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 STATUTORY INSTRUMENTS
 

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1984 No. 412

## SEEDS

## The Seed Potatoes Regulations 1984

<i>Made</i>	- - - -	15th March 1984
<i>Laid before Parliament</i>		2nd April 1984
<i>Coming into Operation</i>		23rd April 1984

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales acting jointly in exercise of the powers conferred by sections 16(1), (1A), (2), (3), (4), (5) and (8) and 36 as read with section 38(1) of the Plant Varieties and Seeds Act 1964(a), and now vested in them(b) and of all other powers enabling them in that behalf, after consultation with representatives of such interests as appear to them to be concerned, hereby make the following regulations:—

*Extent, citation and commencement*

1. These regulations, which apply to Great Britain, may be cited as the Seed Potatoes Regulations 1984 and except where otherwise provided shall come into operation on [23rd April 1984]

*Interpretation*

2.— (1) In these regulations, unless the context otherwise requires—

“the Act” means the Plant Varieties and Seeds Act 1964;

“authorised officer” means an officer of the Minister or a person authorised by the Minister to execute Part II of the Act;

“basic seed potatoes” means—

- (a) in relation to seed potatoes produced in Great Britain, seed potatoes in relation to which a basic seed potatoes certificate has been issued in accordance with Parts I, II and IV of Schedule I; and
- (b) in relation to seed potatoes produced outside Great Britain, seed potatoes being a lot or part of a lot imported into Great Britain in a package or container, to or in which a label or document, approved by the authority concerned with classification of seed potatoes in the country or place where the potatoes were produced, has been affixed

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(a) 1964 c.14; section 16 was amended by the European Communities Act 1972 (c.68), section 4(1) and paragraph 5(1), (2) and (3) of Schedule 4; Section 16 is applied to seed potatoes by section 29(1); section 29 was amended by the European Communities Act 1972, section 4(1) and paragraph 5(4) of Schedule 4; and section 38(1) was amended by S.I. 1978/272, Schedule 5, paragraph 10.

(b) In the case of the Secretary of State for Wales by virtue of S.I. 1978/272.

or placed, stating that on examination of the potatoes they were classified as seed potatoes of a basic category in that country or place;

“basic seed potatoes certificate” means a certificate issued in accordance with Parts I, II and IV of Schedule 1;

“certificate” means a certificate issued by or on behalf of the Minister in accordance with Schedule 1 stating in respect of the seed potatoes to which it relates the particulars specified in Schedule 2;

“certified seed potatoes” means—

- (a) in relation to seed potatoes produced in Great Britain, seed potatoes in relation to which a certified seed potatoes certificate has been issued in accordance with Parts I, III and IV of Schedule 1; and
- (b) in relation to seed potatoes produced outside Great Britain, seed potatoes being a lot or part of a lot imported into Great Britain in a package or container, to or in which a label or document, approved by the authority concerned with classification of seed potatoes in the country or place where the potatoes were produced, has been affixed or placed, stating that on examination of the potatoes they were classified as seed potatoes of a certified category in that country or place;

“certified seed potatoes certificate” means a certificate issued in accordance with Parts I, III and IV of Schedule 1;

“class” means—

- (a) in relation to seed potatoes produced in Great Britain the class in which the seed potatoes were placed during the course of classification and specified in the certificate relating to those potatoes, being, in the case of certified seed potatoes, CC class and in the case of basic seed potatoes any one of the classes specified in order of superiority in column 1 of paragraph 2 of Schedule 3; and
- (b) in relation to seed potatoes produced outside Great Britain, the class specified in a label or document approved by the authority concerned with classification of seed potatoes in the country or place where the potatoes were produced, being a label affixed to or document contained in the package or container in which the seed potatoes are imported into Great Britain;

and “classifying” and “classified” shall be construed accordingly;

“classification” in relation to seed potatoes produced in Great Britain means classification in accordance with Schedule 1;

“lot” means an identifiable part of a consignment which is recorded and listed as a separate item in an invoice, delivery note or other document provided in accordance with regulation 14;

“marketing” includes the offer for sale, exposure for sale, sale and possession with a view to sale of seed potatoes and any transaction in the course of business—

- (a) under which the property in seed potatoes is transferred from one person to another; or
- (b) under which the seed potatoes are made over by one person to another in pursuance of a contract under which the seed potatoes will be used for producing further potatoes;

and “market” and “marketed” shall be construed accordingly;

“the Minister” means as respects England, the Minister of Agriculture, Fisheries and Food and as respects Scotland or Wales, the Secretary of State;

“official document” means a document supplied by or on behalf of the Minister, in accordance with Part II of Schedule 4;

“official examination” means an examination carried out by or on behalf of the Minister;

“official label” means a label supplied by or on behalf of the Minister in accordance with Part I of Schedule 4;

“package or container” means—

- (a) any bag or sack, being new and not exceeding in capacity 1 tonne;
- (b) any package or container approved by the Minister, including any chitting tray, box or crate being new, or which having been previously used for any purpose, has, with the approval of the Minister, been cleaned and disinfected since being last so used;

“potato” means any tuber or part thereof or any plant or part thereof of *Solanum tuberosum* L. or other tuber-forming species or hybrids of *Solanum*;

“premises” includes any land or building other than a private dwelling-house and also includes any vehicle, vessel, aircraft, hovercraft or freight container;

“protected region” means the area of Great Britain specified in the Schedule to the Prevention of Spread of Pests (Seed Potatoes) (Great Britain) Order 1974(a), that is to say the whole of Scotland and the following parts of England, namely:— the county of Northumberland excluding the districts of Blyth Valley and Wansbeck, and the county of Cumbria excluding the districts of Barrow-in-Furness and South Lakeland;

“scheme” means any scheme authorised by the Minister for the inspection of growing crops of potatoes;

“seed potatoes” means potatoes which bear that description or any description indicating their suitability for planting and propagation and which are capable of being used for planting and propagation;

“seed potatoes produced outside Great Britain” means seed potatoes produced in Belgium, Denmark, Federal Republic of Germany, France, Greece, Italy, Luxembourg, Netherlands, Republic of Ireland, Northern Ireland, the Isle of Man, the Channel Islands or any country or place in which seed potatoes are produced in circumstances notified in writing as being acceptable to the Minister;

“size” in relation to seed potatoes means the size of the square mesh of the riddle or gauge through or by which the seed potatoes may be passed or retained; sizes over 35mm must be stated in multiples of 5mm;

“specified disease or pest” means any disease or pest specified in Groups I to IV inclusive of column 1 of Parts I and II of Schedule 5 and Groups I to III inclusive of column 1 of Part III of Schedule 5.

