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STATUTORY INSTRUMENTS

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**2017 No. 288**

**SEEDS, ENGLAND**

**The Seeds (Miscellaneous Amendments)  
(England) Regulations 2017**

<i>Made</i>	- - - -	<i>6th March 2017</i>
<i>Laid before Parliament</i>		<i>8th March 2017</i>
<i>Coming into force</i>	- -	<i>1st April 2017</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 16(1) and (3) of the Plant Varieties and Seeds Act 1964<sup>(1)</sup> and now vested in the Secretary of State<sup>(2)</sup>.

The Secretary of State has consulted with representatives of such interests as appear to the Secretary of State to be concerned with these Regulations in accordance with section 16(1) of that Act.

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Seeds (Miscellaneous Amendments) (England) Regulations 2017 and come into force on 1st April 2017.

(2) They extend to England and Wales only.

**The Seed Marketing Regulations 2011**

2. In the table in Schedule 1 to the Seed Marketing Regulations 2011 (plants to which the Regulations apply)<sup>(3)</sup>, in the first column, for “*Lolium x boucheanum* Kunth”, substitute “*Lolium x hybridum* Hausskn”.

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

3.—(1) The Seed Potatoes (England) Regulations 2015<sup>(4)</sup> are amended as follows.

(2) In Part 1 of Schedule 2 (official labels), in paragraph 7—

(a) omit “and” at the end of sub-paragraph (a);

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(1) 1964 c.14; section 16(1) was amended, and section 16(1A) was inserted, by paragraph 5 of Schedule 4 to the European Communities Act 1972 (c.68); and section 16(3) was amended by S.I. 1977/1112. See section 38(1) for the definition of “the Minister”.

(2) The functions of the Minister of Agriculture, Fisheries and Food were transferred to the Secretary of State by article 2(2) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

(3) S.I. 2011/463, amended by S.I. 2011/2992, 2012/3035, 2014/487, 2016/613.

(4) S.I. 2015/1953.

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(b) after sub-paragraph (a), insert—

“(aa) have a unique number;”.

(3) In Schedule 3 (specified diseases or pests, damage and defects and tolerances), for Parts 2 and 3, substitute—

## “PART 2

### Pre-basic seed potatoes of Union grade PB produced in England

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Specified diseases or pests, damage and defects</i>	<i>Individual tolerances</i>	<i>Group tolerances</i>	<i>Collective group tolerances</i>
<b>Group I</b>			
Wart Disease ( <i>Synchytrium endobioticum</i> (Schlib) Perc)	Nil		
Potato Tuber Eelworm ( <i>Ditylenchus destructor</i> Thorne)	Nil		
Potato Cyst Nematode ( <i>Globodera</i> species infesting potatoes)	Nil		
Ring Rot ( <i>Clavibacter michiganensis</i> (Smith) Davis et al spp <i>sepedonicus</i> (Spieck & Kotth) Davis et al)	Nil		
Brown Rot ( <i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al)	Nil		
Potato Spindle Tuber Viroid	Nil		
Colorado Beetle ( <i>Lepinotarsa decemlineata</i> (Say))	Nil		
<b>Group II</b>			
Blight ( <i>Phytophthora infestans</i> (Mont) de Bary)	0.2%	)	)
Blackleg ( <i>Erwinia carotovora</i> (Jones) Bergey et al spp) <i>atroseptica</i> (Hellmers & Dowson) Dye or <i>Erwinia chrysanthemi</i> Burkholder et al or both	0.2%	)	)
Soft Rots including: Watery Wound Rot ( <i>Pythium ultimum</i> Trow)	0.2%	)	)
Pink Rot ( <i>Phytophthora erythroseptica</i> Pethybridge) and Pit Rot	0.2%	) 0.2%	)
Dry Rot ( <i>Fusarium</i> species)	0.2%	)	)
Gangrene ( <i>Phoma</i> species)	0.2%	)	)
Frost damaged tubers	0.2%	)	)
<b>Group III</b>			
Skin spot ( <i>Polyscytalum pustulans</i> (Owen & Wakefield)) M B Ellis	0.2%	)	) 6.0%

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Specified diseases or pests, damage and defects</i>	<i>Individual tolerances</i>	<i>Group tolerances</i>	<i>Collective group tolerances</i>
<b>Group IV</b>			
Black Scurf ( <i>Rhizoctonia solani</i> Kuhn)  Provided that seed potatoes which have at least two eyes at the rose end that are wholly unaffected and less than one-tenth of whose surface area has been affected are deemed to be unaffected by the disease	1.0%	) 5.0%	)
Common Scab ( <i>Streptomyces</i> species)  Provided that seed potatoes which have at least two eyes at the rose end that are wholly unaffected and less than one-third of whose surface area has been affected are deemed to be unaffected by the disease	5.0%	)	)
<b>Group V</b>			
Powdery scab ( <i>Spongospora subterranea</i> (Wallr) Legerh)  Provided that seed potatoes which have at least two eyes at the rose end that are wholly unaffected and less than one-tenth of whose surface area has been affected are deemed to be unaffected by the disease	1.0%	)	)
<b>Group VI</b>			
External blemishes including damaged tubers or tubers other than diseased tubers whose shape is atypical for the variety	3.0%	)	)
Superficial necrosis caused by potato virus Y	Nil	) 3.0%	)
Shrivelled tubers due to excessive dehydration or dehydration caused by silver scurf ( <i>Helminthosporium solani</i> )	0.5%	)	)
<b>Group VII</b>			
Dirt or other extraneous matter	1.0%		

