
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in relation to Wales, consolidate with amendments the Seed Potatoes Regulations 1991 (S.I. 1991/2206), the Seed Potatoes (Amendment) Regulations 1992 (S.I. 1992/1031), the Seed Potatoes (Amendment) Regulations 1993 (S.I. 1993/1878), the Seed Potatoes (Amendment) Regulations 1994 (S.I. 1994/2592), the Seed Potatoes (Amendment) Regulations 1997 (S.I. 1997/1474) and the Seed Potatoes (Amendment) (Wales) Regulations 2001 (S.I. 2001/3666).

The Regulations control the production with a view to marketing, the certification and the marketing of seed potatoes in Wales, other than those intended for export outside the European Community, and give effect to Council Directive [2002/56/EC](#) of 13 June 2002 on the marketing of seed potatoes (OJ L 193, 20.7.2002, p60), as amended, which codifies the previous Community law. They also give effect to Commission Decision [2004/842/EC](#) of 1 December 2004 concerning implementing rules whereby member States may authorise the placing on the market of seed belonging to varieties for which an application for entry in the national catalogue of varieties of agricultural plant species or vegetable species has been submitted (OJ L 362, 9.12.2004, p21), which sets out the conditions on which seed potatoes which have not yet been added to a National List may be marketed for test and trial purposes.

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 Wales, certification, including the determination of the category and class at which the potatoes should be marketed, must take place in accordance with the requirements of regulation 9.

Regulation 5 applies more stringent requirements to seed potatoes to be marketed in the “protected region” (“*rhanbarth sydd wedi ei ddiogelu*”) (defined in regulation 2(1)). Regulation 6 provides that seed potatoes cannot be marketed unless they comply with the size requirements laid down by the regulation.

Regulations 7 and 8 allow the National Assembly for Wales (“the National Assembly”) 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 11 provides that seed potatoes (other than retail sales of small quantities of seed potatoes meeting the conditions of regulation 17) 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 12 and 13), 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 14).

Regulation 18 provides for the taking of samples as part of the certification process or to ensure compliance with the provisions of the Regulations.

Regulation 20 provides the National Assembly with powers of examination and production of seed potatoes and relevant documents.

Regulation 21 allows the National Assembly 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 not exceeding level 5 on the standard scale.

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Seed Potatoes (Wales) Regulations 2006. 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*

The Regulations include drafting and other amendments including those consequential on devolution of functions to Scottish Ministers, in relation to Scotland, and to the National Assembly, in relation to Wales.

A Regulatory Appraisal in relation to these Regulations has been prepared. A copy is available from the Department for Environment, Planning and Countryside, Welsh Assembly Government, Cathays Park, Cardiff CF10 3NQ.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Seed Potatoes (Wales) Regulations 2006. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Regulations revoked by [S.I. 2016/106 reg. 25\(a\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 3-68-10](#)