(2) Any reference in these regulations to a numbered regulation or Schedule

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(a) S.I. 1974/1152.

shall be construed as a reference to the regulation or Schedule bearing that number in these regulations.

(3) Any reference in these regulations to a tolerance in relation to potatoes comprised in a sample shall be construed—

- (a) in relation to potatoes in the sample affected by a specified disease or pest, damage or any combination of such disease or pest or damage, as a reference to the proportion of the weight of potatoes so affected in relation to the total weight of the sample, expressed as a percentage;
- (b) in relation to potatoes in the sample affected by dirt or other extraneous matter, as a reference to the proportion of the weight of such matter in relation to the total weight of the sample, expressed as a percentage.

#### *Revocation*

3. The Seed Potatoes Regulations 1978(a) are hereby revoked with effect from 1st July 1984.

#### *Potatoes to which the regulations apply*

4. These regulations apply to seed potato crops grown in 1984 and subsequent seasons.

#### *Potatoes to which the regulations do not apply*

5. Nothing in these regulations shall apply to seed potatoes used or to be used for the purposes of scientific investigation under the authority of the Minister or in the course of a process of selection by or under the supervision of an authorised officer.

#### *Marketing of seed potatoes*

6.— (1) Subject to the provisions of regulation 20 no person shall market any seed potatoes other than basic seed potatoes or certified seed potatoes.

(2) Subject to the provisions of regulation 20 no person shall market any basic seed potatoes or certified seed potatoes—

- (a) which have been treated with a product which is produced primarily as an application for inhibiting germination; or
- (b) which are of a size less than 25 millimetres; or
- (c) as being of a class superior to that in which those potatoes were classified.

#### *Classification of seed potatoes*

7.— (1) Basic seed potatoes produced in Great Britain shall be classified by an authorised officer into one of the following classes “VTSC1”, “VTSC2”,

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(a) S.I. 1978/215.

“Super Elite 1”, “Super Elite 2”, “Super Elite 3”, “Elite” or “AA” in accordance with the requirements specified in Schedule 1 and Schedule 3.

(2) Certified seed potatoes produced in Great Britain shall be classified by an authorised officer in accordance with the requirements specified in Schedule 1.

(3) Application for classification shall be made in writing to the Minister with such information in such form and in such manner as he may require.

(4) The Minister may withdraw a certificate where he is reasonably satisfied that the seed potatoes covered by the certificate have not been harvested, stored or prepared for marketing so as to ensure that seed potatoes of one class and variety are kept separate from seed potatoes of any other class or variety, or from other potatoes.

*Basic and certified seed potatoes: identity and packing*

8. Subject to the provisions of regulation 20 no person shall market basic seed potatoes or certified seed potatoes otherwise than in a lot consisting wholly of either basic seed potatoes or certified seed potatoes of one variety and of one class; provided that the provisions of this regulation shall be deemed to be complied with if in relation to the lot the tolerance as to varietal purity specified in regulation 16 is not exceeded.

*Packages and containers for seed potatoes*

9. Subject to regulations 15 and 20 no person shall deliver or cause to be delivered any lot of seed potatoes otherwise than in packages or containers in accordance with the provisions of these regulations.

*Basic and certified seed potatoes produced in Great Britain: labelling of packages*

10.— (1) Subject to regulations 15 and 20 no person shall market a package or container of basic seed potatoes or certified seed potatoes produced in Great Britain otherwise than in accordance with the requirements of paragraphs (2), (3), (5) and (6) of this regulation and of regulation 13.

(2) Subject to paragraph (5) of this regulation each package or container shall have affixed to the outside an official label on which there shall be correctly stated in relation to the seed potatoes in the package or container the particulars specified in paragraph 4 of Schedule 4.

(3) Each package or container shall contain an official document on which there shall be stated in relation to the seed potatoes in the package or container the particulars specified in paragraph 7 of Schedule 4:

Provided that no such official document shall be required where such last mentioned particulars are indelibly printed on the package or container or where the particulars referred to in paragraph (2) of this regulation are printed on a wear and tear resistant label attached to it.

(4) Application for official labels and official documents shall be made in writing to the Minister with such information in such form and in such manner

as he may require. No person shall, in connection with the issue of an official label or an official document, supply any information which is false in a material respect.

(5) If a package or container shall have been re-sealed by an authorised officer in accordance with regulation 13 the official label shall state—

- (a) that the package or container has been so re-sealed;
- (b) the date of re-sealing; and
- (c) the authority responsible for re-sealing.

(6) Where basic seed potatoes or certified seed potatoes produced in Great Britain have been treated with any chemical product the type and function or the proprietary name of that product shall be stated on a label attached to the package or container and on a document contained in the package or container:

Provided that no such document shall be required where such statement is indelibly printed on the package or container or on a wear and tear resistant label attached to it.

(7) Except in accordance with the requirements of the Act or of these regulations or of orders made under the Plant Health Act 1967<sup>(a)</sup> no person shall in connection with the marketing or the preparation for the marketing of any seed potatoes, wilfully reproduce, remove, alter, deface, conceal or misuse in any way any official label or official document, any label affixed or document given in accordance with paragraph (6) of this regulation.

*Basic and certified seed potatoes produced outside Great Britain: labelling of packages*

11.— (1) Subject to regulations 15 and 20, no person shall market a package or container of basic seed potatoes or certified seed potatoes produced outside Great Britain unless there is affixed thereto a label, on which there shall be correctly stated the particulars specified in paragraph 4 of Schedule 4, and which contains a document, both of which have been approved by the authority concerned with classification of seed potatoes in the country or place where the potatoes were produced, except that no such document shall be required where particulars approved by the said authority are indelibly printed on the package or container or on a wear and tear resistant or adhesive label attached to it.

