

Statutory Rule 2001 No. 188

Seed Potatoes Regulations (Northern Ireland) 2001

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STATUTORY RULES OF NORTHERN IRELAND

2001 No. 188

SEEDS

Seed Potatoes Regulations (Northern Ireland) 2001

<i>Made</i>	<i>1st May 2001</i>
<i>Coming into operation -</i>	
<i>except regulation 22</i>	<i>25th May 2001</i>
<i>as regards regulation 22</i>	<i>31st December 2001</i>

ARRANGEMENT OF REGULATIONS

- [1. Citation and commencement.](#)
- [2. Interpretation.](#)
- [3. Exemption.](#)
- [4. Marketing of seed potatoes.](#)
- [5. Seed potatoes from third countries: information.](#)
- [6. Production measures in the interests of plant health.](#)
- [7. Separation in the interests of varietal purity.](#)
- [8. Certification and classification.](#)

- [9. Community grading of basic seed potatoes.](#)
- [10. Packages and containers.](#)
- [11. Genetically modified seed potatoes.](#)
- [12. Labelling of packages and containers.](#)
- [13. Withholding or withdrawal of sealing devices or official labels.](#)
- [14. Sealing of packages and containers.](#)
- [15. Separate note, etc., of Schedule 7 particulars.](#)
- [16. Retail sales.](#)
- [17. Tolerances.](#)
- [18. Taking of samples.](#)
- [19. Sub-standard seed potatoes.](#)
- [20. Records and information.](#)
- [21. Power to exempt.](#)
- [22. Amendment of the Plant Health Order \(Northern Ireland\) 1993.](#)
- [23. Modifications of the Act.](#)
- [24. Revocations.](#)

ARRANGEMENT OF SCHEDULES

- [1. Certification of seed potatoes.](#)
- [2. Classification: source material for planting, requirements and tolerances for the growing crop.](#)
- [3. Particulars to be set out in a certificate.](#)
- [4. Seed potato tubers: requirements as to varietal purity and size.](#)
- [5. -](#)
 - [Part I: Requirements for an official label.](#)
 - [Part II: Marking of packages and containers for pre-basic seed potatoes or basic seed potatoes exported from Northern Ireland.](#)
 - [Part III: Information in respect of seed potatoes more than 2 kilograms in net weight produced in a country other than a member State.](#)
- [6. Tolerances for diseases, pests, damage and defects in seed potato tubers.](#)
- [7. Particulars to be specified in a sale note, etc.](#)
- [8. Sampling procedures.](#)
- [9. Measures to prevent spread, by means of seed potatoes, of disease or pests.](#)
- [10. Revocations.](#)

The Department of Agriculture and Rural Development^[1], in exercise of the powers conferred on it by sections 1(1) and (2A), 2 and 12(1) of the Seeds Act (Northern Ireland) 1965^[2], Article 3(8) of the Agriculture (Miscellaneous Provisions) (Northern Ireland) Order 1984^[3], and of every other power enabling it in that behalf, and being a Department

designated^[4] for the purposes of section 2(2) of the European Communities Act 1972^[5] in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by the said section 2(2) and of every other power enabling it in that behalf, after consultation, in accordance with section 1(1) of the said Act of 1965, with representatives of such interests as appear to it to be concerned, hereby makes the following Regulations:

Citation and commencement

1. - (1) These Regulations may be cited as the Seed Potatoes Regulations (Northern Ireland) 2001 and, with the exception of regulation 22, shall come into operation on 25th May 2001.

(2) Regulation 22 shall come into operation on 31st December 2001.

Interpretation

2. - (1) In these Regulations -

"the Act" means the Seeds Act (Northern Ireland) 1965;

"authority concerned" means the authority in the country or place where seed potatoes are produced which is concerned with the certification and classification of seed potatoes in that country or place;

"basic seed potatoes" means -

(a) in relation to seed potatoes produced in Northern Ireland, seed potatoes in relation to which a certificate classifying them as seed potatoes of a basic category has been issued in accordance with Schedule 1;

(b) in relation to seed potatoes produced elsewhere, seed potatoes in a lot or part of a lot imported into Northern Ireland in a package or container, to or in which has been affixed or placed a label or document, approved by the authority concerned which states that on examination of the potatoes they were classified as seed potatoes of a basic category in that country or place where the Department has approved the arrangements applying to basic seed potatoes in that country or place as being equivalent to those applying in Northern Ireland;

"certificate" means a certificate issued by the Department in accordance with the provisions of Schedule 1 stating in respect of the seed potatoes to which it relates the particulars specified in Schedule 3;

"certification" means -

(a) in relation to seed potatoes produced in Northern Ireland, certification in accordance with the provisions of Schedule 1;

(b) in relation to seed potatoes produced elsewhere, the official controls exercised by and the official examination carried out by the authority concerned;

"class" means -

(a) in relation to seed potatoes produced in Northern Ireland 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 pre-basic seed potatoes, the class or one of the classes specified in order of superiority in Column 1 of Table I in

Schedule 2, and in the case of basic seed potatoes any one of the classes specified in order of superiority in Column 1 of Table II of Schedule 2; and

(b) in relation to seed potatoes produced elsewhere, the class stated in a label or document approved by the authority concerned, being a label attached to or document contained in the package or container in which the seed potatoes are imported into Northern Ireland;

"Common Catalogue" means the Common Catalogue of varieties of seed potatoes published in the Official Journal of the European Communities;

"Community grade" in relation to basic seed potatoes means one of the grades designated by Commission Directive 93/17/EEC^[6] determining Community grades of basic seed potatoes, together with the conditions and designations applicable to such grades;

"damage" means damage arising from the action of extreme temperature or from bruising or in any other way if such damage is likely to impair germination and growth or allow the spread of any disease or pest;

"Department" means the Department of Agriculture and Rural Development;

"disease or pest" means a disease or pest set out in Groups I to III in Column 1 of Tables I, II, III, IV and V of Schedule 6;

"export" and "import" respectively mean the sending out of Northern Ireland to any other place and the bringing into Northern Ireland from any other place;

"genetically modified" has the same meaning as for the purposes of Council Directive 90/220/EEC^[7] on the deliberate release into the environment of genetically modified organisms;

"grower's number" has the meaning assigned to it in regulation 8(2);

"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 15;

"member State" means a member State of the Communities;

"official examination" means an examination carried out by or on behalf of the Department;

"official label" means a label which complies with the requirements set out in Part I of Schedule 5 and which is supplied by or on behalf of either the Department or the authority concerned;

"package or container" means -

(a) a bag, or sack, which has been previously unused and which does not exceed 50 kg in capacity; or

(b) a box, or crate, which has either been previously unused or has been cleaned and disinfected since its previous use;

"potato" means a tuber or part thereof or any plant or part thereof of *Solanum tuberosum* L or other tuber-forming species or hybrid of *Solanum*;

"pre-basic seed potatoes" means -

- (a) in relation to seed potatoes produced in Northern Ireland, seed potatoes in relation to which a certificate classifying them as seed potatoes of a pre-basic category has been issued in accordance with Schedule 1; and
- (b) in relation to seed potatoes produced outside Northern Ireland, seed potatoes being a lot or part of a lot imported into Northern Ireland in a package or container, to or in which a label or document, approved by the authority concerned has been affixed or placed, stating that on examination of the potatoes they were classified as seed potatoes of a pre-basic category in that country or place where the Department has approved the arrangements applying to pre-basic seed potatoes in that country or place as being equivalent to those applying in Northern Ireland;

"protected region" means Northern Ireland and any of those regions listed in the Annex to Commission Decision 93/231/EEC[8];

"sealing device" means a device used to seal a package or a container of seed potatoes which will be broken if it is applied to a package or a container and that package or container is opened in the ordinary way subject to -

- (i) such a device not being deemed to include an official label which is machine stitched into the mouth of the bag;
- (ii) in the case of seed potatoes produced in Northern Ireland such a device being deemed to include an official label which is machine stitched into the mouth of the bag and which is also endorsed with the official stamp of the Department;

"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 or any potatoes that are intended to be used for planting and propagation;

"seed potatoes produced elsewhere" means seed potatoes produced outside Northern Ireland and imported into Northern Ireland in compliance with Orders made under the Plant Health Act (Northern Ireland) 1967[9] which regulate the landing of potatoes in Northern Ireland;

"size" means the size of the square of the mesh of the riddle or gauge through, or by means of which, seed potatoes are passed or retained.

(2) These Regulations are without prejudice to the provisions of the Plant Health Order (Northern Ireland) 1993[10].

