195](#).
- M9** OJ L 268, 18.10.2003, p.1, as last amended by Regulation(EC) No 298/2008 (OJ L 97, 9.4.2008, p.64).
- M10** OJ L 114, 30.4.2002, p.132. This Agreement was one of 7 agreements with the Swiss Confederation, approved in Council and Commission Decision 2002/309/EC, Euratom, (OJ L 114, 30.4.2002, p.1).
- M11** OJ L 312, 27.11.2010, p.31.
- M12** [2000 c.7](#), as amended by the Communications Act 2003, Schedule 17, paragraph 158.

## PART II

### MARKETING OF SEED POTATOES

#### Seed potatoes which may be marketed

3. No person may market any seed potatoes other than—
- pre-basic seed potatoes;
  - basic seed potatoes;
  - scientific and selection seed potatoes; or
  - test and trial seed potatoes.

#### General provisions on the marketing of seed potatoes

- 4.—(1) No person may market seed potatoes—
- as being of a higher grade;
  - which have been treated with a product which is produced primarily as an application for inhibiting germination; or

- (c) otherwise than in a closed—
  - (i) package or container which has not previously been used for any purpose; or
  - (ii) container which, having been previously used for any purpose, has been cleaned and disinfected since that previous use in accordance with the requirements of an authorised officer.
- (2) No person may market seed potatoes otherwise than in a lot which—
  - (a) consists wholly of seed potatoes of the same grade; and
  - (b) meets the applicable requirements as to varietal purity and size specified in Schedule 3.
- (3) No person may market seed potatoes of a conservation variety unless—
  - (a) the seed potatoes were produced in the United Kingdom;
  - (b) the variety is listed in the National List; and
  - (c) the person complies with the requirements of regulation 7.
- (4) No person may market any genetically modified seed potatoes unless it is clearly indicated in the sales catalogue of the person marketing those seed potatoes, and in any other marketing information or marketing representations provided by that person, that the seed potatoes have been genetically modified.
- (5) A person may market seed potatoes at the applicable Union grade or, as the case may be, at a lower grade.
- (6) Where a person markets seed potatoes and no field generation is indicated on the official label or on an official document, the field generation is deemed to be—
  - (a) in the case of pre-basic seed potatoes, the fourth field generation; and
  - (b) in the case of basic seed potatoes in respect of which the applicable Union grade is—
    - (i) Union grade S, the fifth field generation;
    - (ii) Union grade SE, the sixth field generation; and
    - (iii) Union grade E, the seventh field generation.

### **Marketing requirements – test and trial seed potatoes**

- 5.—(1) The Scottish Ministers may authorise a producer to market seed potatoes produced in Scotland for tests or trials to be carried out at an agricultural enterprise for the purposes of gathering information on the cultivation or use of the variety.
- (2) Where the Scottish Ministers grant an authorisation under paragraph (1) the producer may not market the seed potatoes otherwise than in accordance with the authorisation.
  - (3) An application for an authorisation or renewal of an authorisation under paragraph (1) must be made in such form and manner and must include such information as the Scottish Ministers may require.
  - (4) The Scottish Ministers may not grant or renew an authorisation under paragraph (1) unless they are satisfied that—
    - (a) the seed potatoes which are the subject of the authorisation or renewal are of a variety of seed potato for which an application for acceptance onto the National List has been made;
    - (b) in relation to seed potatoes containing genetically modified material—
      - (i) an authorisation is in force under Regulation 1829/2003 or Part C of Directive [2001/18/EC](#); and

- (ii) the producer has taken all appropriate measures to avoid adverse effects on human health and the environment in accordance with an environmental risk assessment carried out in accordance with Article 4(2) and Annex III of Directive [2001/18/EC](#);
  - (c) the marketing of the seed potatoes would not contravene any prohibition on the use of the variety which has been imposed in accordance with Article 14 of Commission Decision [2004/842/EC](#) and which has been published in the Plant Varieties and Seeds Gazette, published in accordance with section 34(1) of the Act; and
  - (d) the authorisation or renewal would not result in a breach of Article 7 of Commission Decision [2004/842/EC](#).
- (5) The Scottish Ministers may grant an authorisation or renewal under paragraph (1) for a period of one year, or for such shorter period as they may specify.
- (6) When granting or renewing an authorisation under paragraph (1), the Scottish Ministers may—
  - (a) require, as a condition of that authorisation or renewal, that the producer provides on request in writing the following information—
    - (i) the results of the tests or trials to which the authorisation relates; and
    - (ii) the quantity of seed potatoes marketed during the authorised period and the names of the member States to which the seed potatoes are intended to be marketed; and
  - (b) impose such additional conditions as they consider appropriate, having regard to the nature of the tests or trials and the nature of the seed potatoes to which the authorisation relates.
- (7) The Scottish Ministers may withdraw an authorisation or renewal given under paragraph (1) if—
  - (a) they are no longer satisfied in relation to the matters listed at paragraph (4); or
  - (b) they are satisfied that there has been a breach of any condition imposed under paragraph (6).
- (8) An authorisation or renewal under paragraph (1) ceases to have effect where—
  - (a) an application made under regulation 4(1)(a) of the National Lists Regulations for acceptance of the relevant variety of seed potato into a National List is withdrawn or refused; or
  - (b) the variety of seed potato to which the authorisation relates is entered in the National List or the Common Catalogue.

### **Marketing requirements – scientific and selection seed potatoes**

6.—(1) The Scottish Ministers may, subject to such conditions as they may determine, authorise a producer to market small quantities of seed potatoes produced in Scotland 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.

(2) Where the Scottish Ministers grant an authorisation under paragraph (1) the producer may not market the scientific and selection seed potatoes otherwise than in accordance with the authorisation.

(3) In relation to seed potatoes containing genetically modified material, the Scottish Ministers may not grant or renew an authorisation under paragraph (1) unless they are satisfied that—

- (a) an authorisation is in force under Regulation 1829/2003 or Part C of Directive [2001/18/EC](#); and
- (b) the producer has taken all appropriate measures to avoid adverse effects on human health and the environment, in accordance with an environmental risk assessment carried out in accordance with Article 4(2) and Annex III of Directive [2001/18/EC](#).



(4) An application for an authorisation or renewal of an authorisation under paragraph (1) must be made in such form and manner and must include such information as the Scottish Ministers may require.

### Marketing requirements – conservation varieties

7.—(1) A person intending to produce seed potatoes of a conservation variety in Scotland must give prior notice of this to the Scottish Ministers, in such form and manner and including such information as the Scottish Ministers may require.

(2) For the purposes of Articles 14 and 15(2) of Commission Directive [2008/62/EC](#), the Scottish Ministers may specify the maximum amount of seed potatoes of a conservation variety which may be marketed in any given production season and may also specify different maxima for different persons or classes of persons.

