
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 328

The Cereal Seed (Scotland) Regulations 2005

PART IV

**PACKAGING AND LABELLING
REQUIREMENTS FOR FULLY CERTIFIED SEED**

Sealing of packages of fully certified seed

16.—(1) Subject to regulations 18 and 19, no person shall market in accordance with [^{F1}regulation 6(1), 8, 9A, 9B, 11 or 12] a package (other than a small package sealed in accordance with paragraph (4)) of Pre basic Seed, Basic Seed, Seed of a Certified Generation, a mixture of seeds to which regulation 8 applies, [^{F2}test and trial seed, seed of a Conservation Variety, lower germination seed] or early movement seed unless, subject to paragraph (2), it has been—

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

sealed in Scotland by the Scottish Ministers or by^{F3}... 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 a manner that the package cannot be opened without damaging the sealing system or without leaving evidence of tampering on the official label or package; or

[^{F4}(b) sealed in any other part of the United Kingdom in accordance with the applicable requirements in the relevant part of the United Kingdom.]

(2) In the case of a package of seed in respect of which the Scottish Ministers have issued an official certificate under regulation 14(3)—

- (a) paragraph (1)(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 (1)(a) within 7 days of the issue of the official certificate.

(3) If a package of seed which has been sealed in accordance with paragraph (1) is opened it may not be marketed in accordance with [^{F1}regulation 6(1), 8, 9A, 9B, 11 or 12] unless it is re sealed or further re sealed—

- (a) in Scotland by the Scottish Ministers or by^{F5}... 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 a manner that the package cannot be opened without damaging the sealing system or without leaving evidence of tampering on the official label or package; or

[^{F6}(b) in any other part of the United Kingdom in accordance with the applicable requirements in the relevant part of the United Kingdom.]

(4) No person shall market in accordance with [^{F7}regulation 6(1), 8, 9A, 9B, 11 or 12] a small package of, Pre basic Seed, Basic Seed, [^{F8}Seed of a Certified Generation, seed of a Conservation Variety, lower germination seed] or early movement seed, unless it has been, or in the case of seed which is wholly or partly re packaged, the original package has been, sealed by the Scottish Ministers, or by^{F9}... a licensed seed sampler [^{F10}or a person licensed or registered in any part of the United Kingdom as a professional seed operator under regulation 4(1)(a) of the Seed (Licensing and Enforcement etc.) (Scotland) Regulations 2016 or provisions equivalent to that regulation], not later than at the time of sampling in the United Kingdom with a sealing device 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.

(5) If a small package of seed which has been sealed in accordance with paragraph (4) is opened, it may not be marketed in accordance with [^{F7}regulation 6(1), 8, 9A, 9B, 11 or 12] unless it is re-sealed or further re-sealed by the Scottish Ministers, or by^{F9}... a licensed seed sampler [^{F11}or a person licensed or registered in any part of the United Kingdom as a professional seed operator under regulation 4(1)(a) of the Seed (Licensing and Enforcement etc.) (Scotland) Regulations 2016 or provisions equivalent to that regulation], with a sealing device, in such a manner that the package cannot be opened without damaging the sealing system or leaving evidence of tampering on the label or package.

(6) No person shall market in accordance with regulation 6(1) a package of Breeder's Seed 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 on the label or package.

(7) If a package of Breeder's Seed which has been sealed in accordance with paragraph (6) is opened it may not be marketed in accordance with regulation 6(1) unless it is re-sealed or further re 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 on the label or package.

