
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 395

SEEDS

The Seed Potatoes (Scotland) Regulations 2015

Made - - - - 19th November 2015
Laid before the Scottish
Parliament - - - - 20th November 2015
Coming into force - - 1st January 2016

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 16(1), (1A), (2), (3), (4), (5), (5A) and 36 of the Plant Varieties and Seeds Act 1964⁽¹⁾ and by section 2(2) of the European Communities Act 1972⁽²⁾ and all other powers enabling them to do so.

In accordance with section 16(1) of the Plant Varieties and Seeds Act 1964, the Scottish Ministers have consulted with representatives of such interests as appear to them to be concerned.

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- (1) 1964 c.14. (“the 1964 Act”). Section 16 was amended by the European Communities Act 1972 (c.68) (“the 1972 Act”), section 4(1) and Schedule 4, paragraph 5(1) and (2); by the Agriculture Act 1986 (c.49), section 2; and by S.I. 1977/1112. Section 16 is applied to seed potatoes by section 29(1) of the 1964 Act. Section 29 was amended by the 1972 Act, section 4(1) and Schedule 4, paragraph 5(4). The powers conferred by section 16 are exercisable by “the Minister”. See section 38 of the 1964 Act for definition of “the Minister”. The functions of the Secretary of State, insofar as exercisable within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).
- (2) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46) (“the 1998 Act”), Schedule 8, paragraph 15(3) (which was amended by section 27(4) of the Legislative and Regulatory Reform Act 2006 (c.51) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by the European Union (Amendment) Act 2008 (c.7) (“the 2008 Act”), section 3(3) and Schedule, Part 1. The functions conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. Section 2(2) is used for the purposes of the consequential amendments in regulation 22 and the revocations in regulation 24 of and Schedule 9, paragraph 2 to these Regulations.