(3) A person may not market seed potatoes of a conservation variety in excess of any applicable maximum amount of seed potatoes specified by the Scottish Ministers under paragraph (2).

(4) A person who markets seed potatoes of a conservation variety must, on request in writing, supply to the Scottish Ministers, information relating to the amount and the variety of the seed potatoes which that person has placed on the market during each production season.

(5) In paragraph (2), “Commission Directive [2008/62/EC](#)” means Commission Directive [2008/62/EC](#) providing for certain derogations for acceptance of agricultural landraces and varieties which are naturally adapted to the local and regional conditions and threatened by genetic erosion and for marketing of seed and seed potatoes of those landraces and varieties <sup>M13</sup>.

#### Marginal Citations

M13 OJ L 162, 21.6.2008, p.13.

## PART III

### CERTIFICATION AND GRADING

#### Certification and grading

8.—(1) In relation to seed potatoes produced in Scotland, an authorised officer may issue a crop inspection report to certify seed potatoes as being—

- (a) pre-basic seed potatoes;
- (b) basic seed potatoes; or
- (c) test and trial seed potatoes.

(2) When issuing a crop inspection report to certify seed potatoes as either pre-basic seed potatoes or basic seed potatoes, the authorised officer must also determine—

- (a) the applicable Union grade for the seed potatoes, having regard to the list of grades set out in order in Tables I and II in Schedule 2, where Union grade PBTC is the highest grade which may be determined for pre-basic seed potatoes and Union grade S is the highest grade which may be determined for basic seed potatoes; and
- (b) where appropriate, the field generation of the seed potatoes.

(3) An application for certification under paragraph (1) must be made to the Scottish Ministers in such form and manner and must include such information as they may require.



(4) Schedules 1 and 2 apply to the issue of a crop inspection report and to the determination of the applicable Union grade.

### **Official examinations to be performed prior to marketing**

9. For crops of seed potatoes which have been certified under regulation 8(1), an authorised officer must undertake an official examination of lots of seed potatoes derived from that crop to determine whether the seed potatoes exceed any of the applicable tolerances for diseases, pests, damage or defects specified in Schedule 6.

## **PART IV**

### **LABELLING OF SEED POTATOES**

#### **Labelling of seed potatoes**

10.—(1) Subject to regulation 13, no person may market a package or container of seed potatoes [<sup>F5</sup>produced in Scotland] unless there is attached to the outside of the package or container—

- (a) in the case of pre-basic seed potatoes, an official label meeting the requirements set out in Schedule 5, paragraphs 1 and 4;
- (b) in the case of basic seed potatoes, an official label meeting the requirements set out in Schedule 5, paragraphs 2 and 4;
- (c) in the case of test and trial seed potatoes, an official label meeting the requirements set out in Schedule 5, paragraphs 3 and 4,

and in each 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 an official document.

[<sup>F6</sup>(1A) Subject to regulation 13, no person may market a package or container of seed potatoes produced outside Scotland unless—

- (a) there is attached to the outside of the package or container an official label; and
- (b) in the 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 an official document.]

(2) An application for an official label or an official document in respect of seed potatoes produced in Scotland must be made to the Scottish Ministers in such form and manner and must include such information as they may require.

(3) The Scottish Ministers may only issue an official label or an official document in respect of seed potatoes produced in Scotland where the following conditions are satisfied—

- (a) a crop inspection report has been issued under regulation 8(1) and not withdrawn;
- (b) in relation to seed potatoes certified as pre-basic seed potatoes or basic seed potatoes, an applicable Union grade has been determined under regulation 8(2)(a) or, as the case may be, under regulation 15(2); and
- (c) the seed potatoes have undergone an official examination under regulation 9 and have been found not to exceed any of the applicable tolerances for diseases, pests, damage or defects specified in Schedule 6.

(4) No person may, in connection with the issue of an official label or an official document supply any information which is false in a material particular.

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(5) No person may market seed potatoes that have been treated with any chemical product unless the type and function or the proprietary name of that product is stated—

- (a) on a label attached to the package or container; and
- (b) on a document contained in the package or container or indelibly printed on the package or container.

(6) No person may market a genetically modified variety of seed potatoes unless all labels, whether official or otherwise, attached to any lot of that variety and any document contained in the package or container of any lot of that variety, clearly indicate that the variety has been genetically modified.

(7) No person may market seed potatoes contained in a package or container that has been re-sealed in accordance with regulation 11(2) unless the official label states—

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

[<sup>F7</sup>(8) No person may, in marketing or preparing for marketing any seed potatoes, wilfully reproduce, remove, alter, deface, conceal or misuse in any way, any official label, or official document which has been attached to or contained within the package or container of such seed potatoes in accordance with this regulation, unless such action is in accordance with the requirements of—

- (a) the Act;
- (b) these Regulations;
- (c) the EU Plant Health Regulation; or
- (d) an Order made under the Plant Health Act 1967.]

(9) For the purposes of paragraph (4) and section 16(7)(a) of the Act any statement made on an official label pursuant to paragraph 1, 2 or 3 of Schedule 5 is not false in a material particular—

- (a) in respect of the particulars as to variety, provided that the variety of the potatoes is deemed, pursuant to paragraph 3(3) or 4(3) of Schedule 3, to be as stated on the label;
- (b) in respect of the particulars as to size, provided that the size of those potatoes is deemed, pursuant to paragraph 3(4) or 4(4) of Schedule 3, to be as stated on the label.

<b>F5</b>	Words in reg. 10(1) inserted (28.3.2019) by <a href="#">The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59)</a> , regs. 1(1)(a), <b>7(2)(a)</b>
<b>F6</b>	Reg. 10(1A) inserted (28.3.2019) by <a href="#">The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59)</a> , regs. 1(1)(a), <b>7(2)(b)</b>
<b>F7</b>	Reg. 10(8) substituted (14.12.2019) by <a href="#">The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019 (S.S.I. 2019/421)</a> , reg. 1(1), <b>Sch. 5 para. 10(3)</b>

### Sealing of packages

**11.—(1)** No person may market a package or container of pre-basic seed potatoes, basic seed potatoes or test and trial seed potatoes unless—

- (a) in the case of seed potatoes produced in Scotland, it is sealed with an unbroken sealing device which has been applied by, or under the supervision of, an authorised officer or the application of which has been inspected by an authorised officer and found to be satisfactory; or

(b) in the case of seed potatoes produced outside Scotland, it is sealed in accordance with Article 12(1) of Council Directive [2002/56/EC](#).

(2) Where a sealing device on a package or container is broken, no person may re-seal the package or container with a sealing device unless that person is, or the re-sealing is performed under the supervision of, an authorised officer.

(3) In 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 it does not include an official label with a punched tie hole which is machine stitched into the mouth of a bag.