(2) If a package or container shall have been resealed by an authorised officer in accordance with regulation 13, the label referred to in paragraph (1) of this regulation shall state—

- (a) that the package or container has been so re-sealed;
- (b) the date of re-sealing; and
- (c) the authority responsible for re-sealing.

(3) Where basic seed potatoes or certified seed potatoes produced outside

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(a) 1967 c.8.

Great Britain have been treated with any chemical product the type and function or the proprietary name of that product shall be stated on a label attached to the package or container and on a document contained in the package or container:

Provided that no such document shall be required where such statement is indelibly printed on the package or container or on a wear and tear resistant label attached to it.

(4) Except in accordance with the requirements of the Act or of these regulations or of orders made under the Plant Health Act 1967 no person shall in connection with the marketing or the preparation for the marketing of any seed potatoes, wilfully reproduce, remove, alter, deface, conceal or misuse in any way any label affixed or document given in accordance with paragraph (3) of this regulation or any label or document approved by any authority concerned with classification of seed potatoes produced outside Great Britain to be affixed to or contained in a package or container of seed potatoes to which any provision of this regulation applies or any particulars or statement printed on such a package or container.

*Withholding or withdrawal of official label or official document*

**12.** The Minister may withhold an official label or official document or may withdraw any official label or official document in respect of any lot or any part thereof where he is reasonably satisfied that—

- (a) the seed potatoes comprised in the lot or any part thereof have not been so harvested, stored or prepared for marketing as to ensure that seed potatoes of one class or variety are kept separate from seed potatoes of any other class or variety or from other potatoes;
- (b) the lot contains seed potatoes which are of a size less than 25 millimetres which expressed as a percentage of the total weight varies by more than 1.5% from the stated minimum size;
- (c) the seed potatoes are not contained in or intended for delivery in a package or container within the meaning assigned to that expression in regulation 2(1);
- (d) any of the seed potatoes in the lot have been treated with a product which is produced primarily as an application for inhibiting germination;
- (e) the seed potatoes comprised in the lot on a sample taken exceeded any of the tolerances for diseases or pests, damage and defects specified in the appropriate part of Schedule 5;
- (f) any official label or official document already issued in respect of the seed potatoes contains any particular which is false in a material respect; or
- (g) there has been any other failure to comply with these regulations.

*Basic and certified seed potatoes: sealing of packages*

**13.—** (1) Subject to paragraph (2) of this regulation and to regulations 15 and 20 no person shall market a package or container of basic seed potatoes or certified seed potatoes unless it is sealed with an unbroken sealing device.

(2) Where a sealing device on a package or container is broken, the package or container shall not be re-sealed with a sealing device otherwise than by or under the supervision of an authorised officer.

(3) For the purposes of this regulation a “sealing device” means a device applied in such a manner to a package or container that when the package or container is opened the device will be broken. An official label with a punched tie hole which is machine stitched into the mouth of a bag does not constitute a “sealing device”.

*Basic and certified seed potatoes: separate particulars*

14. Subject to regulations 15 and 20 a person who sells, consigns or delivers basic seed potatoes or certified seed potatoes shall issue to the purchaser not later than 14 days after the sale, or, if the seed potatoes are not delivered at the time of the sale, not later than 14 days after delivery thereof, a sale note, delivery note, invoice or similar document specifying in relation to the seed potatoes so sold, consigned or delivered the particulars specified in Schedule 6.

*Retail sales of seed potatoes*

15. Regulations 9, 10, 11, 13 and 14 shall not apply to—

- (a) a sale by retail of a quantity of less than 50 kg of seed potatoes in circumstances where at the time of sale there shall have been displayed conspicuously on or in close proximity to the seed potatoes a statement of the particulars specified in Schedule 6, or
- (b) a sale by retail of a quantity of less than 50 kg of seed potatoes in new containers upon each of which has been printed, or otherwise legibly and indelibly marked, or attached to or inserted in each of which is a label marked with the particulars specified in Schedule 6.

*Tolerances for size and varietal purity*

16.— (1) Where the size of the seed potatoes being marketed is stated pursuant to any of the provisions of these regulations, the size of the seed potatoes shall be deemed to be correct—

- (a) if in the case of seed potatoes produced in Great Britain the percentage of the total weight of the potatoes to which the statement refers—
  - (i) consisting of potatoes smaller than the minimum size stated; and
  - (ii) consisting of potatoes larger than the maximum size stateddoes not exceed 3%;
- (b) if in the case of seed potatoes produced outside Great Britain the percentage of the total weight of the potatoes to which the statement refers—
  - (i) consisting of potatoes smaller than the minimum size stated does not exceed 3%; and
  - (ii) consisting of potatoes larger than the maximum size stated does not exceed 3%.

(2) Where particulars of the variety of seed potatoes being marketed are



stated pursuant to any provision of these regulations, a tolerance as to varietal purity shall apply to the effect that the particulars shall not be held to be incorrectly stated by reason only that of the total number of potatoes to which the statement refers—

(a) in the case of basic seed potatoes, not more than 0.1%; and

(b) in the case of certified seed potatoes, not more than 0.2%

of such total number consists of potatoes in relation to which any of the particulars so stated do not apply.

*Sampling of seed potatoes*

17.— (1) A sample of seed potatoes required for the purposes of these regulations shall be taken by an authorised officer in accordance with the provisions of this regulation.

(2) Where a sample is so required in connection with classification of seed potatoes an authorised officer may take a sample of potatoes of such quantity or number and from such part or parts of the growing or harvested crop as he may think expedient.

(3) Where a sample is so required otherwise than as mentioned in paragraph (2) of this regulation an authorised officer shall take the sample in accordance with Schedule 7.

*Prevention of marketing of sub-standard potatoes and the prevention of spread of disease by marketing of potatoes*

18.— (1) Where in the course of any official examination of seed potatoes an authorised officer is satisfied that—

(a) in relation to the seed potatoes, any requirement specified in these regulations which in his opinion is capable of having been met at the time of the examination has not been so met; or

(b) the seed potatoes exceed any of the tolerances for diseases or pests, damage and defects specified in the appropriate part of Schedule 5;

the authorised officer may serve a notice on the person in whose possession or charge the potatoes appear to be informing him accordingly and requiring him—

(i) not to move or permit or cause to be moved the seed potatoes specified in the notice from the premises specified in the notice except in accordance with the written consent of an authorised officer; or

(ii) to move or permit or cause to be moved such seed potatoes within the time specified in the notice to such premises as may be so specified and thereafter not to move or permit or cause to be moved the said potatoes from those premises except as aforesaid.

