

## SCHEDULE 4

### REQUIREMENTS FOR PRE-BASIC SEED, BASIC SEED, CERTIFIED SEED, CERTIFIED SEED OF THE FIRST GENERATION, CERTIFIED SEED OF THE SECOND GENERATION AND COMMERCIAL SEED

## PART I

### CONDITIONS RELATING TO CROPS FROM WHICH SEED OTHER THAN COMMERCIAL SEED IS OBTAINED

#### **Methods of ascertaining whether crop requirements are met**

1. The Scottish Ministers may ascertain, so far as practicable, whether the requirements for the crop set out in this Part of this Schedule are met by the use of methods which shall include official field inspection of the crop and which may include examination of a control plot sown with a sample from the seed lot sown in the field and the consideration of any other relevant information.

#### **Varietal identity and varietal purity**

2. The characteristics used for the determination of varietal identity and varietal purity shall be those to which regard was had when the relevant variety was accepted on to the relevant UK National List, an equivalent list in another EEA State or the Common Catalogue.

#### **Crop inspection**

3.—(1) An official examination of the crop shall be made by means of an official field inspection.

(2) The official field inspection shall only be carried out when the cultural condition of the field and the stage of development and condition, including state of health, of the crop—

- (a) are such as to permit suitable checks of varietal identity, varietal purity and species purity to be made; and
- (b) meet the requirements of the Scottish Ministers.

(3) At least one official field inspection of the crop shall be carried out.

#### **Harmful organisms in the crop**

4. Harmful organisms which reduce the usefulness of the seed shall be at the lowest possible level.

#### **Previous cropping**

5.—(1) The previous cropping of the field shall not have been incompatible with the production of seed of the species and variety of the crop, and the field shall be sufficiently free from plants which are volunteers from previous cropping.

(2) The crop may be grown only on land which complies with the Scottish Ministers' requirements in respect of previous cropping.

#### **Limitations on number of harvest years**

6. A crop to produce Pre-basic Seed, Basic Seed or Certified Seed of hybrid or Italian ryegrass shall not be used to produce a crop in the second year unless—

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- (a) Pre-basic Seed was produced in the first harvest year in which case Basic Seed may be produced in the second harvest year;
- (b) Basic Seed was produced in the first harvest year from a crop grown from officially certified Pre-basic Seed, in which case Certified Seed may be produced in the second harvest year;
- (c) for a tetraploid variety of hybrid ryegrass, Certified Seed was produced in the first harvest year from a crop grown from officially certified Basic Seed, in which case Certified Seed may be produced in the second harvest year.

**Isolation distances – general**

7. There shall be either a physical barrier or at least 2 metres of fallow ground between the seed crop and any crop likely to cause contamination in the seed.

**Isolation distances – minimum distances**

8. For a crop shown in Column 1 of the following table, the minimum distances from neighbouring crops or plants of other species, or of other varieties of the same species, liable to cross pollinate with the crop shall be the distances specified in column 2 or 3, as appropriate (which can include any distance of at least 2 metres of fallow ground required under paragraph 7 of this Part of this Schedule)–

Column 1 Crop	Column 2 Minimum Distances Crop Area up to 2 hectares	Column 3 Minimum Distances Crop Area over 2 hectares>
(a) (a) All grasses other than apomictic uniclonal varieties of smooth stalked meadowgrass–		
(i) for the production of Basic Seed	200 metres	100 metres
(ii) for the production of Certified Seed	100 metres	50 metres
(b) (b) All legumes other than field bean, field pea, vetches & lucerne and for fodder radish–		
(i) for the production of Basic Seed	200 metres	100 metres
(ii) for the production of Certified Seed	100 metres	50 metres
(c) (c) Field bean, vetches & lucerne–		
(i) for the production of Basic Seed & Certified	200 metres	100 metres

<b>Column 1 Crop</b>	<b>Column 2 Minimum Distances Crop Area up to 2 hectares</b>	<b>Column 3 Minimum Distances Crop Area over 2 hectares&gt;</b>
Seed of the First Generation		
(ii) for the production of Certified Seed of the Second Generation	100 metres	50 metres
(d) (d) Fodder kale & swede–		
(i) for the production of Basic Seed	400 metres	400 metres
(ii) for the production of Certified Seed	200 metres	200 metres

but with the approval of the Scottish Ministers these distances may be modified or disregarded if there is adequate protection against undesirable foreign pollen.

#### **Standards for varietal purity**

9. The crop shall have sufficient varietal identity and varietal purity and in particular the number of plants of the crop species which are recognisable as obviously not being true to the variety shall not exceed–

	<b>In Crops to Produce Basic Seed</b>	<b>Seed of a Certified Generation</b>
(a) (a) In the case of all grasses except smooth stalked meadowgrass	One plant in 30 square metres	One plant in 10 square metres
(b) (b) In the case of all legumes except field peas & field beans and in the case of fodder radish	One plant in 30 square metres	One plant in 10 square metres
(c) (c) In the case of smooth stalked meadowgrass		
(i) apomictic uniclinal varieties	One plant in 20 square metres	Six plants in 10 square metres
(ii) all varieties except apomictic uniclinal varieties	One plant in 20 square metres	Four plants in 10 square metres

Plants of other species, the seeds of which are difficult to distinguish from the crop seeds in a laboratory test, shall be at a low level and in particular the number of plants of a ryegrass species or festulium, other than the crop species itself, shall not exceed–

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	<b>In Crops to Produce Basic Seed</b>	<b>Certified Seed</b>
In the case of perennial, Italian & hybrid ryegrass and festulolium	One plant in 50 square metres	One plant in 10 square metres

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**Crop conditions for Pre basic Seed**

**10.** For the purpose of determining whether a crop from which Pre basic Seed is to be produced meets the conditions specified in this Part of this Schedule, the crop from which such seed is to be produced shall be treated in the same way as a crop from which Basic Seed is to be produced.