

2010 No. 1796 (W. 172)

SEEDS, WALES

**The Seed Potatoes (Wales)
(Amendment) Regulations 2010**

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) by substituting paragraphs 4, 7 and 10 of Schedule 1. They provide that a growing crop certificate cannot be issued with a statement that seed potatoes are capable of being marketed as pre-basic, basic or certified seed potatoes unless the land in which they are grown is free from Potato Cyst Nematode and has not been demarcated under Schedule 15 to the Plant Health (Wales) Order 2006 or used for growing potatoes for a specified period.

These Regulations also make minor amendments to the tables in Parts II and III of Schedule 3.

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 2010**

Made 12 July 2010

Laid before the National Assembly for Wales
13 July 2010

Coming into force 17 August 2010

The Welsh Ministers, in whom the powers conferred by sections 16(1) and (1A) and 36(a) 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. The title of these Regulations is the Seed Potatoes (Wales) (Amendment) Regulations 2010. They come into force on 17 August 2010 and apply in relation to Wales.

(1) 1964 c. 14; section 16(1) was amended, and section 16(1A) was inserted, by section 4 of, and paragraph 5 of Schedule 4 to, the European Communities Act 1972 (c. 68). *See* section 38(1) for a definition of “the Minister”.

(2) The functions of the Minister, so far as exercisable in relation to Wales, transferred to the Secretary of State by article 2 of, and Schedule 1 to, the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272). Those functions then transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

Amendments to the Seed Potatoes (Wales) Regulations 2006

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

(2) For paragraph 4 of Schedule 1, substitute—

“4.—(1) No growing crop certificate may be issued containing a statement that seed potatoes are capable of being marketed as pre-basic seed potatoes of any class unless the authorised officer is satisfied that the land on which the seed potatoes are growing or were grown—

- (a) is land which, as a result of a soil test carried out by the Welsh Ministers prior to the planting of the crop, has been found not to be contaminated with Potato Cyst Nematode (*Globodera* species infesting potatoes);
- (b) is not demarcated under Schedule 15 to the Plant Health (Wales) Order 2006 as infested with a European population of Potato Cyst Nematode; and
- (c) has not been used for growing potatoes at any time during the 7 years immediately preceding the planting of the crop.

(2) But sub-paragraph (1)(a) does not apply in the case of seed potatoes grown in a soil-free medium.”.

(3) For paragraph 7 of Schedule 1, substitute—

“7.—(1) No growing crop certificate may be issued containing a statement that seed potatoes are capable of being marketed as basic seed potatoes of any class unless the authorised officer is satisfied that the land on which the seed potatoes are growing or were grown—

- (a) is land which, as a result of a soil test carried out by the Welsh Ministers prior to the planting of the crop, has been found not to be contaminated with Potato Cyst Nematode (*Globodera* species infesting potatoes);
- (b) is not demarcated under Schedule 15 to the Plant Health (Wales) Order 2006 as infested with a European population of Potato Cyst Nematode; and
- (c) has not been used for growing potatoes at any time during the 5 years

(1) S.I. 2006/2929 (W.264) as amended by S.I. 2008/1063 (W.112) and 2009/2980 (W.259).

immediately preceding the planting of the crop.

(2) But sub-paragraph (1)(a) does not apply in the case of seed potatoes grown in a soil-free medium.”.

(4) For paragraph 10 of Schedule 1, substitute—

“**10.**—(1) No growing crop certificate may be issued containing a statement that seed potatoes are capable of being marketed as certified seed potatoes unless the authorised officer is satisfied that the land on which the seed potatoes are growing or were grown—

(a) is land which, as a result of a soil test carried out by the Welsh Ministers prior to the planting of the crop, has been found not to be contaminated with Potato Cyst Nematode (*Globodera* species infesting potatoes);

(b) is not demarcated under Schedule 15 to the Plant Health (Wales) Order 2006 as infested with a European population of Potato Cyst Nematode; and

(c) has not been used for growing potatoes at any time during the 4 years immediately preceding the planting of the crop.

(2) But sub-paragraph (1)(a) does not apply in the case of seed potatoes grown in a soil-free medium.”.

(5) In Schedule 3, Part II—

(a) in columns 3 and 4, for the symbol “—” opposite “Blight (*Phytophthora infestans* (Mont.) de Bary)”, substitute the symbol “)”;

(b) in column 3, for “3.0%” in relation to Groups III, IV and V in column 1, substitute “5.0%”; and

(c) in column 4, for “4.0%” in relation to Groups II, III, IV and V in column 1, substitute “5.0%”.

(6) In Schedule 3, Part III—

(a) in column 3, for “4.0%” in relation to Groups III and IV in column 1, substitute “5.0%”; and

(b) in column 4, for “4.0%” in relation to Groups II, III, IV and V in column 1, substitute “5.0%”.

Elin Jones

Minister for Rural Affairs, one of the Welsh Ministers

12 July 2010