### **Particulars of sale**

**12.** A person who sells, consigns or delivers pre-basic seed potatoes or basic seed potatoes must issue to the purchaser a sale note, delivery note, invoice or similar document specifying, in relation to those seed potatoes the particulars specified in Schedule 7—

- (a) no later than 14 days after the sale; or
- (b) if the seed potatoes are not delivered at the time of sale, no later than 14 days after delivery.

### **Retail sales of seed potatoes**

**13.** Regulations 10, 11 and 12 do not apply to a sale by retail of less than 50 kilograms of pre-basic seed potatoes or basic seed potatoes—

- (a) 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 7; or
- (b) in a package or container upon which is printed, or otherwise legibly and indelibly marked, or to which is attached or in which is inserted a label marked with, the particulars specified in Schedule 7.

## **PART V**

### **ENFORCEMENT**

#### **Enforcement – powers of examination and production**

**14.**—(1) Subject to regulation 17, an authorised officer may conduct an official examination and take samples of seed potatoes and inspect and take copies of a relevant document for the purpose of ensuring compliance with any provision of these Regulations.

(2) For the purposes of this regulation a person must permit, at any reasonable time, an authorised officer to—

- (a) examine and take samples of seed potatoes in that person's possession or control; and
- (b) inspect and take copies of any relevant document in that person's possession or control.

(3) For the purposes of this regulation an authorised officer may serve a notice on a person requiring that person to—

- (a) produce or make available for examination any seed potatoes or relevant document; or
- (b) provide information within that person's knowledge or belief relating to the planting production, certification, grading or marketing of the seed potatoes.

(4) A person on whom a notice is served in accordance with paragraph (3) must comply with the requirements of that notice within 7 days of such service or such longer period of time as may be specified in the notice.

(5) For the purposes of this regulation “relevant document” means any crop inspection report, official label, official document, other document or label, record or invoice relating to the planting, production, certification, grading or marketing of seed potatoes.

#### **Enforcement – crop inspection report, applicable Union grade and official label**

**15.**—(1) The Scottish Ministers may withdraw any crop inspection report where they are satisfied that—

- (a) the seed potatoes have not been produced in accordance with the requirements mentioned at paragraph 5(1)(a) and (b) of Schedule 1; or
- (b) there has been a failure to comply with any other requirement of these Regulations.

(2) The Scottish Ministers may, in relation to an applicable Union grade determined under regulation 8(2)(a), determine a lower grade in respect of the seed potatoes where—

- (a) following an official examination for the purposes of regulation 9, the authorised officer determines that a lower grade should apply; or
- (b) they are satisfied that there has been a failure to comply with any other requirement of these Regulations.

(3) The Scottish Ministers may withhold or withdraw an official label or official document where, in respect of the seed potatoes to which the official label or official document relates—

- (a) they have withdrawn a crop inspection report;
- (b) they have determined a lower grade under paragraph (2);
- (c) any official label or official document already issued contains information which is false in a material particular; or
- (d) they are satisfied that there has been a failure to comply with any other requirement of these Regulations.

#### **Enforcement –disease control measures and compliance**

**16.**—(1) An authorised officer may serve a notice on the relevant person if, during the course of an official examination, the authorised officer is of the opinion that any seed potatoes are affected by any disease or pest specified in column 1 of the applicable Table set out in Schedule 6.

(2) The notice referred to in paragraph (1)—

- (a) must inform the relevant person of the reason for service of the notice;
- (b) may specify a period, not exceeding 14 days beginning with the date of service of the notice, during which the seed potatoes may not be moved from the premises without the written consent of an authorised officer; and
- (c) may require the relevant person to carry out such measures to prevent the spread of any of the diseases or pests specified in the notice.

(3) An authorised officer may serve a notice on the relevant person if, during the course of, or following, an official examination, the authorised officer is satisfied that—

- (a) in relation to seed potatoes produced in Scotland, any of the tolerances for diseases, pests, damage or defects specified in column 2, 3 or 4 of the applicable Table set out in Schedule 6 are exceeded; or
- (b) there has been a failure to comply with any other requirement of these Regulations.

(4) The notice referred to in paragraph (3)—

- (a) must inform the relevant person of the reason for service of the notice; and

- (b) may require the relevant person—
  - (i) not to move, or permit or cause to be moved, the seed potatoes without the written consent of an authorised officer;
  - (ii) to move, or permit or cause to be moved, such seed potatoes within such period as may be specified in the notice; or
  - (iii) to carry out such measures as may be specified in the notice to ensure that the requirements of these Regulations are met or as the case may be to prevent the spread of any of the diseases or pests specified in the notice.
- (5) Where a notice has been served under paragraph (1) or (3)—
  - (a) an authorised officer may remove and retain, or direct the relevant person to remove and deliver to the authorised officer, any official label or official document; and
  - (b) a relevant person on whom any notice under paragraph (1) or (3) has been served—
    - (i) must comply with the requirements of that notice or any direction given under paragraph (5)(a);
    - (ii) must not carry out measures in relation to the seed potatoes other than those specified in the notice pursuant to paragraph (2) or (4) without the written consent of an authorised officer; and
    - (iii) is liable for the cost of carrying out any measures specified in the notice or in the written consent of an authorised officer given under sub-paragraph (b)(ii).
- (6) For the purposes of this Regulation, the “relevant person” is the person in possession, or in charge, of the seed potatoes which are undergoing official examination.

## PART VI

### MISCELLANEOUS PROVISIONS

#### Sampling of seed potatoes

17.—(1) Paragraphs (2) and (3) apply where a sample of seed potatoes is required for the purposes of these Regulations.

(2) Where a sample is required for the purposes of regulation 8 or 9, an authorised officer may take a sample of seed potatoes of such quantity or number and from such part, or parts, of the growing or harvested crop as the authorised officer considers appropriate.

(3) Where a sample is required otherwise than as described in paragraph (2), an authorised officer may take a sample only in accordance with Schedule 8.

#### Information regarding seed potatoes

18.—(1) Any person who produces pre-basic seed potatoes, basic seed potatoes or test and trial seed potatoes must maintain for a period of not less than 2 years records of any purchase of seed potatoes for planting and particulars of the crops grown or relating to [<sup>F8</sup>the marketing] of the produce of those crops.

(2) Any person who markets pre-basic, basic or test and trial seed potatoes must maintain for a period of not less than 2 years a record of the marketing of those seed potatoes.

**F8** Words in [reg. 18\(1\)](#) substituted (1.7.2016) by [The Seed \(Licensing and Enforcement etc.\) \(Scotland\) Regulations 2016 \(S.S.I. 2016/68\)](#), [reg. 1\(1\)](#), [sch. 3 para. 5](#)

## Service of notices

19.—(1) Any notice served under these Regulations must be in writing and may be amended, suspended or revoked in writing at any time.

(2) A notice may be served on a person by—

- (a) personal delivery;
- (b) leaving it at the person's proper address; or
- (c) sending it by post or by electronic means to the person's proper address.