(3) In these Regulations a reference to a tolerance in a sample shall be construed in relation to seed potatoes in the sample affected by -

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

(4) In these Regulations "marketing" means -

- (a) selling, holding with a view to sale and offering for sale; and
- (b) any disposal, supply or transfer, for the purpose of commercial exploitation of seed potatoes to third parties, whether or not for consideration.

(5) Trade in seed potatoes not aimed at commercial exploitation of the variety, such as the following operations -

- (a) the supply of seed potatoes to official testing and inspection bodies; or
- (b) the supply of seed potatoes to any person for the purpose of processing or packaging the seed potatoes provided he does not acquire title to the seed potatoes supplied,

shall not be treated as marketing of seed potatoes of that variety.

(6) The Interpretation Act (Northern Ireland) 1954[[11](#)] shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Exemption

3. These Regulations shall not apply to seed potatoes produced in the Republic of Ireland consigned through Northern Ireland to a destination outside Northern Ireland if, without being unloaded in Northern Ireland, they are moved direct from the point of entry to the point of exit.

Marketing of seed potatoes

4. - (1) Subject to the provisions of regulation 21, a person shall not market any potatoes as seed potatoes other than pre-basic seed potatoes or basic seed potatoes.

(2) Subject to the provisions of regulation 21, a person shall not market any pre-basic seed potatoes or basic seed potatoes -

- (a) which have been treated with a product which is produced primarily as an application for inhibiting germination;
- (b) as being of a class superior to that into which such potatoes were classified;
- (c) as being of a class inferior to that into which such potatoes were classified except with the approval of the Department; or
- (d) otherwise than in a lot which meets the requirements as to varietal purity and size specified in Schedule 4.

(3) Subject to the provisions of regulation 21, a person shall not market any seed potatoes within the protected region other than -

- (a) pre-basic seed potatoes; or

(b) basic seed potatoes of a Community grade.

(4) The prohibition in paragraph (1) shall not apply to the marketing of small quantities of seed potatoes, other than seed potatoes which contain any genetically modified material, for scientific purposes or selection work.

(5) If the conditions specified in paragraph (6) are satisfied the prohibition in paragraph (1) shall not apply to the marketing for scientific purposes or selection work of small quantities of seed potatoes which contain any genetically modified material.

(6) The conditions referred to in paragraph (5) are -

(a) the deliberate release of the genetically modified material has been authorised under a Part B consent, or the genetically modified material has been accepted for marketing in accordance with a Part C consent, issued for the purposes of Council Directive 90/220/EEC on the deliberate release into the environment of genetically modified organisms;

(b) the seed potatoes are accompanied during marketing by a copy of the consent;

(c) all appropriate measures, in accordance with an environmental risk assessment in respect of the material carried out in accordance with Article 7(4) of Council Directive 70/457/EEC[[12](#)], have been taken by the producer of the seed potatoes to avoid adverse effects on human health and the environment; and

(d) in the case of genetically modified material accepted for marketing with a Part C consent, an authorisation has been granted by the Department of the Environment in accordance with paragraph (7) to the person marketing the potatoes.

(7) An authorisation may be granted by the Department of the Environment for the purpose of paragraph (6)(d) if: -

(a) the person intending to market the small quantity of seed potatoes for scientific purposes or selection work has made application to that Department no later than 15 working days before the seed potatoes are marketed -

(i) giving that Department notice of the person's intention to market a small quantity of seed potatoes for scientific purposes or selection work; and

(ii) giving that Department such information relating to the acceptance for marketing of the variety of the seed potatoes concerned under Council Directive 90/220/EEC, and the scientific purposes or selection work in respect of which the marketing is to be carried out, as that Department may require for the purposes of identifying the marketing and determining whether or not to grant the authorisation; and

(b) that Department is satisfied that -

(i) the applicant has complied with each of the provisions of sub-paragraph (a); and

(ii) an authorisation would be in accordance with the purpose of *Article 4a1.(a)*

of Council Directive 66/403/EEC[[13](#)] on the marketing of seed potatoes, as last amended by Council Directive 98/96/EC[[14](#)].

Seed potatoes from third countries: information

5. A person who imports a package containing a net weight of more than 2 kilograms of seed potatoes produced in a country other than a member State shall not market the seed potatoes unless that person provides the Department with the information specified in Part III of Schedule 5, in respect of the seed potatoes.

Production measures in the interests of plant health

6. The production of seed potatoes shall at all stages be conducted in such manner as to ensure that they do not come into contact with any potatoes other than seed potatoes during growing, harvesting, storing, preparation for marketing, transportation, handling and grading.

Separation in the interests of varietal purity

7. The production of seed potatoes shall at all stages be conducted in such manner as to ensure that they are kept separate from -

- (a) seed potatoes of any other class or variety;
- (b) any potatoes other than seed potatoes.

Certification and classification

8. - (1) Application for certification of seed potato crops shall be made to the Department with such information, in such form and in such manner as it may require.

(2) On receipt of an application under paragraph (1) the Department shall allocate to the grower who produces the seed potatoes in respect of which such application has been made a number to be hereinafter called a "grower's number".

(3) Certification and classification of basic seed potatoes and pre-basic seed potatoes shall be carried out by an authorised officer in accordance with the provisions of Schedule 1 and Schedule 2.

(4) A certificate shall not be issued in respect of seed potatoes which fail to meet the requirements and tolerances -

- (a) set out in Table II of Schedule 2 in respect of Class A, or
- (b) set out in regulations 4, 5, 6 and 7.

(5) The Department may withdraw a certificate after it has been issued where an authorised officer is satisfied that the seed potatoes in respect of which that certificate has been issued have not been so grown, harvested, stored, prepared for marketing, transported, handled or graded as to ensure that seed potatoes of each class or variety have been or are kept separate from all other potatoes.

(6) The Department may refuse to issue a certificate in respect of any seed potato crop for which an application for certification has been made under paragraph (1) where the applicant has failed to pay to the Department any amount by way of levy due by him in accordance with Article 3(1) of the Seed Potatoes (Levy) Order (Northern Ireland) 1985[[15](#)].

Community grading of basic seed potatoes

9. - (1) Basic seed potatoes marketed within Northern Ireland shall be graded by an authorised officer into one of the Community grades.

(2) Basic seed potatoes marketed outside Northern Ireland which fulfil the requirements of a Community grade may be graded by an authorised officer into that Community grade.

Packages and containers

10. - (1) Subject to paragraph (2) and regulation 12, a person shall not, in the course of marketing, deliver or cause to be delivered a lot otherwise than in a package or container.

(2) A person shall not export, attempt to export or cause the export from Northern Ireland of a lot produced in Northern Ireland otherwise than in a package or container marked with the information and complying with the requirements set out in Part II of Schedule 5.

(3) Each lot delivered, or intended for delivery, in the course of marketing shall be homogenous to the extent that the contents of each package or container in the lot is fairly and truly representative of the contents of all packages or containers in the lot.

(4) Each package or container in the lot shall be so packed that any potatoes exposed to view, or which would be exposed to view if the package or container is opened, are representative in size, condition and quality of the entire contents of that package or container.

Genetically modified seed potatoes

11. A person shall not market genetically modified seed potatoes unless -

(a) it is clearly indicated in the sales catalogue of the person marketing the seed potatoes and in any other marketing information or marketing representations provided by that person, that the seed potatoes have been genetically modified; and

(b) any label or document, whether official or otherwise, affixed to, accompanying or following a lot or any part of a lot in accordance with the provisions of regulation 10(2), 12 or 15, shall clearly indicate that seed potatoes have been genetically modified.

Labelling of packages and containers

12. - (1) Subject to regulation 16, a person shall not market a package or container of pre-basic seed potatoes or basic seed potatoes otherwise than in accordance with the provisions of paragraphs (2), (4), (5) and (6), and regulation 14.

(2) Subject to paragraph (4), there shall be attached to the outside of each package or container an official label on which there is correctly stated in relation to the contents the particulars set out in Part I of Schedule 5.

(3) Application for official labels for pre-basic seed potatoes or basic seed potatoes produced in Northern Ireland in respect of which a certificate has been issued under regulation 8 shall be made to the Department with such information as the Department may require. A person shall not in connection with the issue of an official label supply any information which is false in a material respect.

(4) If a package or container has been re-sealed in accordance with regulation 14 by an authorised officer or an officer of the authority concerned the official label in respect of it shall also state -

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

(5) Subject to paragraph (6) where pre-basic seed potatoes or basic seed potatoes have been treated with a chemical product the name of the chemical product or the generally recognised abbreviation of the chemical name or the proprietary name of that product shall be stated on a label attached to the package or container.

