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WELSH STATUTORY INSTRUMENTS

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**2016 No. 106**

**The Seed Potatoes (Wales) Regulations 2016**

**Enforcement: power to withdraw official labels, official documents and growing crop certificates**

**22.**—(1) The Welsh Ministers may withdraw an official label or official document where they are satisfied—

- (a) that the seed potatoes to which the official label or official document relates—
  - (i) have not been harvested, stored, transported or handled so as to minimise the risk of contamination by any of the diseases or pests specified in Schedule 3;
  - (ii) on a sample taken in accordance with regulation 19, exceed any of the tolerances for diseases or pests, damage or defects specified in the appropriate Part of Schedule 3; or
  - (iii) otherwise fail to comply with these Regulations; or
- (b) that the official label or official document contains any particular which is false in a material respect.

(2) The Welsh Ministers may withdraw a growing crop certificate where they are satisfied that—

- (a) the requirements of Schedule 1 are not, or are no longer, complied with; or
- (b) the growing crop certificate contains any particular which is false in a material respect.

(3) Where an official label or official document is withdrawn in accordance with paragraph (1)(a)(ii), the seed potatoes from which the sample was taken may be the subject of an official examination in order to determine whether any of them do not exceed the tolerances specified in Schedule 3.

(4) Where an official examination is conducted in accordance with paragraph (3), the Welsh Ministers may issue an official label or official document in relation to such seed potatoes as are found not to exceed the tolerances in Schedule 3.

(5) Where an official label, official document or growing crop certificate is withdrawn in accordance with this regulation, an authorised officer may—

- (a) remove and retain the official label, official document or growing crop certificate; or
- (b) require any person in possession or charge of the official label, official document or growing crop certificate to deliver it to the authorised officer within such time as the authorised officer may specify.

(6) A person in possession or charge of an official label, official document or growing crop certificate that has been withdrawn in accordance with this regulation must—

- (a) permit an authorised officer to remove the official label, official document or growing crop certificate in accordance with paragraph (5)(a);
- (b) comply with any requirement made in accordance with paragraph (5)(b).