SCHEDULE 5

Amendments to secondary legislation

PART 10

The Seed Potatoes (Scotland) Regulations 2015

10.—(1) The Seed Potatoes (Scotland) Regulations 2015 [M1] are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1)—

(a) after the definition of "Directive 2001/18/EC" insert—

""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;",

(b) after the definition of "package" insert—

""the Plant Health Official Controls Regulations" means the Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019 [M2];".

(3) In regulation 10 (labelling of seed potatoes), for paragraph (8), substitute—

"(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.".

(4) In regulation 22 (consequential amendments), omit paragraph (2).

(5) In schedule 1 (conditions for certification and grading of Scottish seed potatoes)—

(a) in paragraph 4, for the words from "paragraph 1" to the end substitute " 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 ",

(b) in paragraph 5, in sub-paragraph (1), in head (d), for the words from "article 39(3)" to "Order 2005" substitute " 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 ",

(c) in paragraph 7, in sub-paragraph (b), for the words from "paragraph 7" to the end substitute " 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 ",

(d) in paragraph 11, in sub-paragraph (b), for the words from "paragraph 7" to the end substitute " 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 ",

(e) in paragraph 14, in sub-paragraph (b), for the words from "paragraph 7" to the end substitute " 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 ".

Commencement Information

I1 Sch. 5 para. 10 in force at 14.12.2019, see **reg. 1(1)**

Marginal Citations

M1 S.S.I. 2015/395, to which there are amendments not relevant to these Regulations.

M2 S.S.I. 2019/[ ].

Changes to legislation:
There are currently no known outstanding effects for the The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019, PART 10.