(6) Paragraph (5) shall not apply where the statement required thereby is indelibly printed on the package or container or on a wear and tear resistant label, or adhesive label, attached to that package or container.

(7) A person shall not in connection with the marketing or preparation for marketing of pre-basic seed potatoes or basic seed potatoes wilfully reproduce, remove, deface, conceal or misuse in any way -

- (a) an official label;
- (b) a label attached in accordance with paragraph (5) or (6);
- (c) a label approved by the authority concerned; or
- (d) any particulars or statement printed on such package or container.

Withholding or withdrawal of sealing devices or official labels

13. - (1) An authorised officer may in respect of a lot or any part thereof withhold or withdraw a sealing device or official label where the officer is reasonably satisfied that -

- (a) the lot or part thereof has not been so harvested, stored, prepared for marketing, transported, handled or graded as to ensure that seed potatoes of one class or variety have been or are kept separate from all other potatoes;
- (b) the lot or part thereof does not comply with the requirements as to varietal purity and size specified in Schedule 4 in relation to a lot of seed potatoes of the class stated on the label;
- (c) the lot or part thereof is not contained, or intended for delivery, in a package or container;
- (d) the lot or part thereof has been treated with a product which is produced primarily as an application for inhibiting germination;
- (e) a sample taken from the lot exceeds any of the tolerances for disease, pest, damage, blemish or impurity specified in the Tables set out in Schedule 6;
- (f) an official label already issued in respect of the lot contains particulars which are false in a material respect;
- (g) the lot is delivered, or intended for delivery, in conditions which expose potatoes in the lot to damage by frost or other weather conditions; or

(h) there has been any other failure to comply with the provisions of these Regulations.

(2) Where a certificate has been issued in respect of a crop and Potato Cyst Nematode is subsequently found in the land in which any of the potatoes comprised in that crop were grown an authorised officer shall cancel such certificate in respect of any unsold portion of that crop or part thereof.

(3) If in the opinion of the Department weather conditions are such that they do not permit delivery in the course of marketing of pre-basic seed potatoes or basic seed potatoes produced in Northern Ireland without a risk of damage by frost to such potatoes the Department may, for such period as it may decide, withhold sealing devices for such potatoes. A decision so to withhold sealing devices shall be communicated by the Department to representatives of such interests as appear to the Department to be concerned.

(4) An authorised officer shall not, without the authority of the person who in accordance with regulation 8 made application for certification and classification of the crop, apply a sealing device to any seed potatoes from such crop.

Sealing of packages and containers

14. - (1) Subject to paragraph (3) and regulation 16, a person shall not market a package or container of pre-basic seed potatoes or basic seed potatoes produced outside Northern Ireland unless that package or container has been sealed by or under the supervision of an authorised officer or an officer of the authority concerned and the sealing device thus applied remains unbroken.

(2) Subject to paragraph (3) and regulation 16, a person shall not market a package or container of pre-basic seed potatoes or basic seed potatoes produced in Northern Ireland unless that package or container has been sealed by an authorised officer and the sealing device thus applied remains unbroken.

(3) Where a sealing device on a package or container of pre-basic seed potatoes or basic seed potatoes has been broken that package or container shall not be re-sealed with a sealing device except by or under the supervision of an authorised officer or an officer of the authority concerned.

(4) An authorised officer may refuse to seal any package or container of pre-basic seed potatoes or basic seed potatoes as required by paragraph (2) for any person who has failed to pay to the Department any amount by way of levy due by him in accordance with Article 3(2) and (3) of the Seed Potatoes (Levy) Order (Northern Ireland) 1985.

Separate note, etc., of Schedule 7 particulars

15. Subject to regulation 16, a person who sells, consigns or delivers pre-basic seed potatoes or basic seed potatoes shall furnish to the purchaser, not later than 14 days after the sale or the delivery, whichever is the later, of such seed potatoes a sale note, delivery note, invoice or similar document setting out in respect of those seed potatoes the particulars listed in Schedule 7.

Retail sales

16. Regulations 10, 12, 14 and 15 shall not apply to a sale by retail of a quantity of less than 50 kg of pre-basic seed potatoes or basic seed potatoes -

(a) where, at the time of sale, there was conspicuously displayed on or in close proximity to the seed potatoes a statement setting out the particulars listed in

Schedule 7; or

(b) in new containers, upon each of which there is printed or otherwise legibly or indelibly marked or to or in which there is attached or inserted a label setting out the particulars listed in Schedule 7.

Tolerances

17. - (1) Where particulars of the variety of seed potatoes being marketed are stated pursuant to these Regulations, the particulars so stated shall be deemed to be correct if the varietal impurity of those seed potatoes does not exceed 0.1% by number of tubers or plants.

(2) The tolerances set out in Column 4 of Tables I and II of Schedule 2 are to be calculated as the number of plants in a sample affected by disease or impurity expressed as a percentage of the total number of plants in that sample.

(3) The tolerances specified in the Tables set out in Schedule 6 are to be calculated as the weight of seed potatoes in a sample affected by disease or pest, damage, blemish or impurity expressed as a percentage of the total weight of seed potatoes in that sample.

Taking of samples

18. - (1) Where a sample of seed potatoes is required for the purposes of these Regulations such sample shall be taken by an authorised officer in accordance with the provisions of this regulation.

(2) Where a sample of seed potatoes is required in connection with the certification or classification of seed potatoes an authorised officer may take a sample of the soil in which the crop of such potatoes is growing or of any part of the plant of that crop, of such quantity or number and from such part of that crop as the officer may think appropriate.

(3) Where a sample of seed potatoes is required otherwise than as is mentioned in paragraph (2) an authorised officer shall take the sample in accordance with the provisions of Schedule 8.

Sub-standard seed potatoes

19. - (1) Where in the course of an official examination of seed potatoes an authorised officer is reasonably satisfied that such potatoes do not meet the requirements of these Regulations the officer shall serve a notice on the person in whose possession or charge the potatoes appear to be so informing that person and prohibiting delivery in the course of marketing of those potatoes as seed potatoes.

(2) Where in the course of an official examination of seed potatoes an authorised officer is of the opinion that any of such potatoes are affected, or may within a period of 14 days beginning with the date of such examination become affected, by a disease, pest or damage to such an extent that such potatoes may not meet the requirements of these Regulations the officer may serve a notice on the person in whose possession or charge the potatoes appear to be so informing that person and prohibiting delivery of those potatoes.

(3) A notice under paragraph (1) or (2) may require the person upon whom such notice is served to carry out on such premises at such time, within such period and in accordance with such methods as are stated in the notice the measures set out therein, being measures which in the opinion of the authorised officer are necessary -

(a) to ensure that the requirements of these Regulations are met; or

(b) to prevent the spread by means of the seed potatoes of any disease or pest,

including in particular, but without prejudice to the generality of the foregoing, any of the measures set out in Schedule 9.

(4) The measures set out in a notice under paragraph (1) or (2) shall -

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

(5) Where a notice under paragraph (1) or (2) has been served, and until such time as the requirements of that notice have been complied with to the officer's satisfaction, an authorised officer may withhold or remove or cause to be removed and retain any official label, or sealing device.

Records and information

20. - (1) A person who produces pre-basic seed potatoes or basic seed potatoes shall for a period of not less than 2 years maintain records of -

- (a) such potatoes purchased by him for planting;
- (b) particulars of the crops grown from such potatoes; and
- (c) the sales or other disposal of the produce of those crops.

(2) A person who markets pre-basic seed potatoes or basic seed potatoes shall for a period of not less than 2 years thereafter maintain a record of the person's marketing of such pre-basic seed potatoes or basic seed potatoes.

(3) A person who produces, markets or otherwise has or has had possession of or charge of pre-basic seed potatoes or basic seed potatoes shall, if so required by notice from an authorised officer, within 7 days of the service of the notice, give to an authorised officer any information in that person's possession as to the identity, address and occupation of the person in whose possession or under whose charge such potatoes are or have been and shall also produce for examination by an authorised officer any declaration, certificate, label, record or invoice relating to the planting, classification or marketing of such potatoes.

(4) Information given under paragraph (3) shall not be available as evidence in any proceedings under these Regulations against a person required to give such information except in respect of an alleged failure to comply with this regulation.

Power to exempt

21. Notwithstanding any provision in these Regulations the Department may, subject to such conditions as it thinks fit, exempt any person, class of person or persons generally from compliance with any of the requirements of these Regulations in respect of seed potatoes.

