

SCHEDULE 1

Regulation 2(1)

Growing crop certificates

PART 1

General

1. On receipt of an application for certification of any seed potatoes, an authorised officer must—
 - (a) allocate to the person making the application a number to be known as the “producer’s identification number” (where one does not already exist for that person);
 - (b) following an official examination, determine in accordance with this Schedule and Schedule 4 the categories and grades at which the seed potatoes are capable of being marketed; and
 - (c) subject to paragraphs 3 to 11, issue a growing crop certificate in accordance with paragraph 2.
- 2.—(1) A growing crop certificate must state—
 - (a) the name and address of the applicant;
 - (b) the categories and grades at which the authorised officer has determined the seed potatoes are capable of being marketed in accordance with paragraph 1(b);
 - (c) the name of the agricultural unit on which the crop was grown;
 - (d) the producer’s identification number;
 - (e) the date on which the growing crop was inspected;
 - (f) the variety of the seed potatoes;
 - (g) the area of the seed potatoes; and
 - (h) the location of the field on which the seed potatoes were grown.

(2) In sub-paragraph (1), “agricultural unit” has the meaning assigned to that expression in section 109(2) of the Agriculture Act 1947(1).
3. A growing crop certificate may only be issued where an authorised officer is satisfied, in relation to the seed potatoes examined by that officer, that—
 - (a) the seed potatoes are of a variety of potato species entered in a [F1GB Variety List];
 - (b) the seed potatoes in any one crop are of a single variety;
 - (c) the seed potatoes are taken from a crop which is free from the following diseases or pests—
 - (i) Wart Disease (*Synchytrium endobioticum* (Schilb) Perc);
 - (ii) Potato Cyst Nematode (*Globodera* species infesting potatoes);
 - (iii) Ring Rot (*Clavibacter michiganensis* (Smith) Davis et al ssp *Sepedonicus* (Spieck & Kotth) Davis et al);
 - (iv) Brown Rot (*Ralstonia solanacearum* (Smith) Yabuuchi et al);
 - (v) Potato Spindle Tuber Viroid;
 - [F2(vi) Colorado Beetle (*Leptinotarsa decemlineata* (Say));
 - (vii) Potato Tuber Eelworm (*Ditylenchus destructor* (Thorne));

(1) 1947 c.48.

- (viii) *Candidatus Liberibacter solanacearum* Liefing et al.; and
- (ix) *Candidatus Phytoplasma solani* Quaglino et al;]
- (d) the land on which the seed potatoes are growing or were grown is not land which is demarcated under [^{F3}Part 3 of Schedule 2 to the Official Controls (Plant Health) Regulations] as contaminated with Wart Disease (*Synchytrium endobioticum* (Schilb) Perc) or is within a safety zone demarcated under [^{F4}those Regulations];
- (e) blanking in any of the growing crop of the seed potatoes is not or was not excessive;
- (f) the growing crop has not been over-rogued; and
- (g) all reasonable husbandry practices for the prevention of the occurrence, development or spread of diseases and pests have been effectively carried out.

Textual Amendments

- F1** Words in Sch. 1 para. 3(a) substituted (31.12.2020) by [The Animal Health, Plant Health, Seeds and Seed Potatoes \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/809\)](#), regs. 1(b), **7(15)(a)** (as substituted by [S.I. 2020/1388](#), regs. 1(2)(a), **21(4)(1)(i)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F2** Sch. 1 para. 3(c)(vi)-(ix) substituted for Sch. 1 para. 3(c)(vi)(vii) (24.7.2020) by [The Marketing of Seed, Plant and Propagating Material \(England\) Regulations 2020 \(S.I. 2020/682\)](#), regs. 1(1), **5(3)(a)**
- F3** Words in Sch. 1 para. 3(d) substituted (14.1.2020) by [The Official Controls \(Plant Health and Genetically Modified Organisms\) \(England\) Regulations 2019 \(S.I. 2019/1517\)](#), reg. 1, **Sch. 5 para. 4(4)(a)(i)**
- F4** Words in Sch. 1 para. 3(d) substituted (14.1.2020) by [The Official Controls \(Plant Health and Genetically Modified Organisms\) \(England\) Regulations 2019 \(S.I. 2019/1517\)](#), reg. 1, **Sch. 5 para. 4(4)(a)(ii)**

