1994 No. 459

SEEDS

Seed Potatoes (Amendment) Regulations (Northern Ireland) 1994

Made	*23rd November 1994*
Coming into operation . .	*30th December 1994*

The Department of Agriculture, in exercise of the powers conferred on it by sections 1(**a**), 2 and 12(1) of the Seeds Act (Northern Ireland) 1965(**b**) and of every other power enabling it in that behalf, after consultation with representatives of such interests as appear to it to be concerned, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Seed Potatoes (Amendment) Regulations (Northern Ireland) 1994 and shall come into operation on 30th December 1994.

Amendment of the Seed Potatoes Regulations (Northern Ireland) 1981

2. The Seed Potatoes Regulations (Northern Ireland) 1981(**c**) shall be amended as provided in regulations 3 to 14.

Interpretation

3.—(1) In regulation 2(1)—

(*a*) after the definition of "Common Catalogue" there shall be inserted the following definition—

" "Community grade" in relation to basic seed potatoes means one of the grades designated by Commission Directive 93/17/EEC(**d**) determining Community grades of basic seed potatoes, together with the conditions and designations applicable to such grades;";

(*b*) the definition of "official document" shall be deleted;

(*c*) after the definition of "potato" there shall be inserted the following definition—

(**a**) As amended by S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Sch. 3
(**b**) 1965 c. 22 (N.I.)
(**c**) S.R. 1981 No. 243 as amended by S.R. 1983 No. 244, S.R. 1985 No. 2, S.R. 1991 No. 397 and S.R. 1993 No. 372
(**d**) O.J. No. L106, 30.4.93, p. 7

" "protected region" means Northern Ireland and any of those regions listed in the Annex to Commission Decision 93/231/EEC(**a**);".

(2) For regulation 2(2) there shall be substituted the following paragraph—

"(2) These Regulations are without prejudice to the provisions of the Plant Health Order (Northern Ireland) 1993(**b**).".

Scope of regulations

4. In regulation 3, paragraph (1) shall be deleted.

Marketing of seed potatoes

5. In regulation 4 after paragraph (1) there shall be inserted the following paragraph—

"(1A) A person shall not market any seed potatoes within a protected region other than basic seed potatoes of a Community grade.".

Certification and classification

6. After regulation 5 there shall be inserted the following regulation—

"*Grading of basic seed potatoes into Community grades*

5A.—(1) Basic seed potatoes marketed within a protected region shall be graded by an authorised officer into one of the Community grades.

(2) Basic seed potatoes marketed outside a protected region which fulfil the requirements of a Community grade may be graded by an authorised officer into that Community grade.".

Labelling of packages and containers

7. For regulation 7 there shall be substituted the following regulation—

"**7.**—(1) Subject to regulation 12, a person shall not market a package or container of basic seed potatoes otherwise than in accordance with the provisions of paragraphs (2), (4), (5) and (6) and regulation 9.

(2) Subject to paragraph (4), there shall be attached to the outside of each package or container an official label on which there is correctly stated in relation to the contents the particulars set out in sub-paragraph 1(*c*) of Schedule 4.

(3) Application for official labels for basic seed potatoes produced in Northern Ireland in respect of which a certificate has been issued under regulation 5 shall be made in writing to the Department with such information as the Department may require. Information supplied in connection with such application shall in all material respects be true and correct.

(**a**) O.J. No. L106, 30.4.93, p. 11
(**b**) S.R. 1993 No. 256 as amended by S.R. 1994 No. 28

(4) If a package or container has been re-sealed in accordance with regulation 9 by an authorised officer or an officer of the authority concerned the official label in respect of it shall also state:

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

(*b*) the date of re-sealing;

(*c*) the authority concerned with such re-sealing.

(5) Subject to paragraph (6) where basic seed potatoes have been treated with a chemical product the name of the chemical product or the generally recognised abbreviation of the chemical name or the proprietary name of that product shall be stated on a label attached to the package or container.

(6) Paragraph (5) shall not apply where the statement required thereby is indelibly printed on the package or container or on a wear and tear resistant label, or adhesive label, attached to that package or container.

(7) A person shall not in connection with the marketing or preparation for marketing of basic seed potatoes wilfully reproduce, remove, deface, conceal or misuse in any way:

(*a*) an official label;

(*b*) a label attached in accordance with paragraph (5) or (6);

(*c*) a label approved by the authority concerned; or

(*d*) any particulars or statement printed on such package or container.''.

Withholding or withdrawal of sealing devices or official labels

8. In regulation 8(1)—

(*a*) for the words ''sealing device, official label or official document'' there shall be substituted ''sealing device or official label''; and

(*b*) in sub-paragraph (*f*) the words ''or official document'' shall be deleted.

Sub-standard basic seed potatoes

9. In regulation 15(5) the words ''official document'' shall be deleted.

Certification of seed potatoes

10. In Schedule 1 paragraph 3(*a*) for head (i) there shall be substituted the following head—

''(i) is not land in respect of which a notice has been served under Article 22(4) of the Plant Health Order (Northern Ireland) 1993 declaring that land to be infected with wart disease, potato ring rot or potato cyst nematode;''.

Classification of basic seed potatoes

11. In Schedule 2 paragraph 2—

(*a*) in Column 2 (Requirements)—