Amendment of the Plant Health Order (Northern Ireland) 1993

22. In Article 19 (Restriction on the planting of potatoes) of the Plant Health Order (Northern Ireland) 1993 after paragraph (2) there shall be added the following paragraphs -

" (3) A person shall not plant or knowingly cause or permit to be planted, in

Northern Ireland, potatoes other than -

- (a) potatoes which may be marketed in Northern Ireland under the Seed Potatoes Regulations (Northern Ireland) 2001; or
- (b) one year's direct progeny of such potatoes, where that direct progeny has been grown by that person.

(4) Persons involved in the planting of potatoes in Northern Ireland shall retain and make available to an inspector documentation specified in paragraph (5).

(5) The documentation required by paragraph (4) shall be in the form of -

- (a) an official label together with either an invoice or delivery note, or
- (b) where potatoes marketed or marketable under the Seed Potatoes Regulations (Northern Ireland) 2001 or their direct progeny were produced by the holder of a certificate, the certificate.

(6) In this regulation "certificate" and "official label" have the same meanings as they have in the Seed Potatoes Regulations (Northern Ireland) 2001."

Modifications of the Act

23. The operation of the provisions of the Act referred to in paragraphs (a) and (b) shall in connection with these Regulations be modified as follows -

- (a) section 7 shall not apply in respect of seed potatoes;
- (b) section 9 sub-sections (2), (4), (5), (6), (7), (8) and (9) shall be omitted.

Revocations

24. The Regulations specified in Schedule 10 to these Regulations are hereby revoked.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on

1st May 2001.

L.S.

R. S. Johnston
A senior officer of the Department of Agriculture and Rural Development

SCHEDULE 1

Regulations 2(1) and 8(3)

Certification of seed potatoes

1. Certification shall consist of an official examination of seed potatoes made by an authorised officer which shall include the classification of such potatoes in accordance with the provisions of Schedule 2 and the issue by the Department of a certificate of the result of that examination as specified in Schedule 3.

2. The Department may refuse to issue a certificate if an authorised officer is not satisfied that:

- (a) the seed potatoes (other than seed potatoes delivered or intended to be delivered in pursuance of a sale or proposed sale elsewhere than in the United Kingdom or a member State) are of a variety complying with the Seeds (National Lists of Varieties) Regulations 1982^[16] and which has not been notified by the Department as being unacceptable for classification; or
- (b) the seed potatoes are or were grown, harvested, stored, prepared for marketing, transported, handled and graded so as to minimize the risk of contamination by such harmful diseases or pests as notified by the Department from time to time; or
- (c) blanking in the growing crop of seed potatoes is or was not excessive; or
- (d) there has been no roguing of a pre-basic seed potato crop before inspection; or
- (e) any roguing of a basic seed potato growing crop has been carried out effectively and the growing crop has not been over rogued; or
- (f) all reasonable husbandry practices for the prevention of the occurrence, development or spread of pests and diseases have been effectively carried out.

3. A certificate for pre-basic seed potatoes shall not be issued by an authorised officer unless the officer is satisfied that the seed potatoes satisfy the minimum conditions established by the Department for classes of pre-basic seed potatoes.

4. A certificate shall not be issued by the Department unless an authorised officer is satisfied that:

- (a) the land on which the seed potatoes are growing or were grown -
 - (i) is not land in respect of which a notice has been served under Article 22(4) of the Plant Health Order (Northern Ireland) 1993 declaring that land to be infected with wart disease, potato ring rot, or potato cyst nematode;
 - (ii) is not land in respect of which an Inspector has demarcated a zone under Article 23A(1) of the Plant Health Order (Northern Ireland) 1993 to prevent the spread of potato brown rot;
 - (iii) has by sampling and laboratory examination been found to be free from potato cyst nematode; and
 - (iv) is land which has not been used for growing potatoes in any of the previous 6 years for crops classified as Pre-basic 1, Pre-basic 2 or VTSC, or, in any of the previous 4 years for crops of any other class.

- (b) the seed potatoes have been produced from -
 - (i) basic seed potatoes or pre-basic seed potatoes;
 - (ii) a crop grown with the authority of or in circumstances acceptable to the Department; or
 - (iii) seed potatoes grown elsewhere than in Northern Ireland and in respect of which an examination acceptable to the Department has been carried out;
- (c) the seed potatoes in any crop are of a single variety;
- (d) 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 Nematode (*Globodera* (*Heterodera*) species infesting potatoes)

Ring Rot (*Clavibacter michiganensis* (Smith) Davis *et al.* ssp. *sepedonicus* (Spiek & Kotth) Davis *et al.*)

Brown Rot (*Ralstonia solanacearum* (Smith) Yabuuchi *et al.*)

Potato Tuber Moth (*Phthorimaea* (= *Gnorimoschema*) *operculella* (Zell.))

Potato Tuber Eelworm (*Ditylenchus destructor* (Thorne))

Potato Spindle Tuber Viroid

Colorado Beetle (*Leptinotarsa decemlineata* (Say));

- (e) the seed potatoes are taken from a crop which has been classified in accordance with the provisions of Schedule 2 and in which the presence of diseased potato plants and rogues, ground keepers and undesirable variations is ascertained not to exceed the respective tolerances set out in Schedule 2 in relation to the classes described therein.

5. Seed potatoes shall not be classified -

- (a) as Pre-basic TC seed potatoes, if the immediately succeeding crop produced therefrom is likely to contain -
 - (i) plants of another variety; or
 - (ii) virus affected plants;
- (b) as Pre-basic 1 or Pre-basic 2 seed potatoes, if, in relation to the immediately succeeding crop produced therefrom, the number of growing plants which -

- (i) deviate from variety and type, is likely to exceed 0.01% of the total number of plants in that crop; or
 - (ii) show symptoms of mild or severe virus diseases attributable to infection in the mother crop, is likely to exceed 0.01% of that total number; or
- (c) as basic seed potatoes, if, in relation to the immediately succeeding crop produced therefrom, the number of growing plants which -

- (i) deviate from variety, is likely to exceed 0.1% of the total number of plants in that crop;
- (ii) deviate from variety and type, is likely to exceed 0.25% of that total number; or
- (iii) show symptoms of mild or severe virus diseases attributable to infection in the mother crop, is likely to exceed 4.0% of that total number.

SCHEDULE 2
Regulations 2(1), 8(3) and (4), and 17(2) and Schedule 1, paragraph 1 and 4(e)

Classification: source material for planting, requirements and tolerances for the growing crop

1. In the course of certification of any seed potatoes produced in Northern Ireland, an authorised officer may classify the potatoes as being pre-basic seed potatoes or basic seed potatoes of a class specified in Column 1 of Table I (pre-basic seed potatoes) or Table II (basic seed potatoes) to this Schedule if he is satisfied -

- (a) that the seed potatoes are derived from source material of the kind specified in the entry in Column 2 corresponding to that class;
- (b) that the requirements specified in the entry in Column 3 corresponding to that class have been met; and
- (c) on a sample that any of the tolerances specified in the entry in Column 4 corresponding to that class have not been exceeded.

2. Any tolerance in Column 4 of Table I or Table II expressed as a percentage is a reference to the proportion expressed as a percentage which the number of growing plants affected by the disease or varietal impurity bears to the total number of plants in the sample.

Table I Pre-basic Seed Potatoes

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Class</i>	<i>Source Material</i>	<i>Other Requirements</i>	<i>Tolerances</i>

Pre-basic TC	Nuclear stock or a crop which meets the requirements set out in Schedule 1 paragraph 4(b)(ii).	The seed potatoes shall: (a) be grown in a unit officially approved for production of Pre- basic TC; (b) be kept free, as far as practicable, from diseases and aphids by appropriate husbandry measures.	(i) Deviations from variety - nil; (ii) Severe mosaic - nil; (iii) Leafroll - nil; (iv) Mild mosaic - nil; (v) Blackleg - nil.
Pre-basic 1	Stock which was classified in the year preceding the planting of the crop as Pre-basic TC or a crop which meets the requirements set out in Schedule 1 paragraph 4(b)(ii).	The seed potatoes shall: (a) be grown and entered for classification by a person whose facilities, planting arrangements and manner of keeping appropriate records in relation to production of seed potatoes are acceptable to the Department; (b) be grown in the year in which they are entered for classification on an agricultural unit on which all potato crops planted were seed potatoes of pre-basic and VTSC classes; (c) be sufficiently isolated from potato crops below the standard of VTSC 1 and VTSC 2 in order to prevent the transmission of disease from such crops; and (d) have had the foliage of the plants destroyed by the date notified to the owner of the crop or the owner's agent by an authorised officer.	(i) Deviations from variety and type and groundkeepers - nil; (ii) Severe mosaic - nil; (iii) Leafroll - nil; (iv) Mild mosaic - nil; (v) Blackleg - nil.
Pre-basic 2	Stock which was classified in the year preceding the planting of the crop as Pre-basic 1.	As for Pre-basic 1.	As for Pre-basic 1.