PART 2

Pre-basic seed potatoes

4.—(1) No growing crop certificate may be issued containing a statement that seed potatoes are capable of being marketed as pre-basic seed potatoes of any grade unless the authorised officer is satisfied that the land on which the seed potatoes are growing or were grown—

- (a) is land which, as a result of a soil test carried out by the Secretary of State prior to the planting of the crop, has been found not to be contaminated with Potato Cyst Nematode (*Globodera* species infesting potatoes);
- (b) is not demarcated under [^{F5}Part 4 of Schedule 2 to the Official Controls (Plant Health) Regulations] as infested with a European population of Potato Cyst Nematode; and
- (c) has not been used for growing potatoes at any time during the seven years immediately preceding the planting of the crop.

(2) But sub-paragraph (1)(a) does not apply in the case of seed potatoes grown in a soil-free medium.

Textual Amendments

- F5** Words in Sch. 1 para. 4(1)(b) substituted (14.1.2020) by [The Official Controls \(Plant Health and Genetically Modified Organisms\) \(England\) Regulations 2019 \(S.I. 2019/1517\)](#), reg. 1, **Sch. 5 para. 4(4)(b)**

5. No growing crop certificate may be issued containing a statement that seed potatoes are capable of being marketed as pre-basic seed potatoes of [^{F6}GB] grade PBTC unless the authorised officer is satisfied that the immediately succeeding crop produced from the seed potatoes is not likely to contain—

- (a) plants of a different variety; or
- (b) plants affected by mild or severe virus.

Textual Amendments

F6 Word in Sch. 1 para. 5 substituted (31.12.2020) by [The Animal Health, Plant Health, Seeds and Seed Potatoes \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/809\)](#), regs. 1(b), **7(15)(b)** (as amended by S.I. 2020/1388, regs. 1(2)(a), **21(4)(1)(ii)**); 2020 c. 1, **Sch. 5 para. 1(1)**

6. No growing crop certificate may be issued containing a statement that seed potatoes are capable of being marketed as pre-basic seed potatoes of [^{F7}GB] grade PB unless the authorised officer is satisfied that the immediately succeeding crop produced from the seed potatoes is not likely to contain—

- (a) more than 0.01% by number of growing plants which deviate from variety and type or are a different variety; or
- (b) more than 0.5% by number of growing plants which show symptoms of virus diseases where those symptoms are attributable to infection in the mother crop.

Textual Amendments

F7 Word in Sch. 1 para. 6 substituted (31.12.2020) by [The Animal Health, Plant Health, Seeds and Seed Potatoes \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/809\)](#), regs. 1(b), **7(15)(b)** (as amended by S.I. 2020/1388, regs. 1(2)(a), **21(4)(1)(ii)**); 2020 c. 1, **Sch. 5 para. 1(1)**

PART 3

Basic seed potatoes

7.—(1) No growing crop certificate may be issued containing a statement that seed potatoes are capable of being marketed as basic seed potatoes of any grade unless the authorised officer is satisfied that the land on which the seed potatoes are growing or were grown—

- (a) is land which, as a result of a soil test carried out by the Secretary of State prior to the planting of the crop, has been found not to be contaminated with Potato Cyst Nematode (*Globodera* species infesting potatoes);
- (b) is not demarcated under [^{F8}Part 4 of Schedule 2 to the Official Controls (Plant Health) Regulations] as infested with a European population of Potato Cyst Nematode; and
- (c) has not been used for growing potatoes at any time during the five years immediately preceding the planting of the crop.

(2) But sub-paragraph (1)(a) does not apply in the case of seed potatoes grown in a soil-free medium.

