1991 No. 397

SEEDS

Seed Potatoes (Amendment) Regulations (Northern Ireland) 1991

Made	*22nd August 1991*
Coming into operation . .	*3rd October 1991*

The Department of Agriculture, in exercise of the powers conferred on it by sections 1(**a**), 2 and 12 of the Seeds Act (Northern Ireland) 1965(**b**) and of all powers 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) 1991 and shall come into operation on 3rd October 1991.

Amendment of Seed Potatoes Regulations (Northern Ireland) 1981

2. The Seed Potatoes Regulations (Northern Ireland) 1981(**c**) shall be amended as provided in regulations 3 to 10.

Interpretation

3.—(1) In regulation 2(1) there shall be deleted—

(*a*) sub-paragraph (*c*) of the definition of "lot"; and

(*b*) the definition of "scheme".

(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) 1988(**d**).".

Marketing of seed potatoes

4. In regulation 4—

(*a*) in paragraph (2) for the "; or" at the end of sub-paragraph (*c*) there shall be substituted a full stop and sub-paragraphs (*d*) to (*f*) shall be deleted; and

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(**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 relevant amending Rule is S.R. 1983 No. 244
(**d**) S.R. 1988 No. 175 relevant amending Rules are S.R. 1989 No. 426 and S.R. 1991 No. 128

(*b*) after paragraph (2) there shall be inserted the following paragraph—

"(2A) Where the size of any basic seed potatoes being marketed is stated pursuant to these Regulations then—

(*a*) that size shall be stated as falling between a lower size limit and an upper size limit;

(*b*) in the case of potatoes of a size greater than 35mm those limits shall be expressed in multiples of 5mm; and

(*c*) that statement shall be deemed to be correct if the percentage by weight of such potatoes which are either smaller than the lower size limit so stated or greater than the upper size limit so stated does not exceed 3% of such total weight.".

Withholding or withdrawal of sealing devices, official labels or official documents

5. In regulation 8(1)(*b*) for "regulation 4(2)(*c*), (*d*), (*e*) or (*f*)" there shall be substituted "regulation 4(2)(*c*) and (2A)".

6. In regulation 8(2) for "Potato Cyst Eelworm" there shall be substituted "Potato Cyst Nematode".

Tolerances

7. In regulation 13 paragraph (1) shall be deleted.

Certification of seed potatoes

8.—(1) In Schedule 1 paragraph 2—

(*a*) in sub-paragraph (*a*) for the words "the Seeds (National Lists of Varieties) Regulations 1979" there shall be substituted "The Seeds (National Lists of Varieties) Regulations 1982(**a**)"; and

(*b*) there shall be deleted sub-paragraphs (*c*) and (*e*).

(2) In Schedule 1 paragraph 3—

(*a*) in sub-paragraph (*a*) for heads (i) and (ii) there shall be substituted the following heads—

"(i) is not land in respect of which a notice has been issued under Article 17(4) of the Plant Health Order (Northern Ireland) 1988 declaring that land infected with Wart Disease of Potatoes or Potato Cyst Nematode; and

(ii) has by sampling and laboratory examination been found to be free from Potato Cyst Nematode; and"; and

(*b*) in sub-paragraph (*d*) for "Potato Cyst Eelworm" there shall be substituted "Potato Cyst Nematode".

Classification of basic seed potatoes

9. For Schedule 2 there shall be substituted the Schedule set out in the Schedule to these Regulations.

(**a**) S.I. 1982 No. 844 as amended by S.I. 1985 No. 1529, S.I. 1989 No. 1314 and S.I. 1990 No. 1353

Tolerances for disease or pest, damage, blemish and impurity

10. In Schedule 5 Part II Group V for "0.5%" in both places where it occurs there shall be substituted "3%".

Sealed with the Official Seal of the Department of Agriculture on 22nd August 1991.

(L.S.) *I. C. Henderson*
Assistant Secretary