(2) A notice served on a person by an authorised officer under paragraph (1) of this regulation may require that person to carry out on such premises at such time, within such period and in accordance with such methods as may be specified in the notice, such measures as may be specified being measures which in the opinion of the authorised officer are necessary—

- (a) to ensure that the requirements specified in these regulations are met; or
- (b) to prevent the spread of any of the specified diseases or pests by means of the seed potatoes.

Such measures include in particular but without prejudice to that generality any one or more of the measures specified in Schedule 8.

(3) The measures specified in any notice under paragraph (2) of this regulation shall—

- (a) not be varied except by or in accordance with the written consent of an authorised officer;
- (b) be carried out to the satisfaction of an authorised officer by and at the expense of the person on whom the notice has been served.

(4) Where in the course of an official examination an authorised officer is of the opinion that any seed potatoes are affected by any specified disease or pest or damage, the authorised officer may serve on the person in whose possession or charge the potatoes appear to be a notice making any requirement and specifying any measure which may be made or specified under paragraph (2) of this regulation:

Provided that in any such notice there shall be specified a period not exceeding 14 days beginning with the date of service of the notice during which the potatoes shall not be moved from the premises specified in the notice except in accordance with the written consent of an authorised officer.

(5) Where a notice has been served under paragraph (1) or (4) of this regulation and until such time as the requirements of the notice have been complied with to his satisfaction, an authorised officer may remove and retain or direct the person in whose possession or charge the potatoes appear to be to remove and deliver to the authorised officer—

- (a) any official labels or official documents; or
- (b) in the case of seed potatoes produced outside Great Britain any labels or documents of the kind referred to in regulation 11(1).

(6) For the purposes of this regulation an authorised officer may—

- (a) in relation to the pests and diseases specified in Groups III and IV of Part I and Group IV of Part II of Schedule 5 deem a potato in any such sample not to be affected by disease when in his opinion less than one-quarter of its surface area has been affected and that it has at least 2 eyes at the rose end wholly unaffected by the disease; or
- (b) in relation to the pests and diseases specified in Group III of Part III of Schedule 5 deem a potato in any such sample not to be affected by disease when in his opinion less than one-third of its surface area has been affected and that it has at least 2 eyes at the rose end wholly unaffected by the disease.

The exception in sub-paragraph (a) shall not apply when the disease Powdery Scab (*Spongospora subterranea* (Wallr.) Lagerh.) takes its cankerous form.

#### *Information regarding seed potatoes*

**19.—** (1) Any person who produces basic seed potatoes or certified seed

potatoes shall maintain for a period of not less than 2 years records of purchase of seed potatoes for planting and particulars of the crops grown and of the marketing of the produce of these crops.

(2) Any person who markets basic seed potatoes or certified seed potatoes shall maintain for a period of not less than 2 years thereafter a record of his marketing of such seed potatoes.

(3) Any person who produces or markets basic seed potatoes or certified seed potatoes or otherwise has or has had basic seed potatoes or certified seed potatoes in his possession or in his charge shall if so required in writing by an authorised officer give within 7 days any information he may possess as to the person in whose possession or under whose charge they are or have been and shall produce for examination by an authorised officer any declarations, certificates, labels, records or invoices relating to the planting, classification or marketing of seed potatoes.

#### *Exemptions*

20. Notwithstanding any provisions of these regulations, the Minister may exempt any person or class of person, or persons generally, from compliance with any of the requirements of these regulations in respect of seed potatoes subject to such conditions as the Minister may think fit.

#### *Service of notices*

21.— (1) For the purposes of these regulations, a notice shall be deemed to have been served on any person if it is delivered to him personally or left for him at his last known place of abode or business or sent through the post in a letter addressed to him there.

(2) A notice may—

- (a) in case of a body corporate, be served on the secretary or clerk of that body at the address of the registered or principal office of that body;
- (b) in the case of a partnership, be served on a partner or a person having the control or management of the partnership business or, in Scotland, the firm at the principal office of the partnership.

#### *Extension and modification of provisions of the Act*

22.— (1) In connection with the provisions of these regulations the operation of the provisions aftermentioned of the Act shall be modified or excluded in accordance with the provisions of this regulation.

(2) Section 25 shall be modified as if for the purposes of the section any reference to “premises” were a reference to premises as defined in these regulations relating to seed potatoes and any reference to a subsection containing a reference to premises were a reference to that subsection as so modified.

(3) Section 25(1) shall be modified as if the reference to subsection (4) of that section were a reference to that subsection as modified by the provision of paragraph (4) of this regulation.

(4) In section 25(4) the words from “potatoes” (where it first occurs) to the end shall be omitted.

(5) In section 26 subsections (2), (4), (5), (6), (7), (8), and (9) shall be omitted.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on

15th March 1984

*Michael Jopling,*  
Minister of Agriculture, Fisheries and Food

(L.S.)

8th March 1984

*George Younger,*  
Secretary of State for Scotland

13th March 1984

*Nicholas Edwards,*  
Secretary of State for Wales

Regulations 2(1)  
and 7

SCHEDULE 1

CLASSIFICATION OF SEED POTATOES

PART I

1. On receipt of an application for classification of any seed potatoes, an authorised officer shall allocate to the person making such application a number to be known as “producer’s identification number”.

2. In order to determine the class into which seed potatoes should be placed the seed potatoes shall be examined by an authorised officer and such examination shall be known as an official examination. Subject to paragraph 3 of this Schedule the authorised officer shall issue a certificate stating the results of the examination.