Table II Basic Seed Potatoes

Column 1	Column 2	Column 3	Column 4
Class	Source Material	Other Requirements	Tolerances
VTSC SEED VTSC 1	The seed potatoes shall: (a) be seed potatoes derived from a stock which was classified as pre-basic seed potatoes in the year preceding the planting of the crop; or (b) be seed potatoes which meet the requirements set out in Schedule 1 paragraph 4(b) (ii) and (iii).	As for Pre-basic 1.	As for Pre-basic 1.
VTSC 2	The seed potatoes shall be seed potatoes derived from a stock which was classified as VTSC 1 in the year preceding the planting of the crop.	As for Pre-basic 1.	As for Pre-basic 1.
SUPER ELITE SEED (SE) SE 1	The seed potatoes shall: (a) be seed potatoes derived from a stock which was classified as Pre- basic TC, Pre- basic 1, Pre-basic 2, VTSC 1 or VTSC 2 in the year preceding the planting of the crop; or (b) be seed potatoes which meet the requirements set out in Schedule 1 paragraph 4(b) (ii). and (iii).	The seed potatoes shall: (a) be sufficiently isolated from potato crops below the standard of Super Elite in order to prevent the transmission of disease from such crops; and (b) have had the foliage of the plants destroyed by the date notified to the owner of the crop or the owner's agent by an authorised officer.	(i) Deviations from variety and type and groundkeepers - 0.05%; (ii) Leafroll and Severe mosaic - 0.01%; (iii) Mild mosaic - 0.05%; (iv) Blackleg - 0.25%.

SE 2	(a) The requirements shall be the same as for SE 1 except that the seed potatoes shall be derived from a stock which was classified as SE 1 in the year preceding the planting of the crop; or (b) seed potatoes which meet the requirements set out in Schedule 1 paragraph 4(b)(ii) and (iii).	As for SE 1.	As for SE 1.
SE 3	The requirements shall be the same as for SE 1 except that the seed potatoes shall be derived from a stock which was classified as SE 2 in the year preceding the planting of the crop.	As for SE 1.	As for SE 1.
ELITE SEED (E) E	The seed potatoes shall: (a) be derived from a stock which was classified as Pre-basic TC, Pre- basic 1, Pre-basic 2, VTSC 1, VTSC 2, SE 1, SE 2, SE 3 or E in the year preceding the planting of the crop; or (b) be derived from seed potatoes produced in accordance with Schedule 1 paragraph 4(b)(ii) and (iii); or (c) be derived from seed potatoes which have been found to meet the requirements of Commission Directive 93/17/EEC and which have been designated by the authority concerned as Community grade EEC 1 or EEC 2.	The seed potatoes shall: (a) be sufficiently isolated from potato crops below the standard of Elite in order to prevent the transmission of disease from such crops; and (b) have had the foliage of the plants destroyed by the date notified to the owner of the crop or the owner's agent by an authorised officer.	(i) Deviations from variety and type and groundkeepers - 0.05%; (ii) total virus disease (Leafroll, Severe mosaic and Mild mosaic) - 0.5% of which not more than 0.1% (in total) shall be Leafroll and Severe mosaic; (iii) Blackleg - 0.5%.
CLASS A SEED			
A	The seed potatoes shall:	The seed potatoes	(i) Deviations

	(a) be derived either from a stock which was classified as Pre-basic TC, Pre-basic 1, Pre-basic 2, VTSC 1, VTSC 2, SE 1, SE 2, SE 3 or E in the year preceding the planting of the crop or from seed potatoes produced in accordance with Schedule 1 paragraph 4(b)(ii) and (iii); or (b) be derived from seed potatoes which have been found to meet the requirements of Commission Directive 93/17/EEC and which have been designated by the authority concerned as Community grade EEC 1 or EEC 2.	shall: (a) be sufficiently isolated from potato crops below the standard of Class A in order to prevent the transmission of disease from such crops; and (b) have had the foliage of the plants destroyed by the date notified to the grower of the crop or the owner's agent by an authorised officer.	from variety and type and groundkeepers - 0.1%; (ii) total virus disease - 1.0% of which not more than 0.25% shall be Leafroll and Severe mosaic; (iii) Blackleg - 1.0%.
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SCHEDULE 3
Regulation 2(1) and Schedule 1 paragraph 1

Particulars to be set out in a certificate

- 1. Name and address of the applicant.
- 2. Location of the farm on which the crop was grown.
- 3. Grower's number.
- 4. Pre-basic seed potatoes or basic seed (as appropriate).
- 5. Class.
- 6. Community grade, where appropriate.
- 7. Date on which the certificate was issued.

8. Variety of the crop classified.

9. Area of the crop classified.

10. The grower's farm survey number and the number of the field in which the crop was grown.

SCHEDULE 4

Regulations 4(2)(d) and 13(1)(b)

Seed potato tubers: requirements as to varietal purity and size

Requirements as to varietal purity and size

1. For the purposes of regulation 4(2)(d), the requirements, if any, set out in paragraphs 2, 3 and 4 as to the varietal purity or minimum size of or maximum size between tubers in a lot of seed potatoes are specified in relation to any lot of seed potatoes to which those paragraphs respectively apply.

Pre-basic TC and equivalent seed potatoes

2. - (1) This paragraph applies -

(a) to seed potatoes classified under these Regulations as being of the class Pre-basic TC; and

(b) to pre-basic seed potatoes produced outside Northern Ireland which are approved by the Department as being equivalent to that class.

(2) In the case of seed potatoes to which this paragraph applies there shall be no deviation from variety.

Pre-basic 1 and Pre-basic 2 and equivalent seed potatoes

3. - (1) This paragraph applies -

(a) to seed potatoes classified under these Regulations as being of the class Pre-basic 1 or Pre-basic 2; and

(b) to seed potatoes produced outside Northern Ireland which are approved by the Department as being equivalent to that class.

(2) Subject to sub-paragraphs (3) and (4), in the case of seed to which this paragraph applies -

(a) there shall be no deviation from variety;

(b) the minimum size is 25 millimetres; and

(c) the maximum variation in size between tubers in a lot is 25 millimetres.

(3) For the purposes of determining whether any lot of seed potatoes to which this paragraph applies meets the requirements specified in sub-paragraph (2)(a), the variety of any seed potatoes shall be deemed to be as stated on the official label in respect of the lot, if, on a sample taken in accordance with regulation 18(3) and Schedule 8, the proportion of the weight of potatoes which deviate from variety does not exceed 0.01% of the total weight of the sample.

(4) For the purposes of determining whether any lot of seed potatoes to which this paragraph applies meets the requirements specified in sub-paragraph (2)(b) or (c), the size of any seed potatoes shall be deemed to be as stated on the official label in respect of the lot, if, on a sample taken in accordance with regulation 18(3) and Schedule 8, the proportion of the weight of potatoes which are -

(i) smaller than the minimum size stated on the official label; and

(ii) larger than the maximum size stated on the official label

does not exceed 2% of the total weight of the sample.

Basic seed potatoes

4. - (1) This paragraph applies to basic seed potatoes.

(2) Subject to sub-paragraphs (3) and (4), in the case of seed potatoes to which this paragraph applies -

(a) there shall be no deviation from variety;

(b) the minimum size is 25 millimetres; and

(c) the maximum variation in size between tubers in a lot is 25 millimetres.

(3) For the purposes of determining whether any lot of seed potatoes to which this paragraph applies meets the requirements specified in sub-paragraph (2)(a), the variety of any seed potatoes shall be deemed to be as stated on the official label in respect of the lot, if, on a sample taken in accordance with regulation 18(3) and Schedule 8, the proportion of the weight of potatoes which deviate from variety does not exceed 0.1% of the total weight of the sample.

