

SCHEDULE 2

Regulations 2(1), 6(3), 11(1), 14(2), 19(2)
and 21(4)

OFFICIAL CERTIFICATES AND BREEDER'S CONFIRMATIONS

PART I

OFFICIAL CERTIFICATES

Applications for seed harvested in the United Kingdom

1. On receipt of an application made in accordance with regulation 14(1) but not made in pursuance of Article 19 (certification of seed from other EEA States or equivalent third countries) of the Oil and Fibre Plant Seed Directive for the issue of an official certificate in respect of a seed lot as Pre-basic Seed(1), Basic Seed(2), Seed of a Certified Generation(3) or Commercial Seed(4), the Scottish Ministers shall, subject to paragraphs 2 and 3, issue in respect of such a seed lot an official certificate containing the particulars specified in paragraph 1 of Schedule 3.

When applications will be refused

2. The Scottish Ministers shall refuse to issue an official certificate in respect of a seed lot unless—

- (a) an application has been made to the Scottish Ministers, in writing in such form and manner and at such time as the Scottish Ministers may require, and has been accompanied by such information material, records, illustrations and other documents as they may require, in respect of—
 - (i) the seed lot or seed lots to be used for the production of the crop or crops from which is to be or has been obtained the seed lot in respect of which the application for an official certificate has been made; and
 - (ii) the crop or crops from which the seed lot is to be or has been obtained;
- (b) an official examination of the crop or crops from which was obtained the seed lot in respect of which the application for an official certificate has been made has shown that the crop or crops met the standards appropriate to the category of seed referred to in the application specified in Part I of Schedule 4; and
- (c) an official examination of a sample of the seed lot has shown that the seed lot meets the standards appropriate to the relevant category of seed referred to in the application specified in Part II of Schedule 4,

except that—

- (i) paragraphs 2(a) and (b) shall not apply in relation to an application for the issue of an official certificate in respect of Commercial Seed; and
- (ii) paragraph 2(c), in so far as it relates to standards of percentage of germination specified in paragraph 13 of Part II of Schedule 4, shall not apply in relation to an application for the issue of an official certificate in respect of lower germination seed.

(1) See regulation 3 for the definition of “Pre basic Seed”.

(2) See regulation 3 for the definition of “Basic Seed”.

(3) See regulation 3 for the definition of “Seed of a Certified Generation”.

(4) See regulation 3 for the definition of “Commercial Seed”.

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When applications may be refused

3. The Scottish Ministers may refuse to issue an official certificate in respect of a seed lot if it appears to them that—

- (a) a sample taken from the seed lot for the purpose of an official examination to ascertain whether the seed lot meets the appropriate standards specified in Part II of Schedule 4 has not been taken in accordance with regulation 15(1);
- (b) an official examination of a control plot sown with a sample of the seed lot sown in the field shows that the crop does not meet the appropriate standards specified in Part I of Schedule 4; or
- (c) there has been any breach of seeds regulations in relation to the seed lot in respect of which the application for an official certificate has been made.

Applications for seed harvested in an EEA State or third country

4. Notwithstanding paragraphs 2 and 3, on receipt of an application made in accordance with regulation 14(1) and in pursuance of Article 19 (certification of seed from other EEA States or equivalent third countries) of the Oil and Fibre Plant Seed Directive for the issue of an official certificate in respect of a seed lot as Pre-basic Seed, Basic Seed, Seed of a Certified Generation or Commercial Seed, the Scottish Ministers shall issue in respect of the seed lot an official certificate containing the particulars specified in paragraph 1 of Schedule 3 if—

- (a) the seed has been—
 - (i) produced directly from fully certified Basic Seed, Certified Seed of the First Generation⁽⁵⁾ or seed certified in a third country which is permitted to be sold as Basic Seed or Certified Seed of the First Generation by virtue of a general licence granted by the Scottish Ministers under regulation 5(1)(b)(iii) (general licences) or 5(3) (general licences) of the Oil and Fibre Plant Seeds Regulations 1993⁽⁶⁾ or regulation 10; and
 - (ii) harvested in an EEA State other than the United Kingdom or in a third country; or
- (b) the seed has been—
 - (i) produced directly from the crossing of fully certified Basic Seed with seed certified in a third country which is permitted to be sold as Basic Seed by virtue of a general licence granted by the Scottish Ministers under regulation 5(1)(b)(iii) (general licences) or 5(3) (general licences) of the Oil and Fibre Plant Seeds Regulations 1993 or regulation 10 or the implementation of the Equivalence Decision; and
 - (ii) harvested in an EEA State other than the United Kingdom or in a third country; or
- (c) the seed—
 - (i) is to be certified by the Scottish Ministers as Basic Seed;
 - (ii) has been produced directly from fully certified Pre-basic Seed or from seed certified in a third country which is permitted to be sold as Pre-basic seed by virtue of a general licence granted by the Scottish Ministers under regulation 5(1)(b)(iii) (general licences) or 5(3) (general licences) of the Oil and Fibre Plant Seeds Regulations 1993 or regulation 10 or the implementation of the Equivalence Decision; and
 - (iii) has been harvested in an EEA State other than the United Kingdom or in a third country; and

⁽⁵⁾ See regulation 3 for the definition of “Certified Seed of the First Generation”.