3. A certificate may be refused in respect of any seed potatoes where an authorised officer is not satisfied in respect of any of the following matters:—

- (a) the seed potatoes are of a variety for the time being listed in the National List published in accordance with the Seeds (National List of Varieties) Regulations 1982(a) or in the Common Catalogue of varieties of seed potatoes published in the Official Journal of the European Communities and which has not been notified in writing by the Minister as being considered unacceptable for classification;
- (b) the seed potatoes are or were grown and stored so as to minimise the risk of contamination by such harmful diseases or pests as notified in writing by the Minister from time to time;
- (c) the land on which the seed potatoes are growing or were grown has not been declared to be land on which Wart Disease (*Synchytrium endobioticum*) is present under article 5(1) of the Wart Disease of Potatoes (Great Britain) Order 1973(b) and has not been deemed in terms of article 5(4) of that order to be part of a safety zone for the purpose of that order;
- (d) blanking in any of the growing crop of the seed potatoes is not or was not excessive;
- (e) roguing of the growing crop of the seed potatoes has been carried out and the growing crop has not been over-rogued;
- (f) all reasonable husbandry practices for the prevention of the occurrence, development or spread of pests and diseases have been effectively carried out.

PART II

4.— (1) No basic seed potatoes certificate shall be issued by an authorised officer unless he is satisfied that—

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(a) S.I. 1982/844.  
(b) S.I. 1973/1060.

- (a) (i) the land on which the seed potatoes are growing or were grown is land in respect of which a certificate issued under article 5(1) of the Potato Cyst Eelworm (Great Britain) Order 1973(a) was in force at the time of the planting of the crop; and if Potato Cyst Eelworm has been found on that land at any time during the period of twelve years immediately preceding the planting of the crop that—
- (1) six years have elapsed since the last positive finding, and
  - (2) except under a licence issued under article 11 of the said order, the land has not been used for growing potatoes at any time during a period of eleven years immediately preceding the planting of the crop; and
- (ii) the land on which the seed potatoes are growing or were grown is land which has not been used for growing potatoes at any time during the period, in the case of a crop classified VTSC, of seven years, and in the case of all other crops, of five years, immediately preceding the planting of the crop;
- (b) in the case of seed potatoes grown within the protected region, in the agricultural unit where the seed potatoes are or were grown, there are not growing or were not grown, concurrently with the growing of the seed potatoes, potatoes other than potatoes produced directly from classes of basic seed potatoes permitted to be planted within the protected region in accordance with the Prevention of Spread of Pests (Seed Potatoes) (Great Britain) Order 1974(b);
- (c) the seed potatoes have been produced from—
- (i) basic or pre-basic seed potatoes; or
  - (ii) a crop grown with the authority of or in circumstances notified in writing as being acceptable to the Minister; or
  - (iii) seed potatoes grown elsewhere than in Great Britain and in respect of which an examination notified in writing as being acceptable to the Minister has been carried out;
- (d) the seed potatoes in any one crop are of a single variety;
- (e) the seed potatoes are taken from a crop which is free from the following diseases or pests:—
- Wart Disease (*Synchytrium endobioticum* (Schilb.) Perc.)  
 Potato Cyst Eelworm (*Globodera* species infesting potatoes)  
 Ring Rot (*Corynebacterium sepedonicum* (Spieck. & Kotth.) Skapt. & Burkh.)  
 Brown Rot (*Pseudomonas solanacearum* (E. F. Smith) E. F. Smith)  
 Potato Tuber Moth (*Phthorimaea operculella* (Zell.))  
 Potato Spindle Tuber Viroid  
 Colorado Beetle (*Leptinotarsa decemlineata* (Say))  
 Potato Tuber Eelworm (*Ditylenchus destructor* (Thorne))
- (f) the seed potatoes are taken from a crop which has been classified in accordance with the provisions of Schedule 3 and in which the presence of diseased potato plants and deviations from variety and type (rogues, undesirable variations, wildings and bolters) and

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(a) S.I. 1973/1059.

(b) S.I. 1974/1152.

groundkeepers is ascertained not to exceed the tolerances specified (in relation to the classes described) in Schedule 3.

5. Seed potatoes shall not be classified as basic seed potatoes unless the immediately succeeding crop produced therefrom is likely to contain—

- (a) not more than 0.25% by number of growing plants which deviate from variety and type of which not more than 0.1% shall deviate from variety; and
- (b) not more than 4% by number of growing plants which show symptoms of either severe or mild virus diseases attributable to infection in the mother crop.

### PART III

6.— (1) No certified seed potatoes certificate shall be issued by an authorised officer in the case of seed potatoes growing or grown in the protected region.

(2) No certified seed potatoes certificate shall be issued by an authorised officer in the case of seed potatoes growing or grown otherwise than in the protected region unless he is satisfied that in relation to the seed potatoes examined by him—

- (a) (i) the land on which the seed potatoes are growing or were grown is land in respect of which a certificate issued under article 5(1) of the Potato Cyst Eelworm (Great Britain) Order 1973 was in force at the time of the planting of the crop;
- (ii) the land on which the seed potatoes are growing or were grown is land which has not at any time during the period of 4 years immediately preceding the planting of that crop been used for growing potatoes;
- (b) the seed potatoes have been produced from—
  - (i) basic seed potatoes; or
  - (ii) a crop grown with the authority of or in circumstances notified in writing as being acceptable to the Minister; or
  - (iii) seed potatoes grown elsewhere than in Great Britain and in respect of which an examination notified in writing as being acceptable to the Minister has been carried out;
- (c) the seed potatoes in any one crop are of a single variety;
- (d) the seed potatoes are taken from a crop of seed potatoes free from the following diseases or pests:—

Wart Disease (*Synchytrium endobioticum* (Schilb.) Perc.)  
 Potato Cyst Eelworm (*Globodera* species infesting potatoes)  
 Ring Rot (*Corynebacterium sepedonicum* (Spieck. & Kotth.) Skapt. & Burkh.)  
 Brown Rot (*Pseudomonas solanacearum* (E. F. Smith) E. F. Smith)  
 Potato Tuber Moth (*Phthorimaea operculella* (Zell.))  
 Potato Spindle Tuber Viroid  
 Colorado Beetle (*Leptinotarsa decemlineata* (Say))  
 Potato Tuber Eelworm (*Ditylenchus destructor* Thorne)

and is ascertained not to be affected by any of the diseases specified in column 1 below in excess of the tolerances respectively set out opposite each of these diseases in column 2 below;

Column 1 <i>Diseases</i>	Column 2 <i>Individual tolerances</i>
leafroll	
severe mosaic (including tobacco veinal necrosis virus infection)	2.0%
mild mosaic	5.0%
blackleg	2.0%

(e) the seed potatoes are taken from a crop which on a sample is ascertained not to contain more than 0.5% of deviations from variety and type (rogues, undesirable variations, wildings and bolters) or groundkeepers, of which not more than 0.2% shall deviate from variety.

