
STATUTORY INSTRUMENTS

2015 No. 1953

The Seed Potatoes (England) Regulations 2015

Labelling of packages and containers of seed potatoes

13.—(1) Subject to regulation 18, no person may market, other than in a properly labelled package or container—

- (a) pre-basic seed potatoes;
- (b) basic seed potatoes;
- (c) certified seed potatoes; or
- (d) test and trial seed potatoes.

(2) For the purposes of this regulation, a properly labelled package or container means a package or container that—

- (a) has affixed to the outside an official label; and
- (b) subject to paragraph (3), contains an official document.

(3) Paragraph (2)(b) does not apply where—

- (a) the particulars specified in paragraph 16 of Schedule 2 are indelibly printed on the package or container; or
- (b) the official label is of an adhesive or wear and tear resistant material.

(4) An application to the Secretary of State for an official label or official document must be made in writing and must be accompanied by such information as the Secretary of State may require.

(5) The Secretary of State may only issue an official label or official document if satisfied that—

- (a) the seed potatoes are pre-basic seed potatoes, basic seed potatoes, certified seed potatoes or test and trial seed potatoes;
- (b) the seed potatoes comply with the minimum size requirements specified in regulation 7 and that the maximum variation in size between tubers does not exceed that specified in regulation 7;
- (c) the seed potatoes are contained in a package or container;
- (d) the seed potatoes have not been treated with a product which is produced primarily as an application for inhibiting germination;
- (e) the seed potatoes have been harvested, stored, transported and handled so as to minimise the risk of contamination by any of the diseases or pests specified in Schedule 3;
- (f) on a sample taken in accordance with regulation 19, the seed potatoes do not exceed any of the tolerances for diseases or pests, damage or defects specified in the appropriate Part of Schedule 3; and
- (g) there has been no other failure to comply with these Regulations in respect of any of the seed potatoes.

(6) If a package or container has been re-sealed by an authorised officer in accordance with regulation 14(3), the official label must state—

- (a) that the package or container has been so re-sealed;

- (b) the date of re-sealing; and
- (c) the name of the authorised officer responsible for re-sealing.

(7) Where any pre-basic seed potatoes, basic seed potatoes, certified seed potatoes or test and trial seed potatoes have been treated with any chemical product, the type and function or the proprietary name of that product must be—

- (a) stated on a label affixed to the package or container; and
- (b) either—
 - (i) stated on a document contained in the package or container; or
 - (ii) indelibly printed on the package or container.

(8) For the purposes of section 16(7)(a) of the Act, information relating to a variety of seed potatoes contained in a statutory statement is not held to be false in a material particular by reason only that it is false—

- (a) in the case of pre-basic seed potatoes, in respect of no more than 0.01% of the seed potatoes;
- (b) in the case of basic seed potatoes, in respect of no more than 0.1% of the seed potatoes;
- (c) in the case of certified seed potatoes and test and trial seed potatoes, in respect of no more than 0.2% of the seed potatoes.

(9) No person may, in connection with the marketing or the preparation for the marketing of any seed potatoes, wilfully reproduce, remove, alter, deface, conceal or misuse in any way any official label or official document, or any label affixed or document supplied in accordance with paragraph (2), except in accordance with the requirements of the Act, these Regulations or Orders made under the Plant Health Act 1967(1).