Textual Amendments

- F8** Words in Sch. 1 para. 7(1)(b) substituted (14.1.2020) by The Official Controls (Plant Health and Genetically Modified Organisms) (England) Regulations 2019 (S.I. 2019/1517), reg. 1, Sch. 5 para. 4(4)(c)

8. No growing crop certificate may be issued containing a statement that seed potatoes are capable of being marketed as basic seed potatoes of any grade unless the authorised officer is satisfied that the immediately succeeding crop produced from the seed potatoes is not likely to contain—

- (a) more than 0.25% by number of growing plants which do not breed true to variety or are a different variety; and
- (b) in the case of—
 - (i) [F9GB] grade S, not more than 1%,
 - (ii) [F9GB] grade SE, not more than 2%, and
 - (iii) [F9GB] grade E, not more than 4%,

by number of growing plants which show symptoms of virus diseases ^{F10}...where those symptoms are attributable to infection in the mother crop.

Textual Amendments

- F9** Word in Sch. 1 para. 8 substituted (31.12.2020) by The Animal Health, Plant Health, Seeds and Seed Potatoes (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/809), regs. 1(b), 7(15)(b) (as amended by S.I. 2020/1388, regs. 1(2)(a), 21(4)(1)(ii)); 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in Sch. 1 para. 8 omitted (24.7.2020) by virtue of The Marketing of Seed, Plant and Propagating Material (England) Regulations 2020 (S.I. 2020/682), regs. 1(1), 5(3)(b)

PART 4

Certified seed potatoes

9. No growing crop certificate may be issued containing a statement that seed potatoes are capable of being marketed as certified seed potatoes in the case of seed potatoes growing or grown in the protected region.

10.—(1) No growing crop certificate may be issued containing a statement that seed potatoes are capable of being marketed as certified seed potatoes unless the authorised officer is satisfied that the land on which the seed potatoes are growing or were grown—

- (a) is land which, as a result of a soil test carried out by the Secretary of State prior to the planting of the crop, has been found not to be contaminated with Potato Cyst Nematode (*Globodera* species infesting potatoes);
- (b) is not demarcated under [F11Part 4 of Schedule 2 to the Official Controls (Plant Health) Regulations] as infested with a European population of Potato Cyst Nematode; and
- (c) has not been used for growing potatoes at any time during the four years immediately preceding the planting of the crop.

(2) But sub-paragraph (1)(a) does not apply in the case of seed potatoes grown in a soil-free medium.

Textual Amendments

- F11** Words in Sch. 1 para. 10(1)(b) substituted (14.1.2020) by [The Official Controls \(Plant Health and Genetically Modified Organisms\) \(England\) Regulations 2019 \(S.I. 2019/1517\)](#), reg. 1, **Sch. 5 para. 4(4)(d)**

11. No growing crop certificate may be issued containing a statement that seed potatoes are capable of being marketed as certified seed potatoes unless the authorised officer is satisfied that the immediately succeeding crop produced from the seed potatoes is likely to contain—

(a) in the case of—

- (i) [^{F12}GB] grade A, not more than 0.5%, and
- (ii) [^{F12}GB] grade B, not more than 0.5%,

by number of growing plants which do not breed true to variety or are a different variety;
and

(b) in the case of—

- (i) [^{F12}GB] grade A, not more than 8%, and
- (ii) [^{F12}GB] grade B, not more than 10%,

by number of growing plants which show symptoms of severe virus diseases ^{F13}... where those symptoms are attributable to infection in the mother crop.

Textual Amendments

- F12** Word in Sch. 1 para. 11 substituted (31.12.2020) by [The Animal Health, Plant Health, Seeds and Seed Potatoes \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/809\)](#), regs. 1(b), **7(15)(b)** (as amended by [S.I. 2020/1388](#), regs. 1(2)(a), **21(4)(1)(ii)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F13** Words in Sch. 1 para. 11 omitted (24.7.2020) by virtue of [The Marketing of Seed, Plant and Propagating Material \(England\) Regulations 2020 \(S.I. 2020/682\)](#), regs. 1(1), **5(3)(c)**

Changes to legislation:

There are currently no known outstanding effects for the The Seed Potatoes (England) Regulations 2015, SCHEDULE 1.