7. Seed potatoes shall not be classified as certified seed potatoes unless the immediately succeeding crop produced therefrom is likely to contain—

- (a) not more than 0.5% by number of growing plants which deviate from variety and type of which not more than 0.2% shall deviate from variety; and
- (b) not more than 10% by number of growing plants which show symptoms of severe virus diseases attributable to infection in the mother crop.

8. All certified seed potatoes shall be classified in a class known as the CC class.

#### PART IV

9. For the purposes of this Schedule and Schedule 3 any reference to tolerance in relation to potatoes comprised in a sample shall be construed as a reference to the proportion of the number of plants of potatoes so affected to the total number of plants in the sample expressed as a percentage.

10. For the purposes of Schedules 1, 2 and 3 “agricultural unit” shall have the meaning assigned to that expression, in relation to England and Wales in section 109(2) of the Agriculture Act 1947(a) and in relation to Scotland in section 86(2) of the Agriculture (Scotland) Act 1948(b).

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(a) 1947 c.48.  
(b) 1948 c.45.



## Regulation 2(1)

## SCHEDULE 2

## PARTICULARS TO BE SPECIFIED IN CERTIFICATE

Name and address of the applicant  
 Name of the agricultural unit on which the crop was grown  
 Producer's identification number  
 Category and class  
 Date on which the certificate was issued  
 Variety of the crop classified  
 Area of the crop classified  
 Location (OS Field No.) of the field on which the crop was grown

## Regulations 2(1) and 7

## SCHEDULE 3

## CLASSIFICATION OF BASIC SEED POTATOES

1. In the course of classification of any seed potatoes as basic seed potatoes an authorised officer may classify the potatoes as being potatoes of any of the classes specified in column 1 of paragraph 2 below where he is satisfied on a sample that the standards specified in relation to that class in column 2 of that paragraph have been met and that the tolerances specified in column 3 have not been exceeded in respect of these potatoes and shall state in the certificate the class in which the potatoes have been so classified.

2. Column 1	Column 2	Column 3
<i>Class</i>	<i>Requirements</i>	<i>Tolerances</i>
VTSC 1	<p>the seed potatoes shall—</p> <p>(a) be grown in a crop extending to not less than 0.1 ha;</p> <p>(b) be grown in a crop planted with tubers derived from stem cuttings from officially selected and tested clones which were subsequently propagated under the supervision of an authorised officer for not more than 2 years;</p> <p>(c) have been kept free during the propagation period from potato viruses A, M, S, X, Y, leafroll and tobacco vein necrosis virus or any other significant virus, and from witches' broom and blackleg; and from deviations of variety and type and groundkeepers;</p> <p>(d) have been grown during the said propagation period and entered for classification by a person whose facilities, test methods, planting arrangements and manner of keeping appropriate records in relation to production of seed potatoes are acceptable to the Minister;</p>	

CLASSIFICATION OF BASIC SEED POTATOES *cont.*

Column 1 <i>Class</i>	Column 2 <i>Requirements</i>	Column 3 <i>Tolerances</i>
	<p>(e) have been grown during the propagation period and in the year entered for classification in land on an agricultural unit on which all potato crops were planted only with seed potatoes of the VTSC and FS1 or SE1 classes;</p> <p>(f) have been kept apart at all times during the said propagation period and in the year entered for classification from potatoes of a class lower than Super Elite 1.</p>	
VTSC 2	<p>The seed potatoes shall be grown in a crop planted with tubers derived from stem cuttings from officially selected and tested clones which were subsequently propagated under the supervision of an authorised officer for not more than 3 years; or seed potatoes derived from a stock which was classified as VTSC 1 in the year preceding the planting of the crop.</p> <p>Other requirements as in (a), (c), (d), (e) and (f) of Class VTSC 1.</p>	
Super Elite 1(SE1)	<p>The seed potatoes shall be seed potatoes derived from a stock which was classified as VTSC in the year preceding the planting of the crop.</p>	<p>(i) deviations from variety and type and ground keepers—0.05%.</p> <p>(ii) severe mosaic (including tobacco veinal necrosis virus infection)—nil.</p> <p>(iii) leafroll—0.01%.</p> <p>(iv) mild mosaic—0.05%.</p> <p>(v) blackleg—0.25%.</p>
Super Elite 2 (SE2)	<p>The seed potatoes shall be seed potatoes derived from a stock which was classified as FS1 or SE1 in the year preceding the planting of the crop.</p>	<p>As for Class SE1 potatoes.</p>
Super Elite 3 (SE3)	<p>The seed potatoes shall be seed potatoes derived from a stock which was classified as FS2 or SE2 in the year preceding the planting of the crop.</p>	<p>As for Class SE1 potatoes.</p>

CLASSIFICATION OF BASIC SEED POTATOES *cont.*

Column 1 <i>Class</i>	Column 2 <i>Requirements</i>	Column 3 <i>Tolerances</i>
Elite (E)	The seed potatoes shall be seed potatoes derived from a stock of basic seed potatoes (other than class AA) classified as such in the year preceding the planting of the crop.	(i) deviations from variety and type and ground keepers—0.05%. (ii) leafroll and severe mosaic—0.1%. (iii) tobacco veinal necrosis virus infection—nil. (iv) mild mosaic—0.5%. (v) blackleg—0.5%.
AA	The seed potatoes shall be seed potatoes derived from a stock of basic seed potatoes classified as such in the year preceding the planting of the crop, provided that any of the above seed potatoes may also be derived from seed potatoes classified under a scheme or other arrangements referred to in paragraph 4(1)(c)(ii) or (iii) of Schedule 1 as being seed potatoes which could be entered for the production of further seed potatoes for classification.	(i) deviations from variety and type and ground keepers—0.1%. (ii) leafroll—0.25%, severe mosaic—0.25% and tobacco veinal necrosis virus infection—0.25% subject to a combined tolerance of 0.25%. (iii) mild mosaic—1%. (iv) blackleg—1%.