(3) In the case of a body corporate, a notice may be served on or given to an officer of that body.

(4) In the case of a partnership, a notice may be served on or given to a partner or a person having control or management of the partnership business.

(5) In the case of an unincorporated association, a notice may be served on or given to an officer of the association.

(6) For the purposes of this regulation and section 7 of the Interpretation Act 1978<sup>M14</sup> (service of documents by post) in its application to this regulation, “proper address” means—

- (a) in the case of a body corporate or an officer of that body—
  - (i) the registered or principal office of that body; or
  - (ii) the email address of the officer;
- (b) in the case of a partnership or a partner or person having control or management of the partnership business—
  - (i) the principal office of the partnership; or
  - (ii) the email address of the partner or person having that control or management;
- (c) in the case of an unincorporated association or an officer of the association—
  - (i) the office of the association; or
  - (ii) the email address of the officer;
- (d) in any other case, a person's last known address, which includes an email address.

(7) For the purposes of paragraph (6), the principal office of a body corporate registered outside the United Kingdom or of a partnership established outside the United Kingdom is its principal office in the United Kingdom.

(8) If the name or address of any occupier of premises on whom a notice is to be served or given under these Regulations cannot, after reasonable inquiry, be ascertained, the notice may be served by leaving it conspicuously affixed to a building or object on the premises.

(9) A notice may specify that a person in receipt of it must immediately inform an authorised officer of its safe receipt.

(10) In this regulation—

“body corporate” includes a limited liability partnership;

“director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate;

“officer”, in relation to a body corporate, means any director, manager, secretary or other similar officer of the body corporate; and

“partnership” includes a Scottish partnership, but does not include a limited liability partnership.

**Marginal Citations**

M14 1978 c.30.

**Imports from outside EU**

20. A person who imports any quantity of seed potatoes exceeding 2 kilograms from outside the European Union must provide the Scottish Ministers with the particulars specified in Schedule 4 in respect of the seed potatoes.

**Exemptions**

21. Despite any provision 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 require.

**Consequential amendments**

22.—(1) In regulation 2(1) of the National Lists Regulations, in the definition of “the Seeds Marketing Regulations”, in sub-paragraph (c)(vi), for “Seed Potatoes (Scotland) Regulations 2000<sup>M15</sup>”, substitute “ Seed Potatoes (Scotland) Regulations 2015 ”.

<sup>F9</sup>(2) .....

**F9** Reg. 22(2) omitted (14.12.2019) by virtue of [The Plant Health \(Official Controls and Miscellaneous Provisions\) \(Scotland\) Regulations 2019 \(S.I. 2019/421\)](#), reg. 1(1), **Sch. 5 para. 10(4)**

**Marginal Citations**

M15 The definition was substituted by [S.I. 2011/464](#).

**Extension and modification of provisions of the Act**

23.—(1) For the purposes of these Regulations the operation of the provisions of sections 25 and 26 of the Act are modified or, as the case may be, excluded in accordance with this regulation.

(2) Section 25 of the Act (powers of entry) is modified with the effect that for the purposes of that section any reference to “premises” is a reference to premises as defined in these Regulations relating to seed potatoes and any reference to a subsection containing a reference to premises is a reference to that subsection as so modified.

(3) Section 25(1) of the Act is modified with the effect that the reference to subsection (4) of that section is 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 are omitted.

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

**Revocations**

24. The Regulations specified in column 1 of the Table in Schedule 9 are revoked to the extent specified in column 3 of that Table.



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**Changes to legislation:** *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Seed Potatoes (Scotland) Regulations 2015. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)*

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St Andrew's House,  
Edinburgh

*RICHARD LOCHHEAD*  
A member of the Scottish Government

### Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Seed Potatoes (Scotland) Regulations 2015. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

### Changes and effects yet to be applied to :

- Sch. 1 para. 6 word substituted by [S.S.I. 2019/59 reg. 16\(14\)\(d\)](#)
- Sch. 1 para. 8 word substituted by [S.S.I. 2019/59 reg. 16\(14\)\(d\)](#)
- Sch. 1 para. 9 word substituted by [S.S.I. 2019/59 reg. 16\(14\)\(d\)](#)
- Sch. 1 para. 12 word substituted by [S.S.I. 2019/59 reg. 16\(14\)\(d\)](#)
- Sch. 1 para. 13 word substituted by [S.S.I. 2019/59 reg. 16\(14\)\(d\)](#)
- sch. 1 para. 1(c)(ii) word substituted in earlier amending provision S.S.I. 2019/59, reg. 16(14)(a) by [S.S.I. 2020/445 reg. 17\(13\)\(a\)](#)
- sch. 1 para. 2(f) word substituted in earlier amending provision S.S.I. 2019/59, reg. 16(14)(b) by [S.S.I. 2020/445 reg. 17\(13\)\(a\)](#)
- sch. 1 para. 6 word substituted in earlier amending provision S.S.I. 2019/59, reg. 16(14)(d) by [S.S.I. 2020/445 reg. 17\(13\)\(a\)](#)
- sch. 1 para. 8 word substituted in earlier amending provision S.S.I. 2019/59, reg. 16(14)(d) by [S.S.I. 2020/445 reg. 17\(13\)\(a\)](#)
- sch. 1 para. 9 word substituted in earlier amending provision S.S.I. 2019/59, reg. 16(14)(d) by [S.S.I. 2020/445 reg. 17\(13\)\(a\)](#)
- sch. 1 para. 12 word substituted in earlier amending provision S.S.I. 2019/59, reg. 16(14)(d) by [S.S.I. 2020/445 reg. 17\(13\)\(a\)](#)
- sch. 1 para. 13 word substituted in earlier amending provision S.S.I. 2019/59, reg. 16(14)(d) by [S.S.I. 2020/445 reg. 17\(13\)\(a\)](#)
- Sch. 1 para. 3(a) words omitted by [S.S.I. 2019/59 reg. 16\(14\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Reg. 16(14)(c) substituted immediately before IP completion day by S.S.I. 2020/445, regs. 1(1)(b), 17(13)(b))
- Sch. 1 para. 1(c)(ii) words substituted by [S.S.I. 2019/59 reg. 16\(14\)\(a\)](#)
- Sch. 1 para. 2(f) words substituted by [S.S.I. 2019/59 reg. 16\(14\)\(b\)](#)
- sch. 1 para. 3(a) words substituted by S.S.I. 2019/59, reg. 16(14)(c)(i) (as substituted) by [S.S.I. 2020/445 reg. 17\(13\)\(b\)](#)
- sch. 1 para. 3(b) words substituted by S.S.I. 2019/59, reg. 16(14)(c)(ii) (as substituted) by [S.S.I. 2020/445 reg. 17\(13\)\(b\)](#)
- sch. 2 word substituted by [S.S.I. 2019/59 reg. 16\(15\)\(a\)\(i\)](#)
- sch. 2 word substituted by [S.S.I. 2019/59 reg. 16\(15\)\(a\)\(ii\)](#)
- sch. 2 word substituted by [S.S.I. 2019/59 reg. 16\(15\)\(b\)\(i\)](#)
- sch. 2 word substituted in earlier amending provision S.S.I. 2019/59, reg. 16(15)(a)(i) by [S.S.I. 2020/445 reg. 17\(14\)\(a\)\(i\)](#)
- sch. 2 word substituted in earlier amending provision S.S.I. 2019/59, reg. 16(15)(a)(ii) by [S.S.I. 2020/445 reg. 17\(14\)\(a\)\(i\)](#)
- sch. 2 word substituted in earlier amending provision S.S.I. 2019/59, reg. 16(15)(b)(i) by [S.S.I. 2020/445 reg. 17\(14\)\(b\)\(i\)](#)
- sch. 2 words substituted by [S.S.I. 2019/59 reg. 16\(15\)\(a\)\(iii\)\(aa\)](#)
- sch. 2 words substituted by [S.S.I. 2019/59 reg. 16\(15\)\(a\)\(iii\)\(bb\)](#)
- sch. 2 words substituted by [S.S.I. 2019/59 reg. 16\(15\)\(b\)\(ii\)](#)
- sch. 2 words substituted by [S.S.I. 2019/59 reg. 16\(15\)\(b\)\(iii\)](#)
- sch. 2 words substituted by [S.S.I. 2019/59 reg. 16\(15\)\(b\)\(iv\)](#)
- sch. 2 words substituted by S.S.I. 2019/59, reg. 16(15)(a)(iii)(aa) (as substituted) by [S.S.I. 2020/445 reg. 17\(14\)\(a\)\(ii\)](#)
- sch. 2 words substituted by S.S.I. 2019/59, reg. 16(15)(a)(iii)(bb) (as substituted) by [S.S.I. 2020/445 reg. 17\(14\)\(a\)\(ii\)](#)
- sch. 2 words substituted by S.S.I. 2019/59, reg. 16(15)(b)(ii) (as substituted) by [S.S.I. 2020/445 reg. 17\(14\)\(b\)\(ii\)](#)
- sch. 2 words substituted by S.S.I. 2019/59, reg. 16(15)(b)(iii) (as substituted) by [S.S.I. 2020/445 reg. 17\(14\)\(b\)\(ii\)](#)

