

REPORT on the FOURTH MEETING of
THE JOINT POTATO TRADE COUNCIL
held in the RURAL CENTRE, INGLISTON,
EDINBURGH at 10.30 a.m. on Thursday 11
January 2001.

PRESENT: S.P.T.A.:- Messrs. D. J. Harley, J. R. McArthur, A. J. B. Redpath and
H. B. Edmond, the Secretary
N.A.S.P.M.:- Messrs. S. Crane, G Croft and R. Baker.

In accordance with the agreement it was NASPM's place in rotation to chair the meeting. S. Crane, President of NASPM occupied the chair and welcomed all present.

- (1) APOLOGIES FOR ABSENCE: Apologies were received from V. Lumb and R. Reiss.
- (2) PREVIOUS MEETING: The Minute of the Meeting of the Joint Council of 8 December 1999 was taken as read, approved and signed by the Chairman.
- (3) MATTERS ARISING FROM PREVIOUS MEETING: Arising from Item (2)a it was confirmed that the Plant Health Regulations had come into operation in both Scotland and England & Wales. The Scottish one was a completely new Regulation. The legislation requires growers to obtain permission to move classified seed anywhere for grading. This requirement is covered by Regulation 6, which comes into force on 1 April 2001, and any exemption required to be applied for by 31 December 2000. After discussion it was agreed that the new Regulation gave the regulating departments better control over the health of the seed crops.
- (4) CHANGES TO CONTRACT CONDITIONS: NASPM had taken legal council from Lovells on the implications of the legislation 'Contract (Rights of Third Parties) Act 1999' on their Conditions of Sale. The Act came into force on the 11 November 1999 and affects contracts made after May 2000. NASPM have decided to include an additional clause in their conditions, which will exclude the Act and protect their members from any third party action.
NASPM's clause reads:-

'EXCLUSION OF THIRD PARTY RIGHTS

No person may enforce any terms of this contract by virtue of the Contracts (Rights of Third Parties) Act 1999.'

SPTA members agreed in principal to the inclusion of the clause in SPTA's conditions subject to the Association taking legal advice to confirm that the legislation is applicable in Scotland. It would also be subject to SPTA Council's agreement.

- (5) REVIEW OF THE BRITISH POTATO COUNCIL LEVY SYSTEM: The SPTA Council had originally proposed a tonnage levy when the BPC was formed and this was still their view. D. Y. Stewart would be representing SPTA on the working party. NASPM members commented that they were prepared to consult on the proposals, having agreed to the continuation of the BPC. Both Associations felt there had to be special arrangements for seed as currently seed was exempt from a tonnage levy.

- (6) ROYALTY PAYMENTS ON FARM SAVED SEED: D. J. Harley gave a report on the progress of developments on the subject. In 1991 the UPOV Convention (the international body responsible for the protection of Plant Breeders Rights) agreed the principle of Royalties on Home Saved Seed. This Convention's Directive has now been or is in the process of being ratified by seventy-one countries worldwide. Royalties on Home Saved Seed is now UK law, the Plant Variety Rights Act allows breeders the right to charge a royalty on farm saved seed of protected varieties, although the breeder may not wish to exercise this right for various reasons e.g. the area may be too small and uneconomic to collect. BSPB and the NFUs were currently negotiating on (a) a system, (b) how much to levy and (c) how to police the system. The Council agreed to leave it to these two organisations to decide.
- (7) FUTURE OF JPTC: A discussion on the future of the JPTC took place and it was agreed that the Joint Council was a useful forum to debate items of mutual interest and concern. The membership felt that they should meet at least once per year unless something urgent required an earlier meeting to be called.
- (8) ANY OTHER COMPETENT BUSINESS:
- (a) Weights & Measures Matters: R. Baker said there continued to be problems with weights on deliveries of seed potatoes. There was not a lot the JPTC could do and it was recommended that members should be advised to take their complaints to the Weights & Measures authorities.
- (b) British European Potato Association (BEPA): NASPM and SPTA had received a letter from the President of BEPA requesting financial support. BEPA represents UK interest at EUROPATAT and administers the RUCIP rules in the United Kingdom. They were looking for each of the five trade Associations to commit up to £2000 annually for their work to continue otherwise it would be transferred back to the European office in Paris. It was felt there was no Scottish based merchants importing produce and therefore the membership of SPTA would probably be reluctant to commit their membership to this size of expenditure. It would be a decision for SPTA Council. NASPM indicated they would be supporting BEPA.
- (c) Joint Body: Discussion took place on the amalgamation of the two Associations. Although there was logic in the proposal it was generally felt that this was some years away yet. It was suggested that NASPM should give a formal presentation to SPTA sometime in the future.
- (d) Arbitration Seminar: It was announced that an Arbitration Seminar was being organised for the summer of this year. The suggested dates were 23/24 May in York as before. Presenters were being suggested and J. R. McArthur was to approach a Scottish Solicitor with Arbitration skills for the Scottish input.
- (e) Identification of Organic Seed in the Register: A. J. B. Redpath raised the suggestion that seed grown on organic registered land should be identified in the seed register. He was preparing a submission for the SPTA Council meeting in January. The subject was debated but did not receive much support.
- (9) DATE AND TIME OF NEXT MEETING: It was agreed the next meeting should be the same day in January 2002 unless a reason arises to hold an earlier one.

The meeting closed with a vote of thanks to the Chairman.