

## SCHEDULE 1

Regulation 8(4) and 15(1)(a)

### CONDITIONS FOR CERTIFICATION AND GRADING OF SCOTTISH SEED POTATOES

## PART I

### General

1. On receipt of an application for certification of any crop of seed potatoes under regulation 8(1), an authorised officer must—
  - (a) allocate to the applicant the producer's identification number (“producer's identification number”);
  - (b) allocate an identification number to the crop to which the application relates (“crop identification number”);
  - (c) conduct an official examination of the crop in order to determine—
    - (i) whether the seed potatoes may be certified as pre-basic seed potatoes, basic seed potatoes or test and trial seed potatoes; and
    - (ii) in respect of pre-basic seed potatoes and basic seed potatoes, the applicable Union grade; and
  - (d) subject to paragraphs 3 to 15, issue a crop inspection report complying with paragraph 2.
2. A crop inspection report must contain the following particulars—
  - (a) the name and address of the applicant;
  - (b) the name of the agricultural unit on which the crop was grown;
  - (c) the producer's identification number;
  - (d) the crop identification number;
  - (e) whether the seed potatoes are certified as pre-basic seed potatoes, basic seed potatoes or, as the case may be, test and trial seed potatoes;
  - (f) the applicable Union grade and field generation;
  - (g) the date on which the crop inspection report was issued;
  - (h) the variety of the crop inspected;
  - (i) the area of the crop inspected; and
  - (j) the location (O.S. No. or F.I.D. No.) of the field on which the crop was grown.
3. An authorised officer may only issue a crop inspection report if the seed potatoes are of a variety—
  - (a) for the time being listed in the National List or in the Common Catalogue; or
  - (b) for which an application has been submitted, but not withdrawn or finally determined, for acceptance on to the National List.
4. An authorised officer may only issue a crop inspection report if satisfied that the seed potatoes are or were grown on land which has not been demarcated as a contaminated plot or part of a safety zone for the purposes of [F1 paragraph 8 in Part 3 (measures for the control of Potato Wart Disease) of schedule 2 (specific measures relating to certain solanaceous species) of the Plant Health Official Controls Regulations].

**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

**F1** Words in Sch. 1 para. 4 substituted (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(5) (a)

- 5.—(1) An authorised officer may only issue a crop inspection report if satisfied that—
- (a) except where sub-paragraph (2) applies, the seed potatoes have not at any stage of their production come into contact with—
    - (i) potatoes other than seed potatoes; or
    - (ii) any plant, machinery, equipment, container, store or vehicle previously used in the production of potatoes other than seed potatoes;
  - (b) the seed potatoes have, at all stages of production, been kept separate from seed potatoes of any other grade or variety;
  - (c) the propagation, growing and storage of the seed potatoes, has been carried out effectively in accordance with any notice given, or guidance published, from time to time by the Scottish Ministers for the purposes of the prevention of the occurrence, development or spread of pests and diseases;
  - (d) the seed potatoes are or were grown on an agricultural unit on which only pre-basic seed potatoes or basic seed potatoes permitted to be planted in accordance with [<sup>F2</sup>paragraph 2(3) (general restrictions on the planting of potatoes) in Part 2 (general provisions relating to the planting of certain solanaceous species) of schedule 2 (specific measures relating to certain solanaceous species) of the Plant Health Official Controls Regulations], are or were grown in the same year;
  - (e) blanking in any of the growing crop of the seed potatoes is not or was not excessive;
  - (f) roguing of the growing crop of the seed potatoes has been carried out and the growing crop has not been over-rogued;
  - (g) the seed potatoes in any one crop are of a single variety; and
  - (h) the seed potatoes are taken from a crop which is free from all of the following diseases or pests—
    - (i) Potato Wart Disease (*Synchytrium endobioticum* (Schilb) Perc.);
    - (ii) Potato Cyst Nematode (*Globodera* spp. infesting potatoes);
    - (iii) Ring Rot (*Clavibacter michiganensis* subsp. *sepedonicus* (Spieck & Kotth) Davis *et al.*);
    - (iv) Brown Rot (*Ralstonia solanacearum* (Smith) Yabuuchi *et al.*);
    - (v) Potato Tuber Moth (*Phthorimaea operculella* (Zell));
    - (vi) Potato Spindle Tuber Viroid;
    - (vii) Colorado Beetle (*Leptinotarsa decemlineata* (Say));<sup>F3</sup>...
    - (viii) Potato Tuber Eelworm (*Ditylenchus destructor* Thorne).
    - [<sup>F4</sup>(ix) *Candidatus Liberibacter solanacearum* Liefing *et al.*; and
    - (x) *Candidatus Phytoplasma solani* Quaglino *et al.*]
- (2) This sub-paragraph applies where—
- (a) the seed potatoes and potatoes other than seed potatoes were produced on the same agricultural unit; or

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- (b) the production of the seed potatoes was in accordance with arrangements approved in writing by the Scottish Ministers, prior to the use of the relevant plant, machinery, equipment, container, store or vehicle.

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| <b>F2</b> | Words in Sch. 1 para. 5(1)(d) 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(5)(b)</b> |
| <b>F3</b> | Word in Sch. 1 para. 5(1)(h)(vii) omitted (1.7.2020) by virtue of <a href="#">The Seed and Plant Material (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/165)</a> , regs. 1(1), <b>8(2)(a)</b>                 |
| <b>F4</b> | Sch. 1 para. 5(1)(h)(ix)(x) inserted (1.7.2020) by <a href="#">The Seed and Plant Material (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/165)</a> , regs. 1(1), <b>8(2)(b)</b>                                |

## PART II

### Pre-basic seed potatoes

6. An authorised officer may only certify seed potatoes as pre-basic seed potatoes if, following an official examination, the officer is satisfied that the seed potatoes meet the requirements specified in columns 2, 3 and 4 of Table I in Schedule 2 corresponding to at least one of the Union grades specified in column 1 of that Table.