- sch. 2 words substituted by S.S.I. 2019/59, reg. 16(15)(b)(iv) (as substituted) by [S.S.I. 2020/445 reg. 17\(14\)\(b\)\(ii\)](#)
- Sch. 3 para. 5(2)(a) substituted by [S.S.I. 2019/59 reg. 16\(16\)\(d\)](#)
- Sch. 3 para. 2 heading word substituted by [S.S.I. 2019/59 reg. 16\(16\)\(a\)\(i\)](#)
- Sch. 3 para. 3 heading word substituted by [S.S.I. 2019/59 reg. 16\(16\)\(b\)\(i\)](#)
- Sch. 3 para. 4 heading word substituted by [S.S.I. 2019/59 reg. 16\(16\)\(c\)\(i\)](#)
- sch. 3 para. 2 heading word substituted in earlier amending provision S.S.I. 2019/59, reg. 16(16)(a)(i) by [S.S.I. 2020/445 reg. 17\(15\)](#)
- sch. 3 para. 2(1) word substituted in earlier amending provision S.S.I. 2019/59, reg. 16(16)(a)(ii)(aa) by [S.S.I. 2020/445 reg. 17\(15\)](#)
- sch. 3 para. 2(1) word substituted in earlier amending provision S.S.I. 2019/59, reg. 16(16)(a)(ii)(bb) by [S.S.I. 2020/445 reg. 17\(15\)](#)
- sch. 3 para. 3 heading word substituted in earlier amending provision S.S.I. 2019/59, reg. 16(16)(b)(i) by [S.S.I. 2020/445 reg. 17\(15\)](#)
- sch. 3 para. 3(1) word substituted in earlier amending provision S.S.I. 2019/59, reg. 16(16)(b)(ii)(aa) by [S.S.I. 2020/445 reg. 17\(15\)](#)
- sch. 3 para. 3(1) word substituted in earlier amending provision S.S.I. 2019/59, reg. 16(16)(b)(ii)(bb) by [S.S.I. 2020/445 reg. 17\(15\)](#)
- sch. 3 para. 4 heading word substituted in earlier amending provision S.S.I. 2019/59, reg. 16(16)(c)(i) by [S.S.I. 2020/445 reg. 17\(15\)](#)
- sch. 3 para. 4 word substituted in earlier amending provision S.S.I. 2019/59, reg. 16(16)(c)(ii)(aa) by [S.S.I. 2020/445 reg. 17\(15\)](#)
- sch. 3 para. 4 word substituted in earlier amending provision S.S.I. 2019/59, reg. 16(16)(c)(ii)(bb) by [S.S.I. 2020/445 reg. 17\(15\)](#)
- Sch. 3 para. 2(1) words substituted by [S.S.I. 2019/59 reg. 16\(16\)\(a\)\(ii\)\(aa\)](#)
- Sch. 3 para. 2(1) words substituted by [S.S.I. 2019/59 reg. 16\(16\)\(a\)\(ii\)\(bb\)](#)
- Sch. 3 para. 3(1) words substituted by [S.S.I. 2019/59 reg. 16\(16\)\(b\)\(ii\)\(aa\)](#)
- Sch. 3 para. 3(1) words substituted by [S.S.I. 2019/59 reg. 16\(16\)\(b\)\(ii\)\(bb\)](#)
- Sch. 3 para. 4(1)(a) words substituted by [S.S.I. 2019/59 reg. 16\(16\)\(c\)\(ii\)\(aa\)](#)
- Sch. 3 para. 4(1)(a) words substituted by [S.S.I. 2019/59 reg. 16\(16\)\(c\)\(ii\)\(bb\)](#)
- sch. 4 heading words substituted by [S.S.I. 2019/59 reg. 17](#)
- Sch. 5 para. 1(2)(c) word substituted by [S.S.I. 2019/59 reg. 16\(18\)\(a\)](#)
- Sch. 5 para. 2(2)(b) word substituted by [S.S.I. 2019/59 reg. 16\(18\)\(b\)\(i\)\(bb\)](#)
- Sch. 5 para. 2(2)(c) word substituted by [S.S.I. 2019/59 reg. 16\(18\)\(b\)\(ii\)](#)
- Sch. 5 para. 3(2)(b) word substituted by [S.S.I. 2019/59 reg. 16\(18\)\(c\)\(i\)\(bb\)](#)
- Sch. 5 para. 3(2)(d) word substituted by [S.S.I. 2019/59 reg. 16\(18\)\(c\)\(ii\)](#)
- sch. 5 para. 2(2)(b) word substituted in earlier amending provision S.S.I. 2019/59, reg. 16(18)(b)(i)(bb) by [S.S.I. 2020/445 reg. 17\(16\)](#)
- sch. 5 para. 3(2)(b) word substituted in earlier amending provision S.S.I. 2019/59, reg. 16(18)(c)(i)(bb) by [S.S.I. 2020/445 reg. 17\(16\)](#)
- Sch. 5 para. 2(2)(b) words substituted by [S.S.I. 2019/59 reg. 16\(18\)\(b\)\(i\)\(aa\)](#)
- Sch. 5 para. 3(2)(b) words substituted by [S.S.I. 2019/59 reg. 16\(18\)\(c\)\(i\)\(aa\)](#)
- sch. 6 word substituted by [S.S.I. 2019/59 reg. 16\(20\)\(b\)](#)
- sch. 6 word substituted by [S.S.I. 2019/59 reg. 16\(20\)\(b\)](#)
- sch. 6 heading word substituted by [S.S.I. 2019/59 reg. 16\(20\)\(c\)\(i\)](#)
- sch. 6 word substituted by [S.S.I. 2019/59 reg. 16\(20\)\(c\)\(ii\)](#)
- sch. 6 para. 1 word substituted in earlier amending provision S.S.I. 2019/59, reg. 16(20)(a)(i) by [S.S.I. 2020/445 reg. 17\(17\)\(a\)](#)
- sch. 6 para. 1(1)(a) word substituted in earlier amending provision S.S.I. 2019/59, reg. 16(20)(a)(ii) by [S.S.I. 2020/445 reg. 17\(17\)\(a\)](#)
- sch. 6 para. 1(1)(b) word substituted in earlier amending provision S.S.I. 2019/59, reg. 16(20)(a)(iii) by [S.S.I. 2020/445 reg. 17\(17\)\(a\)](#)
- sch. 6 para. 1(1)(c) word substituted in earlier amending provision S.S.I. 2019/59, reg. 16(20)(a)(iv) by [S.S.I. 2020/445 reg. 17\(17\)\(a\)](#)
- sch. 6 para. 1(1)(d) word substituted in earlier amending provision S.S.I. 2019/59, reg. 16(20)(a)(v) by [S.S.I. 2020/445 reg. 17\(17\)\(a\)](#)
- sch. 6 para. 1(1)(e)(i) word substituted in earlier amending provision S.S.I. 2019/59, reg. 16(20)(a)(vi) by [S.S.I. 2020/445 reg. 17\(17\)\(a\)](#)

