
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 247

**The Fodder Plant Seeds (Amendment)
(Scotland) Regulations 2000**

Amendment of regulation 3 of the principal Regulations

4.—(1) In regulation 3(1) (interpretation)—

(a) the following definitions shall be inserted in the appropriate places:—

““genetically modified” has the same meaning as for the purposes of Council Directive [90/220/EEC\(1\)](#) on the deliberate release into the environment of genetically modified organisms;”;

““the Ministers” means the Scottish Ministers;”;

““third country” means a country listed in the Annex to Council Decision [95/514/EC\(2\)](#);”;

(b) the definition of “marketing” and “the Minister” shall be omitted; and

(c) for the definition of “official examination” there shall be substituted—

“official examination” means—

“(a) in relation to Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation or Commercial Seed produced in the United Kingdom—

(i) an examination or test carried out by or on behalf of the Ministers, the Minister of Agriculture, Fisheries and Food, the National Assembly for Wales or the Department of Agriculture and Rural Development;

(ii) an examination carried out under official supervision; or

(iii) a test carried out by an establishment licensed as a seed testing station under official supervision;

(b) in relation to Breeder’s Seed, Pre-basic Seed and Basic Seed, produced in the United Kingdom—

(i) an examination or test carried out by or on behalf of the Ministers, the Minister of Agriculture, Fisheries and Food, the National Assembly for Wales or the Department of Agriculture and Rural Development;

(ii) a test carried out by an establishment licensed as a seed testing station under official supervision; and

(c) in relation to any description of seed produced elsewhere than in the United Kingdom, an examination or a test approved by the Ministers;”.

(d) the definition of “small package” shall be omitted; and

(e) in the definition of “small EC B package” for the words “Certified Seed or Commercial Seed” there shall be substituted “Basic Seed, Certified Seed or Commercial Seed”.

(1) O.J. No L 117, 8.5.90; as last amended by Commission Decision [98/294/EC](#), O.J. No L 131, 5.5.98,

(2) O.J. No L 296, 9.12.95, p.34.

- (2) In paragraph (3) of regulation 3–
- (i) in the definition of “Certified Seed”, for the words “field peas or field beans” there shall be substituted “field peas, field beans, white lupin, narrow-leaved lupin (blue lupin), yellow lupin, Hungarian vetch, common vetch, hairy vetch or lucerne”; and
 - (ii) in the definition of “Certified Seed of the First Generation”, for the words “field peas or field beans” there shall be substituted “field peas, field beans, white lupin, narrow-leaved lupin (blue lupin), yellow lupin, Hungarian vetch, common vetch, hairy vetch or lucerne”.
- (3) After paragraph (3) of regulation 3 there shall be inserted–

“(3A) For the purposes of these Regulations, seeds–

- (a) produced and packaged in a Member State other than the United Kingdom or a third country;
- (b) accompanied by a document issued by a competent authority concerned with the certification of fodder plant seed, in that Member State or third country containing information specified at paragraph G(b) of Part I of Schedule 6; and
- (c) in respect of which an application has been made for a breeder’s confirmation under these Regulations,

shall be deemed to be seeds produced from seeds issued with a breeder’s confirmation.

(3B) For the purposes of these Regulations, seeds–

- (a) produced and packaged in a Member State other than the United Kingdom or a third country;
- (b) accompanied by a document issued by a competent authority concerned with the certification of fodder plant seed, in that Member State or third country containing information specified (in respect of packages of seed not finally certified) at paragraph G(b) of Part I of Schedule 6; and

in respect of which an application has been made for an official certificate under these Regulations,

shall be deemed to be seeds produced from seeds issued with such a breeder’s confirmation or an official certificate.

(3C) For the purposes of these Regulations, seeds–

- (a) produced and packaged in a Member State other than the United Kingdom or a third country;
- (b) labelled appropriately in accordance with the requirements of regulation 9; and
- (c) in the case of small EC A packages and small EC B packages sealed in accordance with the requirements of regulation 8(3), or, in the case of seeds other than small EC A packages and small EC B packages, sealed by a competent authority concerned with the certification of fodder plant seeds, in that Member State or third country,

shall be deemed to fall within the meaning of the appropriate category of seeds set out in paragraph (3) above.”

- (4) After paragraph (4) of regulation 3 there shall be inserted–

“(5) In these Regulations “marketing” means–

- (a) selling, holding with a view to sale and offering for sale; and
- (b) any disposal, supply or transfer, for the purpose of commercial exploitation of seed to third parties,

whether or not for consideration; and “market” and “marketed” shall be construed accordingly.

(6) Trade in seed, not aimed at commercial exploitation of the variety, such as the following operations, shall not be treated as marketing of seed of that variety—

- (a) the supply of seed to official testing and inspection bodies; or
- (b) the supply of seed to any person for the purpose of processing or packaging the seed provided he does not acquire title to the seed supplied”.