
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend and consolidate the Seed Potatoes (England) Regulations 2006 ([S.I. 2006/1161](#)).

The Regulations control the production with a view to marketing, the certification and the marketing of seed potatoes in England, other than those intended for export outside the European Union. They implement various European instruments, in particular Council [Directive 2002/56/EC](#) on the marketing of seed potatoes (OJ No L 193, 20.7.2002, p 60).

Regulation 4 prohibits the marketing of any seed potatoes unless they have been certified as either pre-basic, basic or certified seed potatoes, or unless they have been authorised for marketing for scientific purposes or selection work or for test and trial purposes. For seed potatoes produced in England, certification, including the determination of the category and grade at which the potatoes must be marketed, must take place in accordance with the requirements of regulation 10.

Regulation 6 applies more stringent requirements to seed potatoes to be marketed in the “protected region” (defined in regulation [2\(1\)](#)). Regulation 7 provides that seed potatoes cannot be marketed unless they comply with the specified size requirements.

Regulations [8](#) and [9](#) allow the Secretary of State to authorise the marketing of small quantities of seed potatoes for scientific purposes or selection work and seed potatoes for test and trial purposes.

Regulation [12](#) provides that seed potatoes (other than retail sales of small quantities of seed potatoes meeting the conditions of regulation [18](#)) may only be marketed in packages or containers. Seed potatoes in packages or containers (other than those authorised to be marketed for scientific purposes or selection work) can only be marketed if labelled and sealed (regulations [13](#) and [14](#)), the labels bearing the particulars specified in Schedule 2. Documents accompanying seed potatoes that have been genetically modified must include reference to this fact (regulation [15](#)).

Regulation [19](#) provides for the taking of samples as part of the certification process or to ensure compliance with the provisions of the Regulations.

Regulation [21](#) provides the Secretary of State with powers of examination and production of seed potatoes and relevant documents.

Regulation [22](#) allows the Secretary of State to withdraw official labels or official documents relating to seed potatoes which are found not to comply with the requirements imposed by the Regulations.

Contravention of any provision in the Regulations is an offence under section 16(7)(b) of the Plant Varieties and Seeds Act [1964 \(c.14\)](#), incurring liability on summary conviction to a fine.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.