
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Scotland only, consolidate, with amendments, the provisions of the Cereal Seeds Regulations 1993 (S.I.1993/2005) as relevantly amended by the Cereal Seeds (Amendment) Regulations 1995 (S.I. 1995/1482), the Seeds (Miscellaneous Amendments) (Scotland) Regulations 1997 (S.I. 1997/616), the Cereal Seeds (Amendment) Regulations 1999 (S.I. 1999/1860), the Cereal Seeds (Amendment) (Scotland) Regulations 2000 (S.S.I. 2000/248), the Seeds (National Lists of Varieties) Regulations 2001 (S.I. 2001/3510) and the Seeds (Miscellaneous Amendments) (No. 2) (Scotland) Regulations 2002 (S.S.I. 2002/564) (“the 1993 Regulations”).

The Regulations implement the provisions of Council Directive 66/402/EEC on the marketing of cereal seed as amended.

The Regulations apply to the certification and marketing of cereal seed of the species specified in Schedule 1 to these Regulations (regulation 5 and Schedule 1). The Regulations include provisions which prohibit the marketing of cereal seed in Scotland unless it is seed of a listed variety which has been officially certified or Breeders Seed (regulation 6(1)). The prohibition does not apply in the case of seed—

- (a) which has not yet been fully certified if it is marketed for processing (regulation 6(2));
- (b) which forms part of a mixture permitted by the Fodder Plant Seeds (Scotland) Regulations 2005 (regulation 8);
- (c) where authorisation has been granted for scientific purposes or selection work or for the purposes of tests and trials (regulation 9); or
- (d) the marketing of which is authorised by general licence under regulation 10.

The Regulations introduce provision for licensed crop inspections of multiplication crops when the results of control plots are satisfactory.

The Regulations include provisions about the standards to be met by cereal seed before it will be officially certified by the Scottish Ministers (regulations 2, 3, 14 and Schedules 2 and 4). There are provisions allowing the marketing of seed which does not attain the relevant germination standards (regulation 11) and for marketing seed before it is shown to meet the relevant germination standards. The Regulations make provision for seed to be subject to a tetrazolium test which removes doubt regarding germination and enables seed to be marketed rapidly (regulation 12).

The Regulations make provision for breeder’s confirmations for seed which is not yet accepted onto a UK National List or the Common Catalogue but which otherwise meets the requirements for Pre basic Seed or Basic Seed (regulations 3, 20 and Schedules 2 and 4) and for upgrading a breeder’s confirmation to an official certificate (regulation 14(3)).

The Regulations introduce new provision for moisture testing which implements Council Directive 98/95 EC (O.J. No. L 25, 1.2.99, p.1) moisture testing now becomes a matter for official certification rather than a marketing standard as was required under the Cereal Seeds Regulations 1993 (Schedule 4, Part II, paragraph 19).

The Regulations lay down requirements relating to seed sampling (regulation 15 and Schedule 5) and the packaging and sealing of packages of seed (regulations 16, 18 and 21) and the labelling of packages of such seed (regulations 17, 18 and 22 and Schedule 6).

The Regulations introduce the power to require an additional sample of seed for the purposes of European tests and trials (regulation 23).

Changes to legislation: There are currently no known outstanding effects for the *The Cereal Seed (Scotland) Regulations 2005*. (See end of Document for details)

The Regulations provide that particulars given to a purchaser by a seller of seed to which the Regulations apply will constitute a statutory warranty so far as they relate to certain information about the seed being sold (regulation 24).

The Regulations introduce provisions about service of notices (regulation 25) and permit electronic communications to be used in certain circumstances (regulation 26).

The Regulations amend the Seeds (Fees) (Scotland) Regulations 2002 ([S.S.I. 2002/526](#)) to allow fees to be charged for procedures carried out in relation to the Regulations (regulation 27).

The Regulations revoke the Cereal Seeds Regulations 1993 as amended. General licences made under the 1993 Regulations will be replaced by general licences made under these Regulations (regulation 28).

Contravention of these Regulations is a criminal offence (section 16(7) of the Plant Varieties and Seeds Act 1964).

A copy of the Scottish Ministers' requirements in respect of previous cropping, crop conditions for field examinations and moisture testing can be obtained from SEERAD, Pentland House, 47 Robb's Loan, Edinburgh EH14 1TY.

A regulatory impact assessment has been prepared in relation to these Regulations. A copy of the RIA can be obtained from SEERAD, Pentland House, 47 Robb's Loan, Edinburgh.

Changes to legislation:

There are currently no known outstanding effects for the The Cereal Seed (Scotland) Regulations 2005.