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SCOTTISH STATUTORY INSTRUMENTS

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**2015 No. 395**

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

**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 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.

(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- (a) a crop inspection report has been issued under regulation 8(1) and not withdrawn;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.

(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.

(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; or
- (c) an Order made under the Plant Health Act 1967<sup>(1)</sup>.

(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.

### 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.

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(1) [1967 c.8](#).

### **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.