
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 148

The Beet Seed (Scotland) (No. 2) Regulations 2010

PART IV

PACKAGING AND LABELLING REQUIREMENTS

Sealing of packages of seed

18.—(1) Subject to regulation 14, no person shall market a package of seeds, unless it has been sealed in accordance with paragraph (2).

(2) The package has been—

(a) sealed in Scotland by the Scottish Ministers or by a licensed seed sampler using a non-re-usable sealing system or some other sealing system—

(i) not later than at the time of sampling, or in the case of seed which is wholly or partly re-packaged, the original package has been sealed not later than at the time of sampling;

(ii) including the use of an official label or the affixing of an official seal; and

(iii) in such a manner that the package cannot be opened without damaging the sealing system or without leaving evidence of tampering on the label or package; or

(b) sealed—

(i) in the UK but not in Scotland; or

(ii) in an EEA state other than the UK,

in accordance with the provisions of Article 11 (sealing of packages) of the Beet Seed Directive.

(3) In the case of a package of seed in respect of which the Scottish Ministers have issued an official certificate under paragraph (3) of regulation 15—

(a) paragraph (2)(a) shall apply as if the words ‘not later than at the time of sampling’ were omitted; and

(b) subject to sub-paragraph (a), the package of seed shall be sealed in accordance with paragraph (2)(a) within 7 days of the issue of the official certificate.

(4) If a package of seed which has been sealed in accordance with paragraph (2) is opened, it may not be marketed in accordance with these Regulations unless it is immediately re-sealed or further re-sealed in Scotland by the Scottish Ministers or by a licensed seed sampler using a non-re-usable sealing system or some other sealing system including the use of an official label or the affixing of an official seal.

(5) No person shall market in accordance with these Regulations a small EC package of seed unless it has been sealed—

(a) in accordance with paragraph (2)(a)(i) and (iii); or

- (b) by a licensed seed sampler or a person registered by a National Authority in any part of the United Kingdom under regulation 5(1) (registrations) of the RLE Regulations or provisions equivalent to that regulation, using a sealing device and sealed in the manner outlined in paragraph (2)(a)(i) and (ii);
- (6) If a small EC package of seed sealed in accordance with paragraph (5) is opened, it may not be marketed unless it is re-sealed in accordance with paragraph (5).
- (7) No person shall market a package of Breeder's Seed in accordance with these Regulations unless it is marketed in a package which has been sealed with a sealing device in such a manner that the package cannot be opened without damaging the sealing system or leaving evidence of tampering.
- (8) If a package of Breeder's Seed sealed in accordance with paragraph (7) is opened, it may not be marketed unless it is re-sealed in accordance with paragraph (7).
- (9) No person shall have in their possession a package of seed for 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 paragraph (2).
- (10) No person shall open a package of seed referred to in paragraph (9) and sealed in accordance with paragraph (2) 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 (i); and
 - (iii) the package is re-sealed immediately after the seed is sown in accordance with sub-paragraph (i); or
 - (c) for the purpose of re-packaging and re-sealing all of the seed.
- (11) If a package of seeds referred to in paragraph (9) and sealed in accordance with paragraph (2) shall have been opened, neither it nor any other package containing any of those seeds may be sealed, re-sealed or further re-sealed (as the case may be) except by the Scottish Ministers or by a licensed seed sampler in accordance with paragraph (2).
- (12) If the details on any label required by regulation 19 cease to be correct as a consequence of any action of the kind described in paragraph (10) above the label shall be replaced by the Scottish Ministers or by a licensed seed sampler at the time the package is re-sealed under paragraph (11).

Labelling of packages of seed

19.—(1) Subject to regulation 14, no person shall market or have in their possession in accordance with these Regulations, any seeds, except in a package which, not later than at the time of sealing, is labelled, inscribed or otherwise dealt with in accordance with this regulation.

(2) A package (other than a small EC package sealed in the United Kingdom in accordance with regulation 18(5) or Breeder's Seed) of seed—

- (a) where it is sealed in Scotland shall have affixed on the outside an official label in accordance with the requirements appropriate to the relevant category of seed set out in Part II of Schedule 6 and shall contain an official inner label in accordance with paragraph 10 of Schedule 6; and
- (b) where it is sealed in—
 - (i) the United Kingdom but not in Scotland; or
 - (ii) an EEA state other than the United Kingdom,

shall be labelled in accordance with the provisions of Articles 11 (sealing of packages) and 12 (labelling of packages) of the Beet Seed Directive appropriate to the relevant category of seed and shall contain an official document in accordance with Articles 12(b) (official documents) and 22(2) (packing and labelling requirements for seed harvested in the European Union and intended for certification) of the Beet Seed Directive.

(3) The official inner label or document referred to in paragraph (2) shall not be required if the particulars specified in paragraph 10 of Schedule 6 are printed or stamped indelibly on the outside of the package or if the official label is an adhesive or tear resistant label.

(4) In the case of a package of seed in respect of which the Scottish Ministers have issued an official certificate under regulation 15(3) or in respect of which the Scottish Ministers have issued a breeder's confirmation or an official certificate re-grading 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 official certificate.

(5) 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, and any particulars given under regulation 14, shall clearly indicate that the variety has been genetically modified.

(6) A package of Breeder's Seed shall have affixed on the outside a label in accordance with the provisions of paragraph 3 of Schedule 6.

(7) A package of seed of a Conservation Variety shall have affixed on the outside a label in accordance with the provisions of paragraph 7 of Schedule 6.

(8) If in accordance with regulation 11 a person markets any lower germination seed, that person shall ensure that the package is labelled in accordance with paragraph 8 of Schedule 6.

(9) If in accordance with regulation 12 a person markets any early movement seed, that person shall ensure that the package is labelled in accordance with paragraph 9 of Schedule 6.

(10) A small EC package sealed in the United Kingdom shall have affixed on the outside a label containing, as appropriate to the category of the seed and the seed itself, the particulars referred to in paragraph 11 of Schedule 6, except that subject to paragraphs (8) and (9)—

- (a) if such particulars are printed or stamped indelibly on the outside of the package in a panel of the colour so specified, the label shall not be required; and
- (b) if the packaging material is transparent the label may be placed inside the package provided it can be read through the packaging.

(11) If a package of seed has been re-sealed in accordance with regulation 18(4), this fact shall be stated on the official label required under this regulation or the label required under paragraph (10), as the case may be, together with the month and year of re-sealing and the name of the authority responsible for the re-sealing.

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

- (a) where seed is being marketed in accordance with regulation 14, with the particulars given in accordance with that regulation; or
- (b) in a case where seed is not being marketed in accordance with regulation 14, or in the case of packages of seed in relation to a breeder's confirmation—
 - (i) on a separate label on the package; or

- (ii) on the label referred to in paragraphs (2), (6) and (10), the official inner label or document referred to in paragraph (2), or the printing or stamp referred to in paragraphs (3) and (10),

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 on a document enclosed inside the package.

(13) Packages of seed in respect of which a breeder's confirmation has been applied for shall have affixed on the outside an official label in accordance with paragraph 4(e) or 5(f) of Schedule 6.

(14) If in accordance with paragraphs 5 and 6(c) 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 stamp shall comply with paragraph 9(3)(a) of Schedule 6; and
- (b) where possession of the package is to be transferred to another person, the transferor shall comply with paragraph 9(3)(b) of Schedule 6.

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

(16) 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.

(17) 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 (10) of regulation 18.