7. An authorised officer may not certify seed potatoes as pre-basic seed potatoes unless the officer is satisfied that the land on which the seed potatoes are or were grown—

- (a) has, following an official examination performed prior to the planting of the crop, been found not to be contaminated with Potato Cyst Nematode (*Globodera* spp. infesting potatoes);
- (b) is not land notified as infested with Potato Cyst Nematode (*Globodera* spp. infesting potatoes) under [F5] paragraph 18 (notice that sampling unit is infested with Potato Cyst Nematode) in Part 4 (measures for the control of European populations of Potato Cyst Nematode) of schedule 2 (specific measures relating to certain solanaceous species) of the Plant Health Official Controls Regulations];
- (c) has not been found to have been contaminated with Potato Cyst Nematode (*Globodera* spp. infesting potatoes) for at least 6 years prior to the planting of the crop; and
- (d) has not been used for growing potatoes at any time during the 7 years immediately preceding the planting of the crop.

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| <b>F5</b> | Words in Sch. 1 para. 7(b) 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(5)(c)</b> |
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8. An authorised officer may not determine the seed potatoes as meeting the requirements of Union grade PBTC, if the immediately succeeding crop produced from those potatoes is likely to contain—

- (a) plants of another variety; or
- (b) plants infected by virus.

9. An authorised officer may not determine the seed potatoes as meeting the requirements of Union grade PB, if, in relation to the immediately succeeding crop produced from those potatoes, the number of growing plants which—

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- (a) deviate from variety and type, is likely to exceed 0.01% of the total number of plants in that crop; or
- (b) show symptoms of any virus attributable to infection in the mother crop, is likely to exceed 0.5% of that total number.

## PART III

### Basic seed potatoes

**10.** An authorised officer may only certify seed potatoes as basic seed potatoes if, following an official examination, the officer is satisfied that the seed potatoes meet the requirements specified in columns 2, 3 and 4 of Table II in Schedule 2 corresponding to at least one of the grades specified in column 1 of that Table.

**11.** An authorised officer may not certify seed potatoes as basic seed potatoes unless the officer is satisfied that the land on which the seed potatoes are or were grown—

- (a) has, following an official examination performed prior to the planting of the crop, been found not to be contaminated with Potato Cyst Nematode (*Globodera* spp. infesting potatoes);
- (b) is not land notified as infested with Potato Cyst Nematode (*Globodera* spp. infesting potatoes) under <sup>F6</sup>paragraph 18 (notice that sampling unit is infested with Potato Cyst Nematode) in Part 4 (measures for the control of European populations of Potato Cyst Nematode) of schedule 2 (specific measures relating to certain solanaceous species) of the Plant Health Official Controls Regulations];
- (c) has not been found to have been contaminated with Potato Cyst Nematode (*Globodera* spp. infesting potatoes) for at least 6 years prior to the planting of the crop; and
- (d) has not been used for growing potatoes at any time during the 5 years immediately preceding the planting of the crop.

**F6** Words in Sch. 1 para. 11(b) substituted (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\(5\)](#) (d)

**12.** An authorised officer may not determine the seed potatoes as meeting the requirements of Union grade S, SE or, as the case may be, E if, in relation to the immediately succeeding crop produced from those potatoes, the number of growing plants which—

- (a) deviate from variety, is likely to exceed 0.1% of the total number of plants in that crop;
- (b) deviate from variety and type, is likely to exceed 0.25% of that total number; or
- (c) show symptoms of any virus attributable to infection in the mother crop, is likely to exceed 4% of that total number.

## PART IV

### Test and trial seed potatoes

**13.** An authorised officer may only certify seed potatoes as test and trial seed potatoes if, following an official examination, the officer is satisfied that the seed potatoes meet the requirements specified in columns 2, 3 and 4 of Table II in Schedule 2 corresponding to at least one of the Union grades specified in column 1 of that Table.

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**14.** An authorised officer may not certify seed potatoes as test and trial seed potatoes unless the officer is satisfied that the land on which the seed potatoes are or were grown—

- (a) has, following an official examination performed prior to the planting of the crop, been found not to be contaminated with Potato Cyst Nematode (*Globodera* spp. infesting potatoes);
- (b) is not land notified as infested with Potato Cyst Nematode (*Globodera* spp. infesting potatoes) under [<sup>F7</sup>paragraph 18 (notice that sampling unit is infested with Potato Cyst Nematode) in Part 4 (measures for the control of European populations of Potato Cyst Nematode) of schedule 2 (specific measures relating to certain solanaceous species) of the Plant Health Official Controls Regulations];
- (c) has not been found to have been contaminated with Potato Cyst Nematode (*Globodera* spp. infesting potatoes) for at least 6 years prior to the planting of the crop; and
- (d) has not been used for growing potatoes at any time during the 5 years immediately preceding the planting of the crop.

**F7** Words in [Sch. 1 para. 14\(b\)](#) substituted (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\(5\)\(e\)](#)

**15.** An authorised officer may not certify any seed potatoes as test and trial seed potatoes if, in relation to the immediately succeeding crop produced from those potatoes, the number of growing plants which—

- (a) deviate from variety, is likely to exceed 0.1% of the total number of plants in that crop;
- (b) deviate from variety and type, is likely to exceed 0.25% of that total number; or
- (c) show symptoms of any virus attributable to infection in the mother crop, is likely to exceed 4% of that total number.

### **Changes to legislation:**

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### **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\(13\)\(b\)](#)

### **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\(12\)](#)