
WELSH STATUTORY INSTRUMENTS

2001 No. 3666

The Seed Potatoes (Amendment) (Wales) Regulations 2001

Regulation 6 (marketing of seed potatoes)

5. In regulation 6, for paragraphs (2) and (3) substitute —

“(2) Subject to the provisions of regulation 21, no person shall market —

- (a) any pre-basic seed potatoes, basic seed potatoes or certified seed potatoes —
 - (i) which have been treated with a product which is produced primarily as an application for inhibiting germination; or
 - (ii) as being of a class superior to that in which those potatoes were classified; or
- (b) any basic seed potatoes or certified seed potatoes —
 - (i) which are of a size less than 25 millimetres; or
 - (ii) in a lot where the variation in size of the seed potatoes exceeds 25 millimetres.

(3) Subject to the provisions of regulation 21, no person shall market any seed potatoes within the protected region other than —

- (a) pre-basic seed potatoes; or
- (b) basic seed potatoes of a Community grade.

(4) The prohibitions in paragraph (1) above shall not apply to the marketing by producers of small quantities of seed potatoes, other than seed potatoes which contain any genetically modified material, for scientific purposes or selection work.

(5) If the conditions specified in paragraph (6) below are satisfied the prohibitions in paragraph (1) above shall not apply to the marketing by producers, for scientific purposes or selection work, of small quantities of seed potatoes which contain any genetically modified material.

(6) The conditions referred to in paragraph (5) above are —

- (a) the deliberate release of the genetically modified material has been authorised under a Part B consent, or the genetically modified material has been accepted for marketing in accordance with a Part C consent, issued for the purposes of Council Directive [90/220/EEC](#) on the deliberate release into the environment of genetically modified organisms;
- (b) the seed potatoes are accompanied during marketing by a copy of the consent;
- (c) all appropriate measures, in accordance with an environmental risk assessment in respect of the material carried out in accordance with article 7(4) of Council Directive [70/457/EEC](#)(1), have been taken by the producer of the seed potatoes to avoid adverse effects on human health and the environment; and

(1) OJNo. L225, 12.10.1970, p.1 (English Special Edition Supplement Series 1 (66—70) p.36); as last amended by Council Directive [98/96/EC](#) (OJ No. L25, 1.2.1999, p.27).

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Seed Potatoes (Amendment) (Wales) Regulations 2001. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (d) in the case of genetically modified material accepted for marketing in accordance with a Part C consent, an authorisation has been granted by the National Assembly in accordance with paragraph (7) below to the person marketing the seed potatoes.
- (7) An authorisation may be granted by the National Assembly for the purpose of paragraph (6)(d) above if —
 - (a) the person intending to market the seed potatoes has applied to the National Assembly no later than 15 working days before the seed potatoes are marketed —
 - (i) giving the National Assembly notice of that person’s intention to market the seed potatoes and a description of the proposed marketing in respect of which the authorisation is sought; and
 - (ii) giving the National Assembly such information relating to the acceptance for marketing of the variety of the seed potatoes concerned under Council Directive [90/220/EEC](#) and the proposed marketing in respect of which the authorisation is sought, as the National Assembly may require for the purposes of determining whether or not to grant the authorisation; and
 - (b) the National Assembly is satisfied that an authorisation should be granted.”.

Commencement Information

II Reg. 5 in force at 29.11.2001, see [reg. 1\(1\)](#)

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Changes and effects yet to be applied to :

- Regulations revoked by [S.I. 2006/2929 Sch. 8](#)