
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 445

**The Seed, Plant Propagating Material and
Forest Reproductive Material (EU Exit)
(Scotland) (Amendment etc.) Regulations 2020**

PART 3

**Amendment of Secondary Legislation Relating
to Withdrawal from the European Union**

Amendments relating to the Seed Potatoes (Scotland) Regulations 2015

17.—(1) Regulation 16 (the Seed Potatoes (Scotland) Regulations 2015) is amended as follows.

(2) In paragraph (2)—

(a) before sub-paragraph (a) insert—

“(za) after the definition of “agricultural unit” insert—
““applicable GB grade” means—

(a) in relation to seed potatoes produced in Scotland, the GB grade determined in respect of those seed potatoes under regulation 8(2)(a) or, as the case may be, under regulation 15(2), and—

(i) in the case of pre-basic seed potatoes, means GB grade PBTC or GB grade PB;

(ii) in the case of basic seed potatoes, means GB grade S, GB grade SE, or GB grade E;

(b) in relation to seed potatoes produced in a part of Great Britain other than Scotland, the GB grade determined in accordance with the relevant seed potatoes regulations,

and references in these Regulations to “GB grade PBTC”, “GB grade PB”, “GB grade S”, “GB grade SE” and “GB grade E” are to be construed accordingly;”

(b) in sub-paragraph (a)(ii), for “a member State or Switzerland” substitute “Northern Ireland”,

(c) omit sub-paragraph (b),

(d) in sub-paragraph (c)—

(i) in the new head (i) to be inserted, for “the United Kingdom” substitute “Great Britain”,

(ii) in the new head (ii) to be inserted, after “Crown Dependency” insert “or a country granted equivalence”,

(iii) omit the new head (iii) to be inserted,

- (e) after sub-paragraph (c) insert—
- “(ca) omit the definition of “Common Catalogue”,
- (cb) after the definition of “Council [Directive 2002/56/EC](#)” insert—
- ““country granted equivalence” means a country that has been assessed by Scottish Ministers as producing seed potatoes under conditions equivalent to those required by these Regulations;”
- (f) after sub-paragraph (d) insert—
- “(da) after the definition of “declared net weight” insert—
- ““DAERA” means the Department of Agriculture, Environment and Rural Affairs in Northern Ireland;”,
- (g) for sub-paragraph (e) substitute—
- “(e) after the definition of “[Directive 2001/18/EC](#)” insert—
- ““equivalent grade” means—
- (a) for Northern Ireland, an equivalent Union grade;
- (b) for a Crown Dependency or a country granted equivalence, a grade recognised by Scottish Ministers as being equivalent to a GB grade;
- “equivalent Union grade” means—
- (a) for “GB grade PBTC”, “Union grade PBTC”;
- (b) for “GB grade PB”, “Union grade PB”;
- (c) for “GB grade S”, “Union grade S”;
- (d) for “GB grade SE”, “Union grade SE”;
- (e) for “GB grade E”, “Union grade E”;”,
- (h) for sub-paragraph (g) substitute—
- “(g) for the definition of “grade” substitute—
- ““grade” includes the GB grade;
- “GB Variety List” means a list of varieties of potato species prepared and published in accordance with regulation 3 of the National Lists Regulations;”,
- (ga) omit the definition of “National List”,
- (gb) after the definition of “National Lists Regulations” insert—
- ““NI Variety List” means a list of plant varieties prepared and published by DAERA in accordance with legislation having equivalent effect in Northern Ireland to the Seeds (National Lists of Varieties) Regulations 2001(1);”,
- (i) in sub-paragraph (h), in the new definition of “official document” to be inserted, in sub-paragraph (b)—
- (i) in head (i), for “the United Kingdom” substitute “Great Britain”,
- (ii) in head (ii), after “Crown Dependency” insert “or a country granted equivalence”,
- (iii) omit head (iii),
- (j) in sub-paragraph (i), in the new sub-paragraph (b) to be inserted—
- (i) in head (i), for “the United Kingdom” substitute “Great Britain”,
- (ii) in head (ii), after “Crown Dependency” insert “or a country granted equivalence”,

