
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 395

The Seed Potatoes (Scotland) Regulations 2015

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.