## SCHEDULE 4

Regulations 2(1), 10(2)  
and (3) and 11(1)

## PART I

## OFFICIAL LABEL

1. An official label affixed or to be affixed to a package or container of basic seed potatoes shall be predominantly white.
2. An official label affixed or to be affixed to a package or container of certified seed potatoes shall be predominantly blue.
3. An official label shall measure not less than 110mm×67mm and shall have printed on it the words—  
“EEC Rules and Standards”.
4. An official label shall state the following particulars:—
  - Member State
  - Country of production
  - Producer's identification number
  - Variety
  - Basic or certified seed potatoes
  - Class
  - Size
  - Net weight
  - Month and year of closing

## PART II

## OFFICIAL DOCUMENT

5. An official document inserted or to be inserted in a package or container of basic seed potatoes shall be predominantly white.
6. An official document inserted or to be inserted in a package or container of certified seed potatoes shall be predominantly blue.
7. An official document shall state the following particulars:—
  - Producer's identification number
  - Variety
  - Basic or certified seed potatoes
  - Class

Regulations 2(1), 12(e),  
18(1)(b) and 18(6)

## SCHEDULE 5

## PART I

SPECIFIED DISEASES OR PESTS, DAMAGE AND DEFECTS AND TOLERANCES—  
POTATOES OTHER THAN VTSC CLASS PRODUCED IN GREAT BRITAIN

Column 1 <i>Specified diseases or pests, damage and defects</i>	Column 2 <i>Individual tolerances</i>	Column 3 <i>Group tolerances</i>	Column 4 <i>Collective group tolerances</i>		
<b>GROUP I</b>					
Wart Disease ( <i>Synchytrium endobioticum</i> (Schilb.) Perc.)	NIL	—	—		
Potato Tuber Eelworm ( <i>Ditylenchus destructor</i> Thorne)	NIL	—	—		
Potato Cyst Eelworm ( <i>Globodera</i> species infesting potatoes)	NIL	—	—		
Ring Rot ( <i>Corynebacterium sepedonicum</i> (Spieck. & Koth) Skapt. & Burkh.)	NIL	—	—		
Brown Rot ( <i>Pseudomonas solanacearum</i> (E.F. Smith) E.F. Smith)	NIL	—	—		
Potato Tuber Moth ( <i>Phthorimaea operculella</i> (Zell.))	NIL	—	—		
Potato Spindle Tuber Viroid	NIL	—	—		
Colorado Beetle ( <i>Leptinotarsa decemlineata</i> (Say))	NIL	—	—		
<b>GROUP II</b>					
Blight ( <i>Phytophthora infestans</i> (Mont.) de Bary)	1%	}	}		
Blackleg ( <i>Erwinia carotovora</i> var <i>atroseptica</i> (Hellmers & Dowson) Dye)	1%				
Soft Rot including: Watery Wound Rot ( <i>Pythium ultimum</i> Trow)				1%	
Pink Rot ( <i>Phytophthora erythroseptica</i> Pethybridge) and Pit Rot	1%				
Dry Rot ( <i>Fusarium</i> species)	1%				
Gangrene ( <i>Phoma</i> species)	1%				
Frost damaged tubers	1%				
<b>GROUP III</b>					
Skin Spot ( <i>Polyscytalum (Oospora) pustulans</i> (Owen & Wakefield) M.B. Ellis)	2%	}	5%		
<b>GROUP IV</b>					
Black Scurf ( <i>Rhizoctonia solani</i> Kuhn)	3%			}	4%
Common Scab ( <i>Streptomyces</i> species)	4%				
Powdery Scab ( <i>Spongospora subterranea</i> (Wallr.) Lagerh.)	4%				
<b>GROUP V</b>					
External blemishes or tubers other than diseased tubers whose shape is atypical for the variety	3%	3%			
<b>GROUP VI</b>					
Dirt or other extraneous matter	1%	1%			

## SCHEDULE 5

Regulations 2(1), 12(e),  
18(1)(b) and 18(6)

## PART II

SPECIFIED DISEASES OR PESTS, DAMAGE AND DEFECTS AND  
TOLERANCES—VTSC CLASS

Column 1 <i>Specified diseases or pests, damage and defects</i>	Column 2 <i>Individual tolerances</i>	Column 3 <i>Group tolerances</i>	Column 4 <i>Collective group tolerances</i>	
<b>GROUP I</b>				
Wart Disease ( <i>Synchytrium endobioticum</i> (Schilb.) Perc.)	NIL	—	—	
Potato Tuber Eelworm ( <i>Ditylenchus destructor</i> Thorne)	NIL	—	—	
Potato Cyst Eelworm ( <i>Globodera</i> species infesting potatoes)	NIL	—	—	
Ring Rot ( <i>Corynebacterium sepedonicum</i> (Spieck. & Kotth) Skapt. & Burkh.)	NIL	—	—	
Brown Rot ( <i>Pseudomonas solanacearum</i> (E.F. Smith) E.F. Smith)	NIL	—	—	
Potato Tuber Moth ( <i>Phthorimaea operculella</i> (Zell.))	NIL	—	—	
Potato Spindle Tuber Viroid	NIL	—	—	
Colorado Beetle ( <i>Leptinotarsa decemlineata</i> (Say))	NIL	—	—	
<b>GROUP II</b>				
Blight ( <i>Phytophthora infestans</i> (Mont.) de Bary)	0.5%	}	}	
Blackleg ( <i>Erwinia carotovora</i> var <i>atroseptica</i> (Hellmers & Dowson) Dye)	NIL			
Soft Rot including: Watery Wound Rot ( <i>Pythium ultimum</i> Trow)				1%
Pink Rot ( <i>Phytophthora erythroseptica</i> Pethybridge) and Pit Rot	0.5%			
Dry Rot ( <i>Fusarium</i> species)	0.5%			
Gangrene ( <i>Phoma</i> species)	0.5%			
Frost damaged tubers	0.5%			
<b>GROUP III</b>				
Skin Spot ( <i>Polyscytalum (Oospora) pustulans</i> (Owen & Wakefield) M.B. Ellis)	0.5%		4%	
<b>GROUP IV</b>				
Black Scurf ( <i>Rhizoctonia solani</i> Kuhn)	1.5%	}	}	
Common Scab ( <i>Streptomyces</i> species)	3%			
Powdery Scab ( <i>Spongospora subterranea</i> (Wallr.) Lagerh.)	1.5%			
<b>GROUP V</b>				
External blemishes or tubers other than diseased tubers whose shape is atypical for the variety	3%	3%		
<b>GROUP VI</b>				
Dirt other than extraneous matter	1%	1%		

