

**2010 No. 71**

**SEEDS**

**The Seed Potatoes (Scotland) Amendment Regulations 2010**

*Made* - - - - *25th February 2010*

*Laid before the Scottish Parliament* *1st March 2010*

*Coming into force*

*Regulations 1, 2(b), 4, and 5* *29th March 2010*

*Regulations 2(a) and 3* *1st July 2010*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 16(1) and 36 of the Plant Varieties and Seeds Act 1964(a).

In accordance with section 16(1) of that Act, the Scottish Ministers have consulted with representatives of such interests as appear to them to be concerned.

**Citation and commencement**

**1.**—(1) These Regulations may be cited as the Seed Potatoes (Scotland) Amendment Regulations 2010.

(2) Regulations 1, 2(b), 4 and 5 come into force on 29th March 2010.

(3) Regulations 2(a) and 3 come into force on 1st July 2010.

**Amendment to the Seed Potatoes (Scotland) Regulations 2000**

**2.** The Seed Potatoes (Scotland) Regulations 2000(b) are amended in accordance with—

(a) regulation 3; and

(b) regulations 4 and 5.

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(a) 1964 c.14. Section 16 was amended by the European Communities Act 1972 (c.68), section 4(1) and paragraph 5(1) and (2) of Schedule 4; by the Agriculture Act 1986 (c.49), section 2; and by S.I. 1977/1112. Section 16 is applied to seed potatoes by section 29(1); section 29 was amended by the European Communities Act 1972, section 4(1) and paragraph 5(4) of Schedule 4. See section 38 for the definition of “the Ministers”. The functions of the Secretary of State 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, 2007/418 and 2009/226.

**Amendment of Schedule 1 (classification: certification conditions)**

3. In Schedule 1 (classification: certification conditions) in paragraph 3, for sub-paragraph (i) substitute—

- “(i) in any case where potato cyst nematode has been found on the land on which the seed potatoes are growing—
  - (i) the land is no longer demarcated as infected with potato cyst nematode under Schedule 15 to the Plant Health (Scotland) Order 2005(a);
  - (ii) six years have elapsed since the last positive finding; and
  - (iii) the land on which the seed potatoes are grown or were grown is land which has not been used for growing potatoes at any time during the period, in the case of a crop for which an application for inspection as Pre-basic, class generation 1, 2, 3 or 4 seed potatoes has been made, of seven years, and in the case of all other crops, of five years, immediately preceding the planting of the crop;”.

**Amendment of Schedule 2 (classification: source material, other requirements and tolerances)**

4. In Schedule 2 (classification: source material, other requirements and tolerances)—

- (a) in Table I (pre-basic seed potatoes) for the entries in relation to “Class Pre-basic Tissue Culture (PBTC)” and “Class Pre-basic, class generation 1 (PB 1)” in column 4 (tolerances), after “(v) blackleg – nil” insert “; (vi) *Dickeya* spp. – nil”; and
- (b) in Table II (basic seed potatoes)—
  - (i) for the entry in relation to “Class Super Elite, class generation 1 (SE1)” in column 4 (tolerances), after “(v) blackleg – 0.25%” insert “; (vi) *Dickeya* spp. – nil”;
  - (ii) for the entry in relation to “Class Elite, class generation 1 (E1)” in column 4 (tolerances), after “(iii) blackleg – 0.5%”, insert “; (iv) *Dickeya* spp. – nil”; and
  - (iii) for the entry in relation to “Class A” in column 4 (tolerances), after “(iii) blackleg – 1%”, insert “; (iv) *Dickeya* spp. – nil”.

**Amendment of Schedule 7 (tolerances for diseases, pests, damages and defects)**

5. In Schedule 7 (tolerances for diseases, pests, damage and defects)—

- (a) in Table I (pre-basic TC class and equivalent), Group II, insert the following new row—

<i>Dickeya</i> spp.	NIL			
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 ;

- (b) in each of Tables II (pre-basic class generations 1 to 4 and equivalent), III (basic, equivalent and test and trial seed potatoes produced in the UK), IV (basic, equivalent and test and trial seed potatoes not produced in the UK) and V (basic seed potatoes intended for markets outside the European Community), in Group II insert the following new row—

<i>Dickeya</i> spp.	NIL	--	--	
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- (c) in each of Tables I (pre-basic TC class and equivalent), II (pre-basic class generations 1 to 4 and equivalent) and III (basic, equivalent and test and trial seed potatoes produced in the UK), in Group II for “Blackleg (*Erwinia carotovora* (Jones) Bergey *et al.* ssp

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(a) S.S.I. 2005/613.

*atroseptica* (Hellmers & Dowson) Dye) or *Erwinia chrysanthemi* Burkholder *et al.* or both”, substitute “Blackleg (*Pectobacterium* spp.)”; and

- (d) in Table V (basic seed potatoes intended for markets outside the European Community) in Group II for “Blackleg (*Erwinia carotovora* (Jones) Bergey *et al.* ssp *atroseptica* (Hellmers & Dowson) Dye) or *Erwinia chrysanthemi* Burkholder *et al.* or both”, substitute “Blackleg (*Pectobacterium* spp.)”.

St Andrew’s House,  
Edinburgh  
25th February 2010

*RICHARD LOCHHEAD*  
A member of the Scottish Executive

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Seed Potatoes (Scotland) Regulations 2000 (“the principal Regulations”).

Regulation 3 amends Schedule 1 to the principal Regulations to give effect to Council Directive (2007/33/EC) on the control of potato cyst nematodes.

Regulations 4 and 5 amend Schedules 2 and 7 to the principal Regulations to introduce zero tolerance of *Dickeya* spp. for all grades of seed potato.

A Regulatory Impact Assessment has been prepared. A copy has been placed in the Scottish Parliament Reference Centre. Copies can be obtained from the offices of the Scottish Government Rural Directorate at Pentland House, 47 Robb’s Loan, Edinburgh EH14 1TY.

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