⁽⁶⁾ S.I.1993/2007, as relevantly amended by S.I. 1994/1423, 1996/1451, 1997/616, 1999/1862, S.S.I. 2000/249, S.I. 2001/3510 and S.S.I. 2003/304.

provided that—

- (d) if the seed has been harvested in an EEA State other than the United Kingdom—
 - (i) the seed has been harvested from a crop which has been found by field examination of the crop carried out by the competent seed certification authority in the EEA State; or
 - (ii) in the case of a seed lot which is to be certified by the Scottish Ministers as Seed of a Certified Generation, seed which has been harvested from a crop which has been produced from seed that has undergone official post-control the results of which have been satisfactory, by a field examination of the crop carried out by a licensed EC crop inspector,
to satisfy the crop conditions specified in Annex I (crop standards) of the Oil and Fibre Plant Seed Directive for the relevant category of seed;
- (e) if the seed has been harvested in a third country, the seed has been harvested from a crop which has been found by field examination satisfying the conditions specified in the Equivalence Decision to satisfy the conditions specified in Annex I (crop standards) of the Oil and Fibre Plant Seed Directive for the relevant category of seed;
- (f) if the seed has been harvested in an EEA State, the seed has been packed in a sealed package in accordance with the requirements of Article 11(1) (sealing) of the Oil and Fibre Plant Seed Directive and has been labelled in accordance with the requirements of the second indented sub-paragraph of the first paragraph of Article 19(2) (labelling requirements for certification of seed from other EEA States or equivalent third countries) of the Oil and Fibre Plant Seed Directive;
- (g) if the seed has been harvested in an EEA State, has been imported into the United Kingdom as not finally certified seed;
- (h) is accompanied by an Annex V(C) document relating to the seed issued by the competent seed certification authority in the EEA State; and
- (i) official examination has shown that the conditions specified in Part II of Schedule 4 for the relevant category of seed have been satisfied.

PART II

BREEDER'S CONFIRMATIONS

Applications

1. On receipt of an application made in accordance with regulation 19(1) for the issue of a breeder's confirmation in respect of a seed lot, as Pre-basic Seed or Basic Seed, the Scottish Ministers shall, subject to paragraphs 6 and 7, issue in respect of that seed lot a breeder's confirmation containing the particulars specified in paragraph 2 of Schedule 3.

When applications will be refused

2. The Scottish Ministers shall refuse to issue a breeder's confirmation in respect of a seed lot unless—

- (a) an application has been made to the Scottish Ministers in writing in such form and manner and at such time as the Scottish Ministers may require, and has been accompanied by such information, material, records, illustrations and other documents as they may require, in respect of—

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- (i) the seed lot or seed lots to be used for the production of the crop or crops from which is to be or has been obtained the seed lot in respect of which the application for a breeder's confirmation has been made; and
- (ii) the crop or crops from which the seed lot is to be or has been obtained;
- (b) an official examination of the crop or crops from which was obtained the seed lot in respect of which the application for a breeder's confirmation has been made has shown that the crop or crops meet the standards specified in Part I of Schedule 4 appropriate in the category referred to in the application; and
- (c) an official examination of a sample taken from the seed lot has shown that the seed lot meets the standards specified in Part II of Schedule 4 appropriate to the relevant category of seed referred to in the application except that a breeder's confirmation can be issued for Pre-basic Seed or Basic Seed in respect of seed which attains a lower percentage of germination than that specified in paragraph 13 of Part II of Schedule 4.

When applications may be refused

3. The Scottish Ministers may refuse to issue a breeder's confirmation in respect of a seed lot if it appears to them that—

- (a) a sample taken from the seed lot for the purpose of an official examination to ascertain whether the seed lot meets the appropriate standards specified in Part II of Schedule 4 has not been taken in accordance with regulation 15(1);
- (b) an official examination of a control plot sown with a sample of the seed lot sown in the field shows that the crop does not meet the appropriate standards specified in Part I of Schedule 4;
- (c) there has been a breach of seeds regulations in relation to the seed lot in respect of which application for a breeder's confirmation has been made.