- sch. 6 para. 5 heading word substituted in earlier amending provision S.S.I. 2019/59, reg. 16(20)(b) by [S.S.I. 2020/445 reg. 17\(17\)\(b\)](#)
- sch. 6 para. 5 heading word substituted in earlier amending provision S.S.I. 2019/59, reg. 16(20)(b) by [S.S.I. 2020/445 reg. 17\(17\)\(b\)](#)
- sch. 6 para. 5 heading word substituted in earlier amending provision S.S.I. 2019/59, reg. 16(20)(c)(i) by [S.S.I. 2020/445 reg. 17\(17\)\(c\)](#)
- sch. 6 para. 5 word substituted in earlier amending provision S.S.I. 2019/59, reg. 16(20)(c)(ii) by [S.S.I. 2020/445 reg. 17\(17\)\(c\)](#)
- sch. 6 para. 1 words substituted by [S.S.I. 2019/59 reg. 16\(20\)\(a\)\(i\)](#)
- sch. 6 para. 1(1)(a) words substituted by [S.S.I. 2019/59 reg. 16\(20\)\(a\)\(ii\)](#)
- sch. 6 para. 1(1)(b) words substituted by [S.S.I. 2019/59 reg. 16\(20\)\(a\)\(iii\)](#)
- sch. 6 para. 1(1)(c) words substituted by [S.S.I. 2019/59 reg. 16\(20\)\(a\)\(iv\)](#)
- sch. 6 para. 1(1)(d) words substituted by [S.S.I. 2019/59 reg. 16\(20\)\(a\)\(v\)](#)
- sch. 6 para. 1(1)(e)(i) words substituted by [S.S.I. 2019/59 reg. 16\(20\)\(a\)\(vi\)](#)
- sch. 6 para. 1(1)(f) words substituted by [S.S.I. 2019/59 reg. 16\(20\)\(a\)\(vii\)](#)
- sch. 6 heading words substituted by [S.S.I. 2019/59 reg. 16\(20\)\(d\)](#)
- reg. 2(1) words inserted by [S.S.I. 2019/59 reg. 16\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 16(2)(b) omitted immediately before IP completion day by virtue of S.S.I. 2020/445, regs. 1(1)(b), 17(2)(b))
- reg. 2(1) words inserted by [S.S.I. 2019/59 reg. 16\(2\)\(d\)](#)
- reg. 2(1) words inserted by [S.S.I. 2019/59 reg. 16\(2\)\(e\)](#) (This amendment not applied to legislation.gov.uk. Reg. 16(2)(e) substituted immediately before IP completion day by S.S.I. 2020/445, regs. 1(1)(b), 17(2)(g))
- reg. 2(1) words inserted by [S.S.I. 2019/59 reg. 16\(2\)\(f\)](#)
- reg. 2(1) words inserted by [S.S.I. 2019/59 reg. 16\(2\)\(m\)](#)
- reg. 2(1) words inserted by [S.S.I. 2020/445 reg. 7\(a\)](#)
- reg. 2(1) words inserted by [S.S.I. 2020/445 reg. 7\(b\)](#)
- reg. 2(1) words inserted by [S.S.I. 2020/445 reg. 7\(c\)](#)
- reg. 2(1) words inserted by [S.S.I. 2020/445 reg. 7\(d\)](#)
- reg. 2(1) words inserted by S.S.I. 2019/59, reg. 16(2)(cb) (as inserted) by [S.S.I. 2020/445 reg. 17\(2\)\(e\)](#)
- reg. 2(1) words inserted by S.S.I. 2019/59, reg. 16(2)(da) (as inserted) by [S.S.I. 2020/445 reg. 17\(2\)\(f\)](#)
- reg. 2(1) words inserted by S.S.I. 2019/59, reg. 16(2)(e) (as substituted) by [S.S.I. 2020/445 reg. 17\(2\)\(g\)](#)
- reg. 2(1) words inserted by S.S.I. 2019/59, reg. 16(2)(gb) (as substituted) by [S.S.I. 2020/445 reg. 17\(2\)\(h\)](#)
- reg. 2(1) words inserted by S.S.I. 2019/59, reg. 16(2)(za) (as inserted) by [S.S.I. 2020/445 reg. 17\(2\)\(a\)](#)
- reg. 2(1) words inserted in earlier amending provision S.S.I. 2019/59, reg. 16(2)(c) by [S.S.I. 2020/445 reg. 17\(2\)\(d\)\(ii\)](#)
- reg. 2(1) words inserted in earlier amending provision S.S.I. 2019/59, reg. 16(2)(h) by [S.S.I. 2020/445 reg. 17\(2\)\(i\)\(ii\)](#)
- reg. 2(1) words inserted in earlier amending provision S.S.I. 2019/59, reg. 16(2)(i) by [S.S.I. 2020/445 reg. 17\(2\)\(j\)\(ii\)](#)
- reg. 2(1) words inserted in earlier amending provision S.S.I. 2019/59, reg. 16(2)(k) by [S.S.I. 2020/445 reg. 17\(2\)\(l\)\(ii\)](#)
- reg. 2(1) words inserted in earlier amending provision S.S.I. 2019/59, reg. 16(2)(n) by [S.S.I. 2020/445 reg. 17\(2\)\(m\)\(ii\)](#)
- reg. 2(1) words inserted in earlier amending provision S.S.I. 2019/59, reg. 16(2)(o) by [S.S.I. 2020/445 reg. 17\(2\)\(n\)\(ii\)](#)
- reg. 2(1) words omitted by [S.S.I. 2019/59 reg. 16\(2\)\(a\)\(i\)](#)
- reg. 2(1) words omitted by [S.S.I. 2019/59 reg. 16\(2\)\(a\)\(iii\)](#)
- reg. 2(1) words omitted by [S.S.I. 2019/59 reg. 16\(2\)\(l\)](#)
- reg. 2(1) words omitted by S.S.I. 2019/59, reg. 16(2)(ca) (as inserted) by [S.S.I. 2020/445 reg. 17\(2\)\(e\)](#)
- reg. 2(1) words omitted by S.S.I. 2019/59, reg. 16(2)(ga) (as substituted) by [S.S.I. 2020/445 reg. 17\(2\)\(h\)](#)

