

2009 No. 2980 (W. 259)

SEEDS, WALES

**The Seed Potatoes (Wales)
(Amendment) Regulations 2009**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Seed Potatoes (Wales) Regulations 2006 (S.I. 2006/2929 (W. 264)) (the principal Regulations) to implement, in Wales, Commission Directive 2008/62/EC providing for certain derogations for acceptance of agricultural landraces and varieties which are naturally adapted to the local and regional conditions and threatened by genetic erosion and for marketing of seed and seed potatoes of those landraces and varieties, in so far as it relates to seed production and marketing (OJ No L 162, 21.6.08, p 13).

These Regulations insert the following provisions into the principal Regulations: a definition of “seed potatoes of a conservation variety” into regulation 2; regulation 4A specifying certain requirements in relation to the marketing of seed potatoes of a conservation variety; and paragraph 8A of Schedule 2, which makes provision for the labelling requirements in Article 18 of Commission Directive 2008/62/EC.

Contravention of any of the provisions introduced by these Regulations is an offence under section 16(7)(b) of the Plant Varieties and Seeds Act 1964 (c. 14).

A regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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**The Seed Potatoes (Wales)
(Amendment) Regulations 2009**

Made 10 November 2009

Laid before the National Assembly for Wales
11 November 2009

Coming into force 15 December 2009

The Welsh Ministers, in whom the powers conferred by sections 16(1), (1A), (2), (3) and 36 of the Plant Varieties and Seeds Act 1964⁽¹⁾ are now vested⁽²⁾, make the following Regulations in exercise of those powers.

The Welsh Ministers have carried out a consultation in accordance with section 16(1) of that Act.

Title, application and commencement

1.—(1) The title of these Regulations is the Seed Potatoes (Wales) (Amendment) Regulations 2009.

(2) These Regulations apply in relation to Wales and come into force on 15 December 2009.

Amendments to the Seed Potatoes (Wales) Regulations 2006

2.—(1) The Seed Potatoes (Wales) Regulations 2006⁽³⁾ are amended as follows.

(2) In regulation 2(1), in the appropriate place insert—

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- (1) 1964 c. 14. Section 16 has been amended by section 4(1) of, and paragraph 5(1), (2) and (3) of Schedule 4 to, the European Communities Act 1972 (c. 68), S.I. 1977/1112 and section 2 of the Agriculture Act 1986 (c. 49); see section 38(1) for a definition of “the Minister”.
- (2) By virtue of S.I. 1978/272, S.I. 1999/672 and the Government of Wales Act 2006; the functions are now vested in the Welsh Ministers..
- (3) S.I. 2006/2929 (W.264), to which there is an amendment not relevant to these Regulations.

““seed potatoes of a conservation variety”
 (“*tatws hadyd o amrywiaeth
gadwriaethol*”) means any variety of seed
potatoes accepted by any member State into
its national catalogue of varieties of
agricultural plant species in accordance with
Article 3 of Commission Directive
2008/62/EC providing for certain
derogations for acceptance of agricultural
landraces and varieties which are naturally
adapted to the local and regional conditions
and threatened by genetic erosion and for
the marketing of seed and seed potatoes of
those landraces and varieties;”.

(3) After regulation 4, insert—

“Marketing of conservation varieties

4A.—(1) A person must not market seed
potatoes of a conservation variety unless—

- (a) the variety is listed in the National List
of varieties of potato species prepared
and published in accordance with
regulation 3 of the Seeds (National
Lists of Varieties) Regulations 2001;
and
- (b) those seed potatoes have been
produced in the United Kingdom.

(2) A person proposing to produce seed
potatoes of a conservation variety must, before
doing so, supply the Welsh Ministers, in such
manner and form as the Welsh Ministers
require, with details in writing of the size and
location of the area to be used to produce that
seed.

(3) For the purposes of Articles 14 and 15(2)
of Commission Directive 2008/62/EC, the
Welsh Ministers may specify the maximum
amount of seed potatoes of a conservation
variety that may be marketed in any given
production season; and different maxima for
different persons or classes of persons may be
specified.

(4) The amount of seed potatoes of a
conservation variety marketed by a person must
not exceed any maximum amount specified
under paragraph (3) in relation to that person.

(5) Any person marketing seed potatoes of a
conservation variety must supply the Welsh
Ministers, on written demand, with details in
writing of the amount and variety of the seed
potatoes placed on the market during each
production season.”.

(4) In Part 1 of Schedule 2, after paragraph 8,
insert—

“8A. In the case of seed potatoes of a conservation variety, in addition to the requirements of paragraphs 1 to 8, an official label must contain the further information required by Article 18 of Commission Directive 2008/62/EC.”.

Elin Jones

Minister for Rural Affairs, one of the Welsh Ministers

10 November 2009