

2009 No. 226

SEEDS

The Seed Potatoes (Scotland) Amendment Regulations 2009

Made - - - - *3rd June 2009*

Laid before the Scottish Parliament *4th June 2009*

Coming into force - - *30th June 2009*

The Scottish Ministers make the following Regulations, in exercise of the powers conferred by sections 16(1) to (4) and 36 of the Plant Varieties and Seeds Act 1964(a) after consultation in accordance with section 16(1) of that Act with representatives of such interests as appear to them to be concerned.

Citation and commencement

1. These Regulations may be cited as the Seed Potatoes (Scotland) Amendment Regulations 2009 and come into force on 30th June 2009.

Amendment to the Seed Potatoes (Scotland) Regulations 2000

2. The Seed Potatoes (Scotland) Regulations 2000(b) are amended in accordance with regulations 3 to 5 of these Regulations.

Amendment of regulation 2 (interpretation)

3. In regulation 2(1) (interpretation), insert at the appropriate place—

““additional region” means the region for seed production approved by the Scottish Ministers for the purposes of the second paragraph of article 11(1) of the Commission Directive 2008/62;”;

““conservation variety” means a variety which is listed as such in accordance with the Seeds (National Lists of Varieties) Regulations 2001(c) (the National List);”;

““region of origin” means the region forming a part or the whole of the United Kingdom identified by the Scottish Ministers for the purposes of article 8.1 of Commission Directive 2008/62;” and

(a) 1964 c.14. section 16 has been amended by the European Communities Act 1972 (c.68), (“1972 Act”) section 4(1) and paragraph 5(1) and (2) of Schedule 4 and S.I. 1977/1112. Section 16 is applied to seed potatoes by section 29(1); section 29 was amended by the 1972 Act, section 4(1) and paragraph 5(4) of Schedule 4. See section 38 for the definition of “the Ministers”. The functions of the Secretary of State, so far as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.S.I. 2000/201 as amended by S.S.I. 2005/280 and 2007/418.

(c) S.I. 2001/3510 as amended by S.I. 2004/2949, 2007/1871, 2008/2683, S.S.I. 2004/317, S.S.I. 2005/328 and 329.

““Commission Directive 2008/62” means Commission Directive 2008/62/EC providing for certain derogations for acceptance of agricultural landraces and varieties which are naturally adapted to the local and regional conditions and threatened by genetic erosion and for marketing of seed and seed potatoes of those landraces and varieties(a);”.

Amendment of regulation 8 (marketing of seed potatoes)

4. After regulation 8(4) insert–

“(5) No person shall market seed potatoes of a conservation variety unless–

- (a) it has been produced in its region of origin or additional region; and
- (b) marketing takes place in its region of origin.

(6) For the purposes of Article 14 of Commission Directive 2008/62, the Scottish Ministers may specify the maximum amount of seed potatoes of a conservation variety which may be marketed in any given production season and different maxima for different persons or classes of persons may be specified.”.

Amendment of Schedule 6 (official labels)

5. In Schedule 6 (official labels)–

(a) in paragraph 1(2)(c) (pre-basic seed potatoes) insert at the end–

“Conservation Variety (if appropriate)

Region of Origin (if appropriate)”.

(b) in paragraph 2(2)(c) (basic seed potatoes) insert at the end–

“Conservation Variety (if appropriate)

Region of Origin (if appropriate)”.

RICHARD LOCHHEAD
A member of the Scottish Executive

St Andrew’s House,
Edinburgh
3rd June 2009

(a) O.J. No. L 162, 21.6.2008, p.13.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Seed Potatoes Regulations 2000 (S.S.I. 2000/201) (“the Principal Regulations”). These Regulations give effect to Commission Directive 2008/62/EC, whereby Member States may make certain derogations from compliance with the general requirements for acceptance of varieties and the marketing of seed potatoes.

Article 13 of Commission Directive 2008/62/EC stipulates that seed potatoes of a conservation variety may only be marketed subject to certain conditions. Article 14 of the Commission Directive 2008/62/EC imposes a quantitative restriction upon each Member State for each conservation variety and Article 18 provides for each package or container of seed potato of a conservation variety to bear certain information upon a supplier’s label or printed or stamped notice.

These Regulations introduce these changes:

Regulation 3 amends the interpretation provisions in regulation 2 of the Principal Regulations to include a definition of additional region, a conservation variety, region of origin and Commission Directive 2008/62. Regulation 4 amends regulation 8 by insertion of new paragraphs introducing restrictions placed upon marketing seed potatoes of a conservation variety. Regulation 5 amends Schedule 6 by inserting a requirement for official labels for seed potatoes of a conservation variety to bear the words ‘conservation variety’ and state their region of origin in addition to the other information required.

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