- (iii) omit head (iii),
- (k) for sub-paragraph (j) substitute—
 - “(j) for the definition of “outside Scotland” substitute—
 - ““outside Scotland”, in relation to the place of production of seed potatoes means—
 - (a) any part of the British Islands other than Scotland; or
 - (b) a country granted equivalence;””
- (l) in sub-paragraph (k), in the text to be inserted—
 - (i) in head (i), for “the United Kingdom” substitute “Great Britain”,
 - (ii) in head (ii), after “Crown Dependency” insert “or a country granted equivalence”,
 - (iii) omit head (iii),
- (m) in sub-paragraph (n), in the text to be inserted—
 - (i) in head (i), for “the United Kingdom” substitute “Great Britain”,
 - (ii) in head (ii), after “Crown Dependency” insert “or a country granted equivalence”,
 - (iii) omit head (iii),
- (n) in sub-paragraph (o), in the text to be inserted—
 - (i) in head (i), for “the United Kingdom” substitute “Great Britain”,
 - (ii) in head (ii), after “Crown Dependency” insert “or a country granted equivalence”,
 - (iii) omit head (iii).
- (3) For paragraph (3) substitute—
 - “(3) Omit regulation 2(3).”.
- (4) In paragraph (4)—
 - (a) before sub-paragraph (a) insert—
 - “(za) in paragraph (3)—
 - (i) in sub-paragraph (a), for “the United Kingdom” substitute “Great Britain”,
 - (ii) in sub-paragraph (b), for “National List” substitute “GB Variety List or NI Variety List”,”,
 - (b) for sub-paragraph (a) substitute—
 - “(a) in paragraph (5), for “Union” substitute “GB”;”,
 - (c) in sub-paragraph (b), in the new sub-paragraph (b) to be inserted, for “United Kingdom” and “UK” in each place they occur substitute “GB”.
- (5) In paragraph (5)—
 - (a) in sub-paragraph (a), in the new paragraph (4) to be inserted—
 - (i) in the new sub-paragraph (a), for “the National List” substitute “a GB Variety List or an NI Variety List”,
 - (ii) in the new sub-paragraph (b)(i), for “exit” substitute “IP completion”,
 - (iii) in the new sub-paragraph (d), for “the United Kingdom” substitute “Great Britain”,
 - (b) after sub-paragraph (a) insert—
 - “(aa) in paragraph (6)(a)(ii), for “member States” substitute “countries”;”,
 - (c) for sub-paragraph (b) substitute—

- “(b) in paragraph 8(b), for the words “the National List” to the end substitute “a GB Variety List or an NI Variety List.”.”.
- (6) In paragraph (6), in the new paragraph (3)(a) to be inserted, for “exit” substitute “IP completion”.
- (7) In paragraph (7)(b), in the new paragraph (2A) to be inserted, for “the United Kingdom” in each place it occurs substitute “Great Britain”.
- (8) In paragraph (8) for “United Kingdom” and “UK” in each place they occur substitute “GB”.
- (9) In paragraph (9) for “United Kingdom” substitute “GB”.
- (10) In paragraph (10), in the new sub-paragraph (b) to be inserted—
- (a) in head (i), for “the United Kingdom” substitute “Great Britain”,
 - (b) in head (ii), after “Crown Dependency” insert “or a country granted equivalence”,
 - (c) omit head (iii).
- (11) In paragraph (11), for “United Kingdom” in each place it occurs substitute “GB”.
- (12) In paragraph (13), in the new regulation 23A to be inserted, for “exit” in each place it occurs substitute “IP completion”.
- (13) In paragraph (14)—
- (a) in sub-paragraphs (a), (b) and (d), for “United Kingdom” and “UK” in each place they occur substitute “GB”,
 - (b) for sub-paragraph (c) substitute—
 - “(c) in paragraph 3—
 - (i) in sub-paragraph (a), for the words “the National List” to the end substitute “a GB Variety List or an NI Variety List”,
 - (ii) in sub-paragraph (b), for “the National List” substitute “a GB Variety List or an NI Variety List”.”.
- (14) In paragraph (15)—
- (a) in sub-paragraph (a)—
 - (i) in heads (i) and (ii), for “UK” substitute “GB”,
 - (ii) for head (iii) substitute—
 - “(iii) in the entry for grade “PB”—
 - (aa) in column 2 (source material), for “Union grade PBTC” substitute “GB grade PBTC or the equivalent grade”,
 - (bb) in column 3 (other requirements), for “Union grade S” substitute “GB grade S or the equivalent grade”.”,
 - (b) in sub-paragraph (b)—
 - (i) in head (i), for “UK” substitute “GB”,
 - (ii) for heads (ii) to (iv) substitute—
 - “(ii) in the entry for grade “S”, in column 2 (source material), for “Union grade PBTC or PB” substitute “GB grade PBTC or PB or the equivalent grade”,
 - (iii) in the entry for grade “SE”, in column 2, for “Union grade PBTC, PB, or S” substitute “GB grade PBTC, PB or S or the equivalent grade”,
 - (iv) in the entry for grade “E”, in column 2, for “Union grade PBTC, PB, S or SE” substitute “GB grade PBTC, PB, S or SE or the equivalent grade”.”.

(15) In paragraph (16), in sub-paragraphs (a) to (c), for “UK” and “United Kingdom” in each place they occur substitute “GB”.

(16) In paragraph (18), in sub-paragraphs (b)(i)(bb) and (c)(i)(bb), for “UK” substitute “GB”.

(17) In paragraph (20)—

(a) in sub-paragraph (a), for “United Kingdom” and “UK” in each place they occur substitute “GB”,

(b) in sub-paragraph (b), for “UK” substitute “GB”,

(c) in sub-paragraph (c), for “UK” in each place it occurs substitute “GB”.