
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 329

The Fodder Plant Seed (Scotland) Regulations 2005

PART VI

**PACKAGING AND LABELLING REQUIREMENTS
RELATING TO BREEDER'S CONFIRMATION**

Sealing of packages of seed in relation to breeder's confirmation

21.—(1) No person shall have in their possession any package of seed in respect of which a breeder's confirmation for Pre-basic Seed or Basic Seed has been applied for or issued unless it has been sealed in accordance with this regulation by the Scottish Ministers or by, or under the supervision of, a licensed seed sampler using a non reusable sealing system or some other sealing system that includes the use of an official label or the affixing of an official seal, in such manner that the package cannot be opened without damaging the sealing system or without leaving evidence of tampering on the official label or package.

(2) Sealing under paragraph (1) shall take place not later than at the time of sampling or, in the case of seed which is wholly or partly repackaged, the sealing of the original package shall take place no later than that time.

(3) Subject to paragraph (4), no person shall open a package of seed which has been sealed in accordance with paragraph (1) or resealed in accordance with paragraph (4) except—

- (a) for the purpose of sowing all the seed;
- (b) where—
 - (i) some of the seed is sown immediately after the package is opened;
 - (ii) the rest of the seed remains in the package after the seed is sown in accordance with sub-paragraph (b)(i); and
 - (iii) the package is resealed immediately after the seed is sown in accordance with sub-paragraph (b)(i); or
- (c) for the purpose of re-packaging and resealing all of the seed.

(4) If a package of seed which has been sealed in accordance with paragraph (1), or resealed in accordance with this paragraph, is opened, whether in accordance with paragraph (3) or otherwise, neither it nor any other package containing any of that seed may be sealed, resealed or further resealed, as the case may be, except by the Scottish Ministers or by, or under the supervision of, a licensed seed sampler.

(5) If the details on any label required by regulation 22 cease to be correct as a consequence of any action of the kind described in paragraph (3) the label shall be replaced by the Scottish Ministers or by, or under the supervision of, a licensed seed sampler at the time the package is resealed under paragraph (4).

Labelling of packages of seed in relation to breeder's confirmation

22.—(1) No person shall have in their possession any package of seed in respect of which a breeder's confirmation has been applied for unless it has been, not later than at the time of sealing under regulation 21, labelled, inscribed or otherwise dealt with in accordance with this regulation.

(2) In the case of a package of seed in respect of which the Scottish Ministers have issued a breeder's confirmation regrading the seed to a different category or level—

- (a) paragraph (1) shall apply as if the words “not later than at the time of sealing” were omitted; and
- (b) subject to sub paragraph (a), the package of seed shall be re-labelled in accordance with this regulation within 7 days of the issue of that breeder's confirmation.

(3) In the case of seed of a variety which has been genetically modified, any label, document, printing or stamp, whether official or otherwise, affixed to or accompanying a seed lot or any part of a seed lot in accordance with the provisions of this regulation, shall clearly indicate that the variety has been genetically modified.

(4) Packages of seed in respect of which a breeder's confirmation has been applied for shall have affixed on the outside an official label—

- (a) containing, as appropriate to the category of seed and the seed itself, particulars of the matters specified, and being of at least the size and of the colour also specified, in the relevant paragraph of Part II of Schedule 6; and
- (b) which shall be—
 - (i) either an adhesive label or a label secured to the package by a sealing device approved by the Scottish Ministers;
 - (ii) affixed, in either case, by the Scottish Ministers or by, or under the supervision of, a licensed seed sampler; and
 - (iii) over stamped “not certified”.

(5) If in accordance with paragraphs 5 and 6(c) of Part II of Schedule 2 a breeder's confirmation has been issued in respect of seed of a lower percentage of germination than that specified for Basic Seed in Part II of Schedule 4—

- (a) the official label, or the particulars printed or stamped on the package in accordance with paragraph (6), shall contain a statement that the minimum percentage of germination of the seed is less than the minimum percentage of germination for Basic Seed; and
- (b) where possession of the package is transferred to another person, the transferor shall—
 - (i) guarantee a specific minimum percentage of germination of the seed; and
 - (ii) affix a label to the outside of the package containing a statement of the specific minimum percentage of germination of the seed guaranteed by the person transferring possession of the seed together with the name and address of the transferor and the reference number of the seed lot.

(6) Notwithstanding paragraphs (3) to (5)(a) and (10), but subject to paragraph (5)(b), a package of seed need not be labelled if—

- (a) the appropriate particulars of the matters specified in the relevant paragraph of Part II of Schedule 6 and paragraphs (3), (5)(a), (9) and (10) are printed or stamped indelibly on the package in a panel of at least the size and of the colour so specified and over stamped “not certified”; and
- (b) the requirements of paragraphs 13 to 16 of Part VI of Schedule 6 are satisfied.

(7) Subject to paragraph (8), a package of seed for which a breeder's confirmation has been issued shall contain an official inner label which shall be of the same colour as, and in addition to,

the official label affixed to the outside of the package in accordance with paragraph (4) and shall contain particulars of the matters specified in the items numbered—

- (a) in the case of Pre-basic Seed and lower germination seed to which paragraph 4 of Part II of Schedule 6 is relevant, paragraph 4(a)(iii) to (v) of Part II of Schedule 6; and
- (b) in the case of Basic Seed and lower germination seed to which paragraph 5 of Part II of Schedule 6 is relevant, paragraph 5(a)(iv) of Part II of Schedule 6.

(8) The official inner label referred to in paragraph (7) shall not be required if the particulars specified in paragraphs (3), (7) and (10) are printed indelibly on the outside of the package or if the official label is an adhesive or tear resistant label.

(9) If a package of seed has been resealed in accordance with regulation 21(4) this fact shall be stated on the official label required in terms of paragraph (4), and if an official certificate is issued in respect of the seed, on the official label required in terms of regulation 17(12), together with the month and year of resealing and the name of the authority responsible for the resealing.

(10) If any seed has been subjected to any chemical treatment this fact and the nature of the treatment and the proprietary name of the chemical used in the treatment shall be stated either—

- (a) on a separate label on the package; or
- (b) on the label referred to in paragraph (4) or the printing or stamp referred to in paragraph (6),

and also, except where the information prescribed by this paragraph is given on an adhesive or tear resistant label, either on the outside of the package or as a document enclosed inside the package.

(11) The particulars and information given in accordance with this regulation shall be given in one of the official languages of the European Community.

(12) For the purposes of this regulation, references in Schedule 6 to the “certifying authority” shall, in the case of a breeder’s confirmation, be taken to be references to that authority as issuer of the breeder’s confirmation.

(13) Subject to the provisions of the Act and of these Regulations, no person shall wilfully reproduce, remove, alter, deface, conceal or misuse in any way any label affixed to, contained in or marked on any package of seed or which is to be so affixed, contained or marked, except as may occur in the course of opening the package for the purposes of paragraph (2)(b) or regulations 17(2)(b) or 21(3).