(4) For the purposes of determining whether any lot of seed potatoes to which this paragraph applies meets the requirements specified in sub-paragraph (2)(b) or (c) -

(a) in the case of seed potatoes produced in the United Kingdom, the size of any seed potatoes shall be deemed to be as stated on the official label in respect of the lot, if, on a sample taken in accordance with regulation 18(3) and Schedule 8, the proportion of the weight of potatoes which are -

(i) smaller than the minimum size stated on the official label; and

(ii) larger than the maximum size stated on the official label

does not exceed 2% of the total weight of the sample; and

(b) in the case of potatoes produced outside the United Kingdom, the size of any seed potatoes shall be deemed to be as stated on the official label in respect of the lot, if, on a sample taken in accordance with regulation 18(3) and Schedule 8, the proportion of the weight of potatoes which are -

- (i) smaller than the minimum size stated on the official label, does not exceed 3%; and
- (ii) larger than the maximum size stated on the official label does not exceed 3% -

of the total weight of the sample.

SCHEDULE 5

Regulations 2(1), 5, 10(2) and 12(2)

Part I

Requirements for an official label

1. An official label affixed or to be affixed to: -

- (a) a package or container of basic seed potatoes shall be predominantly white; and
- (b) a package or container of pre-basic seed potatoes shall be white with a diagonal violet line;
- (c) an official label shall not measure less than 110mm by 67mm in size;
- (d) an official label shall state the following particulars -

" EC Rules and Standards"

Member State

Country of production

Producer's identification number

Species indicated at least in Roman characters, under its botanical name which may be given in abridged form and without the authors' names or under its common name or both

Variety indicated at least in Roman characters

Genetically modified (*if appropriate*)

Pre-basic or basic seed potatoes

- Class
- Community grade (*as appropriate*)
- Size
- Net weight
- Month and year of closing.

- 2. The size stated in accordance with paragraph 1(*d*) must, in the case of sizes over 35mm, be stated in multiples of 5mm.
- 3. Official labels printed prior to 13th October 1997 with the abbreviation "EEC" instead of "EC" may be used until 31st December 2001.

Part II

Marking of packages and containers for pre-basic seed potatoes or basic seed potatoes exported from Northern Ireland

- 1. A package or container used for pre-basic seed potatoes or basic seed potatoes produced in Northern Ireland which is exported or intended to be exported from Northern Ireland shall be marked in letters and figures not less than 50 mm high and with the following particulars:
 - (a) the name, or initials, or trade brand or other symbols identifying the person who is exporting the pre-basic seed potatoes or basic seed potatoes;
 - (b) Northern Ireland pre-basic seed potatoes or basic seed potatoes;
 - (c) the net weight of the contents in kilogrammes.

Part III

Information in respect of seed potatoes more than 2 kilograms in net weight produced in a country other than a member State

- 1. Species.
- 2. Variety.
- 3. Category.
- 4. Country of production and official inspection authority.
- 5. Country of despatch.

- 6. Importer.
- 7. Quantity of seed potatoes.

SCHEDULE 6
Regulations 2(1), 13(1)(e) and 17(3)

Tolerances for diseases, pests, damage and defects in seed potato tubers

Tolerances

1. - (1) For the purposes of these Regulations -

(a) Table I applies -

- (i) to seed potatoes classified under these Regulations as being of the class Pre-basic TC; and
- (ii) to pre-basic seed potatoes produced outside Northern Ireland which are approved by the Department as being equivalent to that class;

(b) Table II applies -

- (i) to seed potatoes classified under these Regulations as being of the class Pre-basic 1 or 2; and
- (ii) to pre-basic seed potatoes produced outside Northern Ireland which are approved by the Department as being equivalent to these classes;

(c) Table III applies -

- (i) to basic seed potatoes classified under these Regulations as being of the classes VTSC 1 or VTSC 2; and
- (ii) to basic seed potatoes produced in any other part of the United Kingdom which are approved by the Department as being of a class equivalent to either of these classes;

(d) Table IV applies -

- (i) to basic seed potatoes classified under these Regulations as being seed potatoes of a class other than VTSC 1 or VTSC 2; and
- (ii) to basic seed potatoes produced in any other part of the United Kingdom which are approved by the Department as being seed potatoes equivalent to any of the classes other than VTSC 1 or VTSC 2; and

(e) Table V applies in the case of basic seed potatoes produced outside the United Kingdom.

(2) Subject to paragraph (3), any tolerance in a Column of any of the Tables in this Schedule expressed as a percentage is a reference to the proportion which the weight of potatoes affected by the disease, pest, damage or defect bears to the total weight of the sample taken in accordance with regulation 18(3) and Schedule 8, expressed as a percentage.

(3) In the case of dirt or other extraneous matter, any tolerance in a Column of any of the Tables in this Schedule expressed as a percentage is a reference to the proportion which the weight of such matter bears to the total weight of the sample taken in accordance with regulation 18(3) and Schedule 8, expressed as a percentage.

Individual tolerances

2. The individual tolerances set out in the entry in Column 2 of Table I, II, III, IV or, as the case may be, V corresponding to the disease, pest, damage or defect set out in Column 1 of these Tables is specified in the case of seed potatoes to which the Table applies in relation to the disease, pest, damage or defect to which the entry corresponds.

Group tolerances

3. The group tolerances set out in the entry in Column 3 of Table II, III, or, as the case may be, IV corresponding to the diseases, pests, damage or defects within Group II or III set out in Column 1 of those Tables is specified in the case of seed potatoes to which the Table applies in relation to the Group to which the entry corresponds.

Collective group tolerances

4. The collective group tolerances set out in the entry in Column 4 of Table II, III, IV or, as the case may be, V corresponding to the diseases, pests, damage or defects within Group II, III and IV set out in Column 1 of those Tables is specified in the case of seed potatoes to which the Table applies in relation to those Groups.

Allowable surface area cover

5. - (1) This paragraph applies, for the purposes of these Regulations, to seed potatoes to which Table II, III, IV or V applies.

(2) Subject to paragraph (3), an authorised officer may deem a potato in any sample of seed potatoes to which this paragraph applies not to be affected by a disease in Group III, set out in Column 1 of the Table applicable to a potato of that class when, in the officer's opinion -

- (a) the surface area of the potato affected by the disease is less than the percentage surface area in the entry corresponding to the disease in Column 5 of the Table; and
- (b) the potato has at least two eyes at the rose end wholly unaffected by the disease.

(3) Paragraph (2) shall not apply when the disease Powdery Scab (*Spongospora subterranea* (Wallr.) Lagerh) takes its cankerous form.

Table I Pre-basic Tissue Culture Class

<i>Column 1</i>	<i>Column 2</i>
<i>Diseases, pests, damage and defects</i>	<i>Individual Tolerances</i>

Group I	
Wart Disease (<i>Synchytrium endobioticum</i> (Schilb.))	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 <i>et al.</i> ssp. <i>sepedonicus</i> (Spieck & Kotth.) Davis <i>et al.</i>)	NIL
Brown Rot (<i>Ralstonia solanacearum</i> (Smith) Yabuuchi <i>et al.</i>)	NIL
Potato Tuber Moth (<i>Phthorimaea operculella</i> (Zell))	NIL
Potato Spindle Tuber Viroid	NIL
Colorado Beetle (<i>Leptinotarsa decemlineata</i> (Say))	NIL
Group II	
Blight (<i>Phytophthora infestans</i> (Mont.) de Bary)	NIL
Blackleg (<i>Erwinia carotovora</i> (Jones) Bergey <i>et al.</i> ssp. <i>atroseptica</i> (Hellmers & Dowson) Dye) or <i>Erwinia chrysanthemi</i> Burkholder <i>et al.</i> or both	NIL
Gangrene (<i>Phoma</i> species)/Dry Rot (<i>Fusarium</i> species)/Wet Rot	NIL
Frost damaged tubers	NIL
Group III	
Skin Spot (<i>Polyscytalum pustulans</i> (Owen & Wakefield) M.B. Ellis)	NIL
Black Scurf (<i>Rhizoctonia solani</i> Kuhn)	NIL
Common Scab (<i>Streptomyces</i> species)	NIL
Powdery Scab (<i>Spongospora subterranea</i> (Wallr) Lagerh)	NIL
Group IV	
External blemishes	3%
Group V	
Dirt or other extraneous matter	1%

Table II Pre-basic 1 and Pre-basic 2 Class

Column 1	Column 2	Column 3	Column 4	Column 5
Diseases, pests, damage and defects	Individual Tolerances	Group Tolerances	Collective Group Tolerances	Allowable % surface area cover
Group I				
Wart Disease (<i>Synchytrium endobioticum</i> (Schilb.))	NIL			
Potato Tuber Eelworm (<i>Ditylenchus</i>	NIL			