Regulations 2(1), 12(e),  
18(1)(b) and 18(6)

## SCHEDULE 5

## PART III

SPECIFIED DISEASES OR PESTS, DAMAGE AND DEFECTS AND TOLERANCES—  
POTATOES PRODUCED OUTSIDE GREAT BRITAIN

Column 1 <i>Specified diseases or pests, damage and defects</i>	Column 2 <i>Individual tolerances</i>	Column 3 <i>Group tolerances</i>	Column 4 <i>Collective group tolerances</i>
<b>GROUP I</b>			
Wart Disease ( <i>Synchytrium endobioticum</i> (Schilb.) Perc.)	NIL	—	—
Potato Tuber Eelworm ( <i>Ditylenchus destructor</i> Thorne)	NIL	—	—
Potato Cyst Eelworm ( <i>Globodera</i> species infesting potatoes)	NIL	—	—
Ring Rot ( <i>Corynebacterium sepedonicum</i> (Spieck. & Kotth) Skapt. & Burkh.)	NIL	—	—
Brown Rot ( <i>Pseudomonas solanacearum</i> (E.F. Smith) E.F. Smith)	NIL	—	—
Potato Tuber Moth ( <i>Phthorimaea operculella</i> (Zell.))	NIL	—	—
Potato Spindle Tuber Viroid	NIL	—	—
Colorado Beetle ( <i>Leptinotarsa decemlineata</i> (Say))	NIL	—	—
<b>GROUP II</b>			
Blight ( <i>Phytophthora infestans</i> (Mont.) de Bary)	1%	}	6%
Blackleg ( <i>Erwinia carotovora</i> var <i>atroseptica</i> (Hellmers & Dowson) Dye)	1%		
Soft Rots including: Watery Wound Rot ( <i>Pythium ultimum</i> Trow)			
Pink Rot ( <i>Phytophthora erythroseptica</i> Pethybridge) and Pit Rot	1%		
Dry Rot ( <i>Fusarium</i> species)	1%		
Gangrene ( <i>Phoma</i> species)	1%		
<b>GROUP III</b>			
Common Scab ( <i>Streptomyces</i> species)	5%	5%	
<b>GROUP IV</b>			
External blemishes or tubers other than diseased tubers whose shape is atypical for the variety	3%	3%	
<b>GROUP V</b>			
Dirt or other extraneous matter	2%	2%	

Regulations 14,  
15(a) and (b)

SCHEDULE 6

PARTICULARS TO BE SPECIFIED IN A SALE NOTE, ETC.

Name and address of the seller  
Net weight  
Variety  
Basic or certified seed potatoes  
Class  
Size  
Producer's identification number  
Particulars of any chemical treatment

SCHEDULE 7

Regulation 17(3)

SAMPLING

1. If the bulk consists of seed potatoes (a) comprising more than one consignment, or (b) associated with more than one certificate in accordance with these regulations, it shall be divided so that each consignment or, as the case may be, the quantity of potatoes associated with each such certificate constitutes a separate lot and each lot shall be separately sampled.

2. Where the total quantity of seed potatoes being sampled separately does not exceed 50kg all the potatoes shall be examined.

3. Where the said total quantity exceeds 50kg there shall be examined all the seed potatoes in a sample, the said sample being selected as follows:—

- (a) Seed potatoes packed in packages or containers (other than sacks or bags) of 50kg or less or in sacks and bags—from lots not exceeding 5 tonnes at least one package or container in twenty shall be selected at random, the sample so selected being not less than 50kg; from lots exceeding 5 tonnes a sample of at least 250kg shall be selected at random.
- (b) Seed potatoes packed in packages or containers (other than sacks or bags) of more than 50kg or unpacked—from lots not exceeding 5 tonnes at least one-twentieth of the weight of the lot shall be selected at random, the sample to be selected being not less than 50kg; from lots exceeding 5 tonnes a sample of at least 250kg shall be selected at random.

SCHEDULE 8

Regulation 18(2)

MEASURES TO PREVENT SPREAD OF SPECIFIED DISEASES OR PESTS BY MEANS OF SEED POTATOES

- (a) the dressing or redressing of the seed potatoes;
- (b) the replacing of the seed potatoes in a different package or container;
- (c) the destruction of any packages or containers which appear to have been in contact with seed potatoes affected by any specified disease;



- (d) the destruction of such potatoes as are specified in the notice;
  - (e) the cleaning and disinfection of such premises and equipment as are specified in the notice;
  - (f) the disinfection of such potatoes as are specified in the notice and as are on such premises as may be specified.
- 

#### EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These regulations give effect to Directive 66/403/EEC of the Council of the European Economic Community (O.J. No. 125, 11.7.66) as amended by Directives 69/62/EEC (O.J. No. L48), 71/162/EEC (O.J. No. L87), 72/274/EEC (O.J. No. L171), 72/418/EEC (O.J. No. L287) and 73/438/EEC (O.J. No. L356) on the marketing of seed potatoes and replace the Seed Potatoes Regulations 1978.

These regulations reduce the number of years during which seed potato stocks may be multiplied (Schedule 3). The nomenclature of the classes in which seed potatoes may be classified has also been revised and the tolerances for faults permitted at both growing crop and tuber inspections have been revised (Schedules 3 and 5).

They regulate the marketing of seed potatoes in Great Britain, but exclude seed potatoes used in scientific investigation or selection processes.

Seed potatoes may be marketed only if they are "basic" or "certified" seed potatoes as defined in the regulations and, with certain exceptions, sold in sealed packages or containers labelled with prescribed particulars. There is provision for the taking of samples for verification of standards and for the enforcement of the regulations. Tampering with labels prescribed by the regulations will constitute an offence.

Schedules to the regulations include details of the classification process and the requirements to be met and standards to be attained for the purpose of classification. They also list the particulars to appear on labels on packages and containers of seed potatoes and lay down procedures for the taking of samples.

SI 1984/412  
ISBN 0-11-046412-5



780110464121