### PART 3

#### Basic seed potatoes and certified seed potatoes produced in England

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Specified diseases or pests, damage and defects</i>	<i>Individual tolerances</i>	<i>Group tolerances</i>	<i>Collective group tolerances</i>
<b>Group I</b>			

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Column 1	Column 2	Column 3	Column 4
Specified diseases or pests, damage and defects	Individual tolerances	Group tolerances	Collective group tolerances
Wart Disease ( <i>Synchytrium endobioticum</i> (Schlib) Perc)	Nil		
Potato Tuber Eelworm ( <i>Ditylenchus destructor</i> Thorne)	Nil		
Potato Cyst Nematode ( <i>Globodera</i> species infesting potatoes)	Nil		
Ring Rot ( <i>Clavibacter michiganensis</i> (Smith) Davis et al spp <i>sepedonicus</i> (Spieck & Koth) Davis et al)	Nil		
Brown Rot ( <i>Ralstonia solanacearum</i> (Smith) Yabuuchi et al)	Nil		
Potato Spindle Tuber Viroid	Nil		
Colorado Beetle ( <i>Lepinotarsa decemlineata</i> (Say))	Nil		
<b>Group II</b>			
Blight ( <i>Phytophthora infestans</i> (Mont) de Bary)	0.5%	)	)
Blackleg ( <i>Erwinia carotovora</i> (Jones) Bergey et al spp) <i>atroseptica</i> (Hellmers & Dowson) Dye or <i>Erwinia chrysanthemi</i> Burkholder et al or both	0.5%	)	)
Soft Rots including Watery Wound Rot ( <i>Pythium ultimum</i> Trow)	0.5%	)	)
Pink Rot ( <i>Phytophthora erythroseptica</i> Pethy-bridge) and Pit Rot	0.5%	) 0.5%	)
Dry Rot ( <i>Fusarium</i> species)	0.5%	)	)
Gangrene ( <i>Phoma</i> species)	0.5%	)	)
Frost damaged tubers	0.5%	)	)
Any of these Group II defects that present as a wet rot symptom	0.2%	)	) 6.0% for basic seed potatoes and 8.0% for certified seed potatoes
<b>Group III</b>			
Skin spot ( <i>Polyscytalum pustulans</i> (Owen & Wakefield) M B Ellis)	0.5% except Union grade E, Union grade A and Union grade B grades;  2.0% for Union grade	)	)

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Specified diseases or pests, damage and defects</i>	<i>Individual tolerances</i>	<i>Group tolerances</i>	<i>Collective group tolerances</i>
<p>Powdery scab (<i>Spongospora subterranea</i> (Wallr) Legerh)</p> <p>Provided that seed potatoes which have at least two eyes at the rose end that are wholly unaffected and less than one-tenth of whose surface area has been affected are deemed to be unaffected by the disease (except where powdery scab takes its cankerous form)</p>	<p>E, Union grade A and Union grade B grades only</p> <p>3.0%</p>	) 5.0%	)
<p><b>Group IV</b></p> <p>Black Scurf (<i>Rhizoctonia solani</i> Kuhn)</p> <p>Provided that seed potatoes which have at least two eyes at the rose end that are wholly unaffected and less than one-tenth of whose surface area has been affected are deemed to be unaffected by the disease</p> <p>Common Scab (<i>Streptomyces</i> species)</p> <p>Provided that seed potatoes which have at least two eyes at the rose end that are wholly unaffected and less than one-third of whose surface area has been affected are deemed to be unaffected by the disease</p>	<p>5.0%</p> <p>5.0%</p>	)	)
<p><b>Group V</b></p> <p>External blemishes including damaged tubers or tubers other than diseased tubers whose shape is atypical for the variety</p> <p>Shrivelled tubers due to excessive dehydration or dehydration caused by silver scurf (<i>Helminthosporium solani</i>)</p> <p>Superficial necrosis caused by strains of potato virus Y</p>	<p>3.0%</p> <p>1.0%</p> <p>0.1%</p>	)	)
<p><b>Group VI</b></p> <p>Dirt or other extraneous matter</p>	1.0%		”

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6th March 2017

George Eustice  
Minister of State  
Department for Environment, Food and Rural  
Affairs

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## EXPLANATORY NOTE

*(This note is not part of these Regulations)*

These Regulations amend the Seed Marketing Regulations 2011 ([S.I.2011/463](#)) and the Seed Potatoes (England) Regulations 2015 ([S.I. 2015/1953](#)).

Regulation 2 implements Commission Implementing Directive (EU) 2016/2109 amending Council Directive [66/401/EEC](#) as regards the inclusion of new species and the botanical name of the species *Lolium x boucheanum* Kunth (OJ No L 327, 2.12.2016, p.59) by amending the botanical name of the fodder grass hybrid ryegrass in the Seed Marketing Regulations 2011.

Regulation 3 implements Commission Implementing Directive (EU) 2016/317 amending Council Directives [66/401/EEC](#), [66/402/EEC](#), [2002/54/EC](#), [2002/55/EC](#), [2002/56/EC](#) and [2002/57/EC](#) as regards the official label of seed packages (OJ No L 60, 5.3.2016, p.72) by amending one of the requirements for the official label on basic and certified seed potatoes in the Seed Potatoes (England) Regulations 2015. It also makes minor amendments to Schedule 3 to those Regulations in order to correct the specified disease, pests and tolerance tables.

An impact assessment has not been produced for this instrument as no impact, or no significant impact, on the private, voluntary or public sector is foreseen.