<i>destructor</i> Thorne)				
Potato Cyst Nematode (<i>Globodera</i> species infesting potatoes)	NIL			
Ring Rot (<i>Clavibacter michiganensis</i> (Smith) Davis <i>et al.</i> ssp. <i>sepedonicus</i> (Spieck & Kotth.) Davis <i>et al.</i>)	NIL			
Brown Rot (<i>Ralstonia solanacearum</i> (Smith) Yabuuchi <i>et al.</i>)	NIL			
Potato Tuber Moth (<i>Phthorimaea operculella</i> (Zell))	NIL			
Potato Spindle Tuber Viroid	NIL			
Colorado Beetle (<i>Leptinotarsa decemlineata</i> (Say))	NIL			
<i>Group II</i>				
Blight (<i>Phytophthora infestans</i> (Mont.) de Bary)	0.1%	0.2%	4.0%	
Blackleg (<i>Erwinia carotovora</i> (Jones) Bergey <i>et al.</i> ssp. <i>atroseptica</i> (Hellmers &	0.05%	0.2%	4.0%	
Dowson) Dye) or <i>Erwinia chrysanthemi</i> Burkholder <i>et al.</i> or both	0.2%	0.2%	4.0%	
Gangrene (<i>Phoma</i> species)/ Dry Rot (<i>Fusarium</i> species)/ Wet Rot	0.1%	0.2%	4.0%	
Frost damaged tubers	0.1%	0.2%	4.0%	
<i>Group III</i>				
Skin Spot (<i>Polyscytalum pustulans</i> (Owen & Wakefield) M. B. Ellis)	0.2%	3.0%	4.0%	12.5%
Black Scurf (<i>Rhizoctonia solani</i> Kuhn)	0.5%	3.0%	4.0%	12.5%
Common Scab (<i>Streptomyces</i> species)	3.0%	3.0%	4.0%	25.0%
Powdery Scab (<i>Spongospora subterranea</i> (Wallr) Lagerh)	0.5%	3.0%	4.0%	12.5%
<i>Group IV</i>			4.0%	
Blemishes such as damaged or misshapen tubers	1.0%			
<i>Group V</i>				
Dirt or other extraneous matter	1.0%			

Note: The collective group tolerance in Column 4 applies to Groups II, III and IV in Column 1.

Table III VTSC Class and Equivalent (Northern Ireland and other parts of the UK)

Column 1	Column 2	Column 3	Column 4	Column 5
Diseases, pests, damage and defects	Individual Tolerances	Group Tolerances	Collective Group Tolerances	Allowable % surface area cover
Group I				
Wart Disease (<i>Synchytrium endobioticum</i> (Schilb.))	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 <i>et al.</i> ssp. <i>sepedonicus</i> (Spieck & Kotth.) Davis <i>et al.</i>)	NIL			
Brown Rot (<i>Ralstonia solanacearum</i> (Smith) Yabuuchi <i>et al.</i>)	NIL			
Potato Tuber Moth (<i>Phthorimaea operculella</i> (Zell))	NIL			
Potato Spindle Tuber Viroid	NIL			
Colorado Beetle (<i>Leptinotarsa decemlineata</i> (Say))	NIL			
Group II				
Blight (<i>Phytophthora infestans</i> (Mont.) de Bary)	0.2%	0.5%	4.0%	
Blackleg (<i>Erwinia carotovora</i> (Jones) Bergey <i>et al.</i> ssp. <i>atroseptica</i> (Hellmers & Dowson) Dye) or <i>Erwinia chrysanthemi</i> Burkholder <i>et al.</i> or both	0.05%	0.5%	4.0%	
Soft/Wet Rot	0.2%	0.5%	4.0%	
Dry Rot (<i>Fusarium</i> species)	0.4%	0.5%	4.0%	
Gangrene (<i>Phoma</i> species)	0.4%	0.5%	4.0%	
Frost damaged tubers	0.2%	0.5%	4.0%	
Group III				
Skin Spot (<i>Polyscytalum pustulans</i> (Owen & Wakefield) M. B. Ellis)	0.5%	3.0%	4.0%	12.5%
Black Scurf (<i>Rhizoctonia solani</i> Kuhn)	1.5%	3.0%	4.0%	25.0%
Common Scab (<i>Streptomyces</i> species)	3.0%	3.0%	4.0%	25.0%
Powdery Scab (<i>Spongospora</i>	1.5%	3.0%	4.0%	12.5%

<i>subterranea</i> (Wallr) Lagerh)				
<i>Group IV</i>				
Blemishes such as damaged or misshapen tubers	2.0%		4.0%	
<i>Group V</i>				
Dirt or other extraneous matter	1.0%			

Note: The collective group tolerance in Column 4 applies to Groups II, III and IV in Column 1

Table IV Basic Seed Potatoes other than VTSC class and equivalent (Northern Ireland and other parts of the UK)

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Diseases, pests, damage and defects</i>	<i>Individual Tolerances</i>	<i>Group Tolerances</i>	<i>Collective Group Tolerances</i>	<i>Allowable % surface area cover</i>
<i>Group I</i>				
Wart Disease (<i>Synchytrium endobioticum</i> (Schilb.))	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 <i>et al.</i> ssp. <i>sepedonicus</i> (Spieck & Kotth.) Davis <i>et al.</i>)	NIL			
Brown Rot (<i>Ralstonia solanacearum</i> (Smith) Yabuuchi <i>et al.</i>)	NIL			
Potato Tuber Moth (<i>Phthorimaea operculella</i> (Zell))	NIL			
Potato Spindle Tuber Viroid	NIL			
Colorado Beetle (<i>Leptinotarsa decemlineata</i> (Say))	NIL			
<i>Group II</i>				
Blight (<i>Phytophthora infestans</i> (Mont.) de Bary)	0.2%	0.5%	4.0%	
Blackleg (<i>Erwinia carotovora</i> (Jones) Bergey <i>et al.</i> ssp. <i>atroseptica</i> (Hellmers & Dowson) Dye) or <i>Erwinia chrysanthemi</i> Burkholder <i>et al.</i> or both	0.2%	0.5%	4.0%	
Soft/Wet Rot	0.2%	0.5%	4.0%	

Dry Rot (<i>Fusarium</i> species)	0.4%	0.5%	4.0%	
Gangrene (<i>Phoma</i> species)	0.4%	0.5%	4.0%	
Frost damaged tubers	0.2%	0.5%	4.0%	
Group III				
Skin Spot (<i>Polyscytalum pustulans</i> (Owen & Wakefield) (M. B. Ellis)	2.0%	4.0%	4.0%	12.5%
Black Scurf (<i>Rhizoctonia solani</i> Kuhn)	3.0%	4.0%	4.0%	25.0%
Common Scab (<i>Streptomyces</i> species)	4.0%	4.0%	4.0%	25.0%
Powdery Scab (<i>Spongospora subterranea</i> (Wallr) Lagerh)	3.0%	4.0%	4.0%	12.5%
Group IV				
Blemishes such as damaged or misshapen tubers	2.0%		4.0%	
Group V				
Dirt or other extraneous matter	1.0%			

Note: The collective group tolerance in Column 4 applies to Groups II, III and IV in Column 1.

Table V Basic Seed Potatoes produced outside the UK

Column 1	Column 2	Column 3	Column 4	Column 5
Diseases, pests, damage and defects	Individual Tolerances	Group Tolerances	Collective Group Tolerances	Allowable % surface area cover
Group I				
Wart Disease (<i>Synchytrium endobioticum</i> (Schilb.))	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 <i>et al.</i> ssp. <i>sepedonicus</i> (Spieck & Koth.) Davis <i>et al.</i>)	NIL			
Brown Rot (<i>Ralstonia solanacearum</i> (Smith) Yabuuchi <i>et al.</i>)	NIL			
Potato Tuber Moth (<i>Phthorimaea operculella</i> (Zell))	NIL			
Potato Spindle Tuber Viroid	NIL			

Colorado Beetle (<i>Leptinotarsa decemlineata</i> (Say))	NIL			
Group II				
Dry Rot (<i>Fusarium</i> species) and Wet Rot	0.5%		6.0%	
Group III				
Common Scab (<i>Streptomyces</i> species)	5.0%		6.0%	33.3%
Group IV				
Blemishes such as damaged or misshapen tubers	3.0%		6.0%	
Group V				
Dirt or other extraneous matter	2.0%			

SCHEDULE 7

Regulations 15, 16(a) and (b)

Particulars to be specified in a sale note, etc.

