

MINUTE of MEETING of SPECIAL
SUB-COMMITTEE of S.P.T.A.
held at 25 SOUTH METHVEN
STREET, PERTH, AT 2.30p.m.
on WEDNESDAY, 1st FEBRUARY,
1995.

PRESENT: Messrs. D. Stewart, A. Pullar, M. Beattie and D. Veitch, along with Mr. Hunter, the Secretary.

ILLEGAL TRADING IN SMALL WARE: The Sub-Committee considered the letter received from The Scottish Office, Agriculture & Fisheries Department, dated 13th January, 1995, in which the Association is invited to comment on the scale and reasons for the trade in Small Ware. After detailed discussion it was agreed that there were various reasons for traders indulging in the illegal sale of Small Ware for planting. These included:-

- (1) The sale of surplus from a ware crop;
- (2) A Specialist Seed Grower growing specifically for Small Ware to avoid the payment of Royalties and other costs of certifying the crop (i.e. certifying in the field but not in store);
- (3) A shortage or the unavailability of seed of a controlled variety (e.g. Cara, Estima and Nadine);

The Sub-Committee recognised that it was extremely difficult for the Authorities to police the illegal trade in small ware. The Sub-Committee suggested that the following measures might go some way to reducing the illegal trade, namely:-

- (1) A change in legislation making it illegal to buy, as well as sell, Small Ware coupled with heavy penalties. It was felt that a Grower may be less willing to buy and plant Small Ware if he knows that he may be prosecuted and heavily penalised.
- (2) The charging of Royalties on all potato production including ware growing. It was recognised, however, that this would not entirely remove the incentive to deal in Small Ware.
- (3) The opening up a line of communication to encourage offenders to be reported to the Authorities.
- (4) A change in the legislation to permit the Authorities to check lorries and Hauliers premises with a view to intercepting Small Ware in transit.
- (5) A more open debate between Controllers and Growers with a view to arriving at a more amicable and loyal relationship between Controllers and their Growers.

It was noted that in the letter from The Scottish Office it

is stated that "The Agriculture Departments already take this illegal trade very seriously and devote significant resources to record checks on material planted and subsequently marketed". The Secretary was instructed to request The Scottish Office to quantify what they mean by "significant resources".

It was agreed that the Sub-Committee may require to meet again after the foregoing proposals had been discussed at the next meeting of Council.

PLANT VARIETY RIGHTS: Mr. Beattie pointed out to the Sub-Committee that a considerable amount of the comment in the Consultative Paper issued by MAFF dealt with explaining the implementation of the decisions of the International Union for the Protection of New Varieties of Plants (U.P.O.V.) which had already been accepted by the U.K. Government. These matters, therefore, could not be changed. Mr. Beattie suggested that the two main areas of consultation referred to (i) the "equitable remuneration" to be paid in respect of Home Saved Seed and (ii) the definition of a "small potato farmer". After detailed discussion it was considered that it would be completely impossible to police the payment of Royalties on Home Saved Seed. That being so, the Sub-Committee were of the opinion that Royalties should be at the same rate in respect of all potato production, including Home Saved Seed. This was subject to the proviso that it would be essential to ensure that the additional Royalty revenue derived from Farm Saved Seed and Ware Production would be used to reduce the existing rate of Royalty charged on Seed Production rather to provide extra revenue for the owners of Protected Varieties.

The Sub-Committee were of the opinion that the definition of a "small potato farmer" should correspond with the existing exemption area for registration with the P.M.B. (i.e. one hectare).

One other area of consultation concerns whether or not a breeder should be required by law to label Applicant Varieties as provisional protected. The Sub-Committee decided not to make any comment on that matter.

The Sub-Committee were of the opinion that the new legislation should include an extension of the period within which prosecution must be implemented from six months to twelve months.

This terminated the business of the meeting.