- reg. 2(1) words omitted in earlier amending provision S.S.I. 2019/59, reg. 16(2)(c) by [S.S.I. 2020/445 reg. 17\(2\)\(d\)\(iii\)](#)
- reg. 2(1) words omitted in earlier amending provision S.S.I. 2019/59, reg. 16(2)(h) by [S.S.I. 2020/445 reg. 17\(2\)\(i\)\(iii\)](#)
- reg. 2(1) words omitted in earlier amending provision S.S.I. 2019/59, reg. 16(2)(i) by [S.S.I. 2020/445 reg. 17\(2\)\(j\)\(iii\)](#)
- reg. 2(1) words omitted in earlier amending provision S.S.I. 2019/59, reg. 16(2)(k) by [S.S.I. 2020/445 reg. 17\(2\)\(l\)\(iii\)](#)
- reg. 2(1) words omitted in earlier amending provision S.S.I. 2019/59, reg. 16(2)(n) by [S.S.I. 2020/445 reg. 17\(2\)\(m\)\(iii\)](#)
- reg. 2(1) words omitted in earlier amending provision S.S.I. 2019/59, reg. 16(2)(o) by [S.S.I. 2020/445 reg. 17\(2\)\(n\)\(iii\)](#)
- reg. 2(1) words substituted by [S.S.I. 2019/59 reg. 16\(2\)\(a\)\(ii\)](#)
- reg. 2(1) words substituted by [S.S.I. 2019/59 reg. 16\(2\)\(c\)](#)
- reg. 2(1) words substituted by [S.S.I. 2019/59 reg. 16\(2\)\(g\)](#) (This amendment not applied to legislation.gov.uk. Reg. 16(2)(g) substituted immediately before IP completion day by S.S.I. 2020/445, regs. 1(1)(b), 17(2)(h))
- reg. 2(1) words substituted by [S.S.I. 2019/59 reg. 16\(2\)\(h\)](#)
- reg. 2(1) words substituted by [S.S.I. 2019/59 reg. 16\(2\)\(i\)](#)
- reg. 2(1) words substituted by [S.S.I. 2019/59 reg. 16\(2\)\(j\)](#) (This amendment not applied to legislation.gov.uk. Reg. 16(2)(j) substituted immediately before IP completion day by S.S.I. 2020/445, regs. 1(1)(b), 17(2)(k))
- reg. 2(1) words substituted by [S.S.I. 2019/59 reg. 16\(2\)\(k\)](#)
- reg. 2(1) words substituted by [S.S.I. 2019/59 reg. 16\(2\)\(n\)](#)
- reg. 2(1) words substituted by [S.S.I. 2019/59 reg. 16\(2\)\(o\)](#)
- reg. 2(1) words substituted by S.S.I. 2019/59, reg. 16(2)(g) (as substituted) by [S.S.I. 2020/445 reg. 17\(2\)\(h\)](#)
- reg. 2(1) words substituted by S.S.I. 2019/59, reg. 16(2)(j) (as substituted) by [S.S.I. 2020/445 reg. 17\(2\)\(k\)](#)
- reg. 2(1) words substituted in earlier amending provision S.S.I. 2019/59, reg. 16(2)(a)(ii) by [S.S.I. 2020/445 reg. 17\(2\)\(b\)](#)
- reg. 2(1) words substituted in earlier amending provision S.S.I. 2019/59, reg. 16(2)(c) by [S.S.I. 2020/445 reg. 17\(2\)\(d\)\(i\)](#)
- reg. 2(1) words substituted in earlier amending provision S.S.I. 2019/59, reg. 16(2)(h) by [S.S.I. 2020/445 reg. 17\(2\)\(i\)\(i\)](#)
- reg. 2(1) words substituted in earlier amending provision S.S.I. 2019/59, reg. 16(2)(i) by [S.S.I. 2020/445 reg. 17\(2\)\(j\)\(i\)](#)
- reg. 2(1) words substituted in earlier amending provision S.S.I. 2019/59, reg. 16(2)(k) by [S.S.I. 2020/445 reg. 17\(2\)\(l\)\(i\)](#)
- reg. 2(1) words substituted in earlier amending provision S.S.I. 2019/59, reg. 16(2)(n) by [S.S.I. 2020/445 reg. 17\(2\)\(m\)\(i\)](#)
- reg. 2(1) words substituted in earlier amending provision S.S.I. 2019/59, reg. 16(2)(o) by [S.S.I. 2020/445 reg. 17\(2\)\(n\)\(i\)](#)
- reg. 2(3) omitted by S.S.I. 2019/59, reg. 16(3) (as substituted) by [S.S.I. 2020/445 reg. 17\(3\)](#)
- reg. 2(3) words omitted by [S.S.I. 2019/59 reg. 16\(3\)](#) (This amendment not applied to legislation.gov.uk. Reg. 16(3) substituted immediately before IP completion day by S.S.I. 2020/445, regs. 1(1)(b), 17(3))
- reg. 4(3)(a) words substituted by S.S.I. 2019/59, reg. 16(4)(za)(i) (as inserted) by [S.S.I. 2020/445 reg. 17\(4\)\(a\)](#)
- reg. 4(3)(b) words substituted by S.S.I. 2019/59, reg. 16(4)(za)(ii) (as inserted) by [S.S.I. 2020/445 reg. 17\(4\)\(a\)](#)
- reg. 4(5) word substituted by S.S.I. 2019/59, reg. 16(4)(a) (as substituted) by [S.S.I. 2020/445 reg. 17\(4\)\(b\)](#)
- reg. 4(5) words inserted by [S.S.I. 2019/59 reg. 16\(4\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Reg. 16(4)(a) substituted immediately before IP completion day by S.S.I. 2020/445, regs. 1(1)(b), 17(4)(b))
- reg. 4(6)(b) substituted by [S.S.I. 2019/59 reg. 16\(4\)\(b\)](#)