Pre-basic seed potatoes

1. Name and address of the seller

Net weight

Variety

Genetically modified (*if appropriate*)

Pre-basic seed potatoes

Class

Size

Grower's number

Particulars of any chemical treatment.

Basic seed potatoes

2. Name and address of the seller

Net weight

Variety

Genetically modified (*if appropriate*)

Basic seed potatoes

- Class
- Community grade
- Size
- Grower's number
- Particulars of any chemical treatment.

SCHEDULE 8

Regulation 18(3)

Sampling Procedures

- 1. If the bulk consists of seed potatoes -
 - (a) comprising more than one consignment, or
 - (b) associated with more than one certificate issued by the Department in accordance with these Regulations,

it shall be so divided that each consignment or, as the case may be, the quantity of seed 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 50 kg all the seed potatoes shall be examined.
- 3. - (1) Where the total quantity exceeds 50 kg all the seed potatoes in a sample selected as set out in paragraphs (2) and (3) shall be examined.
 - (2) Where seed potatoes are packed in packages or containers (other than sacks or bags) of 50 kg or less or in sacks and bags:
 - (i) 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 50 kg;
 - (ii) from lots exceeding 5 tonnes a sample of at least 250 kg shall be selected at random.
 - (3) Where seed potatoes are packed in packages or containers (other than sacks or bags) of more than 50 kg or unpacked:
 - (i) from lots not exceeding 5 tonnes at least one-twentieth of the weight of the lot shall be selected at random, the sample so selected being not less than 50 kg;

(ii) from lots exceeding 5 tonnes a sample of at least 250 kg shall be selected at random.

SCHEDULE 9

Regulation 19(3)(b)

Measures to prevent spread, by means of seed potatoes, of disease or pests

- (a) The dressing or re-dressing of seed potatoes;
- (b) The replacing of 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 disease;
- (d) The disposal, as set out in the notice, of the seed potatoes for a use other than as seed potatoes;
- (e) The destruction of seed potatoes as set out in the notice;
- (f) The cleaning and disinfection of premises and equipment as set out in the notice;
- (g) The disinfection of seed potatoes as set out in the notice on premises set out therein.

SCHEDULE 10

Regulation 24

Revocations

<i>Title</i>	<i>Reference</i>
Seed Potatoes Regulations (Northern Ireland) 1981	S.R. 1981 No. 243
Seed Potatoes (Amendment) Regulations (Northern Ireland) 1983	S.R. 1983 No. 244
Seed Potatoes (Amendment) Regulations (Northern Ireland) 1985	S.R. 1985 No. 2
Seed Potatoes (Amendment) Regulations (Northern Ireland) 1991	S.R. 1991 No. 397
Seed Potatoes (Amendment) Regulations (Northern Ireland) 1993	S.R. 1993 No. 372
Seed Potatoes (Amendment) Regulations (Northern Ireland) 1994	S.R. 1994 No. 459
Seed Potatoes (Amendment) Regulations (Northern Ireland) 1996	S.R. 1996 No. 242
Seed Potatoes (Amendment) Regulations (Northern Ireland) 1997	S.R. 1997 No. 402

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations consolidate, with amendments, the Seed Potatoes Regulations (Northern Ireland) 1981 (S.R. 1981 No. 243) as amended.

They regulate the production with a view to the classification and marketing of seed potatoes and give effect to Directive 66/403/EEC (O.J. No. L125, 11.7.66, p. 154) as amended by Directives -

- (a) 69/62/EEC (O.J. No. L48, p. 7);
- (b) 71/162/EEC (O.J. No. L87, p. 24);
- (c) 72/274/EEC (O.J. No. L171, p. 37);
- (d) 72/418/EEC (O.J. No. L287, p. 22);
- (e) 73/438/EEC (O.J. No. L356, p. 79);
- (f) 75/444/EEC (O.J. No. L196, p. 6);
- (g) 78/692/EEC (O.J. No. L236, p. 13);
- (h) 88/380/EEC (O.J. No. L187, p. 31);
- (i) 98/95/EC (O.J. No. L25, 1.2.99, p.1);
- (j) 98/96/EC (O.J. No. L25, 1.2.99, p. 27) on the marketing of seed potatoes.

They also give effect to Commission Decision 93/231/EEC (O.J. No. L106, 30.4.93, p.13) authorising in respect of the marketing of seed potatoes in all or part of the territory of certain member States more stringent measures against certain diseases than are provided for in Annexes I and II to Directive 66/403/EEC.

The Regulations make provision -

- (a) for the classification and grading of seed potatoes including provision relating to production measures in the interests of plant health and for separation in the interests of varietal purity (regulations 5, 6, 7, 8, 9 and Schedules 1, 2 and 3);
- (b) for the marketing and labelling of seed potatoes including requirements as to the seed potatoes that may be marketed in Northern Ireland and in respect of labelling and sealing of lots of seed potatoes, for official examination prior to marketing, enforcement and disease control measures (regulations 4, 10, 11, 12, 13, 14, 15, 16, 17, 19 and Schedules 4 to 7 and 9); and
- (c) for sampling of lots, the provision of information, service of notices and exemptions (regulations 18, 20, 21 and Schedule 8).

The Regulations -

- (a) introduce provisions recognising generations of seed potatoes earlier than basic seed potatoes referred to as pre-basic seed potatoes (regulations 2(1) and 4 and Schedule 2);
- (b) introduce an amended definition of marketing (regulation 2(4) and (5));
- (c) introduce provisions in relation to the marketing of small quantities for scientific purposes or selection work of seed potatoes which contain genetically modified material (regulation 4(5) to (7));
- (d) introduce provisions in respect of genetically modified seed potatoes requiring that official labels and marketing information clearly indicate that the seed potatoes have been genetically modified (regulation 11 and Schedules 5 and 7);
- (e) introduce a provision in respect of production methods in the interests of plant health (regulation 6);
- (f) introduce a prohibition on the planting in Northern Ireland of any potatoes other than potatoes which may be marketed in Northern Ireland under these Regulations or one year's progeny of such potatoes (regulation 22).

A contravention of, or failure to comply with, these Regulations is an offence under section 3 of the Seeds Act (Northern Ireland) 1965, as amended, for which the penalty, on summary conviction, is a fine not exceeding level 5 on the standard scale (currently £5000).

Notes:

- [1] Formerly the Department of Agriculture for Northern Ireland: *see* S.I. 1999/283 (N.I. 1), Article 3(4)[back](#)
- [2] 1965 c. 22 N.I.; sections 1 and 2 were amended by section 10 of the Agriculture (Miscellaneous Provisions) Act (Northern Ireland) 1970 (1970 c. 20 (N.I.)) and by S.R. & O. (N.I.) 1972 No. 351; section 2 was also amended by S.R. 1977 No. 295; section 12(1) was amended by S.R. & O. (N.I.) 1972 No. 351[back](#)
- [3] S.I. 1984/702 (N.I. 2)[back](#)
- [4] S.I. 1972/1811[back](#)
- [5] 1972 c. 68[back](#)
- [6] O.J. No. L106, 30.4.93, p. 7[back](#)
- [7] O.J. No. L117, 8.5.90, p. 15; as last amended by Commission Decision 98/294/EC, O.J. No. L131, 5.5.98, p. 33[back](#)
- [8] O.J. No. L106, 30.4.93, p. 13[back](#)
- [9] 1967 c. 28 (N.I.)[back](#)
- [10] S.R. 1993 No. 256 as amended by S.R. 1995 No. 164, No. 250 and No. 494, S.R. 1996 No. 204 and No. 249, S.R. 1997 No. 110 and No. 397, S.R. 1998 No. 16, No. 107, No. 146 and No. 315, S.R. 1999 No. 1, No. 24 and No. 212, S.R. 2000 No. 108 and No.126 and S.R. 2001 No. 32[back](#)

[11] 1954 c. 33 (N.I.)[back](#)

[12] O.J. No. L225, 12.10.1970, p. 1 (English Special Edition Supplement Series 1 (66-70) p. 36); as last amended by Council Directive 98/96/EC (O.J. No. L25, 1.2.1999, p. 27)[back](#)

[13] O.J. No. L125, 11.7.1966, p. 154[back](#)

[14] O.J. No. L25, 1.2.1999, p. 27[back](#)

[15] S.R. 1985 No. 1 as amended by S.R. 1987 No. 89 and S.R. 1990 No. 323[back](#)

[16] S.I. 1982/844; amended by S.I. 1985/1529, 1989/1314, 1990/1353, 1992/1615 and 1998/2726[back](#)

ISBN 0-337-23680-1

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Prepared 9 May 2001