
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Scotland only, consolidate with amendments to the Seed Potatoes Regulations 1991 (S.I.1991/2206) as amended by the Seed Potatoes (Amendment) Regulations 1982 (S.I. 1982/1031), the Seed Potatoes (Amendment) Regulations 1993 (S.I. 1993/1878) Seed Potatoes (Amendment) Regulations 1994 (S.I. 1994/2592) and the Seed Potatoes (Amendment) Regulations 1997 (S.I. 1997/1474) (“the 1991 Regulations”). They regulate the production with a view to marketing, classification and marketing of seed potatoes and give effect to Directive 66/403/EEC (O.J. No. L 125, 11.7.66, p.154) as amended by Directives 69/62/EEC (O.J. No. L 48, p.55), 71/162/EEC (O.J. No. L 87, p.232), 72/274/EEC (O.J. No. L 171, p.37), 72/418/EEC (O.J. No. L 287, p.20), 73/438/EEC (O.J. No. L 356, p.79), 75/444/EEC (O.J. No. L 196, p.6), 78/692/EEC (O.J. No. L 236, p.13), 88/380/EEC (O.J. No. L 187, p.31), 98/95/EC (O.J. No. L 25, 1.2.99, p.1) and O.J. 98/96/EC (O.J. No. L 25, 1.2.99, p.27) on the marketing of seed potatoes.

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 (Part II and Schedules 1 to 3);
- (b) for the marketing and labelling of seed potatoes including requirements as to the seed potatoes that may be marketed in Scotland and in respect of labelling and sealing of lots of seed potatoes, for official examination prior to marketing, enforcement and disease control measures (Part III and Schedules 4 to 8); and
- (c) for sampling of lots, the provision of information, service of notices and exemptions (Part IV and Schedule 9).

The Regulations–

- (a) introduce provision recognising generations of seed potatoes earlier than basic seed potatoes referred to as pre-basic seed potatoes (regulations 2(1) and 8 and Schedule 2);
- (b) introduce an amended definition of marketing (regulation 3(3) and (4));
- (c) introduce provision in relation to the derogation in respect of small quantities of seed potatoes marketed for scientific purposes and for selection work that derogation may be granted in relation to genetically modified seed potatoes only where certain conditions are met (regulation 3(5) to (7)).
- (d) introduce provision in respect of genetically modified (as defined in Council Directive 90/220/EEC on the deliberate release into the environment of genetically modified organisms) seed potatoes requiring that official labels and marketing information clearly indicate that the seed potatoes have been genetically modified (regulations 8(3), 9(5) and Schedules 6 and 8);
- (e) introduce provision in respect of production methods in the interests of plant health (regulation 6); and
- (f) make drafting and other amendments consequential on devolution of functions to Scottish Ministers.