- reg. 4(6)(b) word substituted in earlier amending provision S.S.I. 2019/59, reg. 16(4)(b) by [S.S.I. 2020/445 reg. 17\(4\)\(c\)](#)
- reg. 5(4) substituted by [S.S.I. 2019/59 reg. 16\(5\)\(a\)](#)
- reg. 5(4)(a) word substituted in earlier amending provision S.S.I. 2019/59, reg. 16(5)(a) by [S.S.I. 2020/445 reg. 17\(5\)\(a\)\(i\)](#)
- reg. 5(4)(b)(i) word substituted in earlier amending provision S.S.I. 2019/59, reg. 16(5)(a) by [S.S.I. 2020/445 reg. 17\(5\)\(a\)\(ii\)](#)
- reg. 5(4)(d) word substituted in earlier amending provision S.S.I. 2019/59, reg. 16(5)(a) by [S.S.I. 2020/445 reg. 17\(5\)\(a\)\(iii\)](#)
- reg. 5(6)(a)(ii) word substituted by S.S.I. 2019/59, reg. 16(5)(aa) (as inserted) by [S.S.I. 2020/445 reg. 17\(5\)\(b\)](#)
- reg. 5(8)(b) word substituted by S.S.I. 2019/59, reg. 16(5)(b) (as substituted) by [S.S.I. 2020/445 reg. 17\(5\)\(c\)](#)
- reg. 5(8)(b) words omitted by [S.S.I. 2019/59 reg. 16\(5\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 16(5)(b) substituted immediately before IP completion day by S.S.I. 2020/445, regs. 1(1)(b), 17(5)(c))
- reg. 6(3) substituted by [S.S.I. 2019/59 reg. 16\(6\)](#)
- reg. 6(3)(a) words substituted in earlier amending provision S.S.I. 2019/59, reg. 16(6) by [S.S.I. 2020/445 reg. 17\(6\)](#)
- reg. 7(2) words substituted by [S.S.I. 2019/190 reg. 5\(2\)](#)
- reg. 7(2) words substituted by [S.S.I. 2019/59 reg. 16\(7\)\(a\)](#)
- reg. 8(2)(a) word substituted in earlier amending provision S.S.I. 2019/59, reg. 16(8)(a)(i) by [S.S.I. 2020/445 reg. 17\(8\)](#)
- reg. 8(2)(a) word substituted in earlier amending provision S.S.I. 2019/59, reg. 16(8)(a)(ii) by [S.S.I. 2020/445 reg. 17\(8\)](#)
- reg. 8(2)(a) word substituted in earlier amending provision S.S.I. 2019/59, reg. 16(8)(a)(iii) by [S.S.I. 2020/445 reg. 17\(8\)](#)
- reg. 8(2)(a) words substituted by [S.S.I. 2019/59 reg. 16\(8\)\(a\)\(i\)](#)
- reg. 8(2)(a) words substituted by [S.S.I. 2019/59 reg. 16\(8\)\(a\)\(ii\)](#)
- reg. 8(2)(a) words substituted by [S.S.I. 2019/59 reg. 16\(8\)\(a\)\(iii\)](#)
- reg. 8(4) word substituted by [S.S.I. 2019/59 reg. 16\(8\)\(b\)](#)
- reg. 8(4) word substituted in earlier amending provision S.S.I. 2019/59, reg. 16(8)(b) by [S.S.I. 2020/445 reg. 17\(8\)](#)
- reg. 10(3)(b) word substituted in earlier amending provision S.S.I. 2019/59, reg. 16(9) by [S.S.I. 2020/445 reg. 17\(9\)](#)
- reg. 10(3)(b) words substituted by [S.S.I. 2019/59 reg. 16\(9\)](#)
- reg. 11(1)(b) substituted by [S.S.I. 2019/59 reg. 16\(10\)](#)
- reg. 15 heading word substituted in earlier amending provision S.S.I. 2019/59, reg. 16(11)(a) by [S.S.I. 2020/445 reg. 17\(11\)](#)
- reg. 15 word substituted in earlier amending provision S.S.I. 2019/59, reg. 16(11)(b) by [S.S.I. 2020/445 reg. 17\(11\)](#)
- reg. 15 heading words substituted by [S.S.I. 2019/59 reg. 16\(11\)\(a\)](#)
- reg. 15(2) words substituted by [S.S.I. 2019/59 reg. 16\(11\)\(b\)](#)
- reg. 20 heading words substituted by [S.S.I. 2019/59 reg. 16\(12\)\(a\)](#)
- reg. 20 words substituted by [S.S.I. 2019/59 reg. 16\(12\)\(b\)](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- sch. 5A inserted by [S.S.I. 2019/59 reg. 16\(19\)](#)
- reg. 7(2A) inserted by [S.S.I. 2019/59 reg. 16\(7\)\(b\)](#)
- reg. 7(2A) words substituted in earlier amending provision S.S.I. 2019/59, reg. 16(7)(b) by [S.S.I. 2020/445 reg. 17\(7\)](#)
- reg. 11(1)(b)(i) word substituted in earlier amending provision S.S.I. 2019/59, reg. 16(10) by [S.S.I. 2020/445 reg. 17\(10\)\(a\)](#)

- reg. 11(1)(b)(iii) omitted in earlier amending provision S.S.I. 2019/59, reg. 16(10) by [S.S.I. 2020/445 reg. 17\(10\)\(c\)](#)
- reg. 11(1)(b)(ii) word inserted in earlier amending provision S.S.I. 2019/59, reg. 16(10) by [S.S.I. 2020/445 reg. 17\(10\)\(b\)](#)
- reg. 23A inserted by [S.S.I. 2019/59 reg. 16\(13\)](#)
- reg. 23A words substituted in earlier amending provision S.S.I. 2019/59, reg. 16(13) by [S.S.I. 2020/445 reg. 17\(12\)](#)