Textual Amendments

- F1** Words in reg. 16(1)(3) substituted (30.6.2009) by The Seed (Scotland) (Amendments for Conservation Varieties) Regulations 2009 (S.S.I. 2009/223), regs. 1, **8(a)**
- F2** Words in reg. 16(1) substituted (30.6.2009) by The Seed (Scotland) (Amendments for Conservation Varieties) Regulations 2009 (S.S.I. 2009/223), regs. 1, **8(b)**
- F3** Words in reg. 16(1)(a) omitted (1.4.2007) by virtue of The Seed (Scotland) (Amendments for Tests and Trials etc.) Regulations 2007 (S.S.I. 2007/224), regs. 1, **6(c)**
- F4** Reg. 16(1)(b) substituted (31.12.2020) by The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59), regs. 1(1)(b), **13(15)(a)** (as substituted by S.S.I. 2020/445, regs. 1(1)(b), **14(14)(a)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F5** Words in reg. 16(3)(a) omitted (1.4.2007) by virtue of The Seed (Scotland) (Amendments for Tests and Trials etc.) Regulations 2007 (S.S.I. 2007/224), regs. 1, **6(c)**
- F6** Reg. 16(3)(b) substituted (31.12.2020) by The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59), regs. 1(1)(b), **13(15)(b)** (as substituted by S.S.I. 2020/445, regs. 1(1)(b), **14(14)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F7** Words in reg. 16(4)(5) substituted (30.6.2009) by The Seed (Scotland) (Amendments for Conservation Varieties) Regulations 2009 (S.S.I. 2009/223), regs. 1, **8(a)**
- F8** Words in reg. 16(4) substituted (30.6.2009) by The Seed (Scotland) (Amendments for Conservation Varieties) Regulations 2009 (S.S.I. 2009/223), regs. 1, **8(e)**
- F9** Words in reg. 16(4)(5) omitted (1.4.2007) by virtue of The Seed (Scotland) (Amendments for Tests and Trials etc.) Regulations 2007 (S.S.I. 2007/224), regs. 1, **6(c)**
- F10** Words in reg. 16(4) substituted (1.7.2016) by The Seed (Licensing and Enforcement etc.) (Scotland) Regulations 2016 (S.S.I. 2016/68), reg. 1(1), **sch. 3 para. 2(3)(a)**

F11 Words in reg. 16(5) substituted (1.7.2016) by The Seed (Licensing and Enforcement etc.) (Scotland) Regulations 2016 (S.S.I. 2016/68), reg. 1(1), sch. 3 para. 2(3)(b)

Commencement Information

I1 Reg. 16 in force at 1.7.2005, see reg. 1(1)

Labelling of packages of fully certified seed

17.—(1) Subject to regulations 18 and 19, no person shall market in accordance with [F12]regulation 6(1), 8, 9A, 9B, 11 or 12] any Pre basic Seed, Basic Seed, Seed of a Certified Generation, a mixture of seeds to which regulation 8 applies, [F13]test and trial seed, seed of a Conservation Variety, lower germination seed] or early movement seed, 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) In the case of a package of seed in respect of which the Scottish Ministers have issued an official certificate under regulation 14(3) or in respect of which the Scottish Ministers have issued 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.

(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, and any particulars given under regulations 18 or 19, shall clearly indicate that the variety has been genetically modified.

(4) A package of Breeder’s Seed shall have affixed on the outside a label which has not previously been used, containing, as appropriate to the seed, particulars of the matters specified, and being of the colour also specified, in paragraph 3 of Part II of Schedule 6, which shall be either an adhesive label or tear proof label and shall be affixed, in either case, not later than at the time of sealing.

[F14(4A) A package of seed of a Conservation Variety shall—

- (a) have affixed on the outside a label, which has not previously been used, containing, as appropriate to the seed, particulars of the matters specified, and being of the colour also specified, in paragraph 6B of Part II of Schedule 6, which shall be either an adhesive label or tear proof label and shall be affixed, in either case, not later than at the time of sealing; and

[F15(b) where seed is sealed in any part of the United Kingdom other than Scotland, be labelled in accordance with the requirements for labelling applicable to a Conservation Variety in the relevant part of the United Kingdom.]

(5) Subject to paragraph (10), a package (other than a small package sealed in the United Kingdom in accordance with regulation 16(4)) of Pre basic Seed, Basic Seed, Seed of a Certified Generation, a mixture of seed to which regulation 8 applies, [F16]test and trial seed,] lower germination seed or early movement seed—

- (a) which is sealed in Scotland shall have affixed on the outside an official label—
 - (i) which has not previously been used;
 - (ii) 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

- (iii) which shall be either an adhesive label or a label secured to the package by a sealing system approved by the Scottish Ministers and shall be affixed, in either case, by the Scottish Ministers or by^{F17}... a licensed seed sampler; and
- [^{F18}(b) which is sealed in any part of the United Kingdom other than Scotland will satisfy the applicable requirements in the relevant part of the United Kingdom,]
- (6) If in accordance with regulation 11 a person markets any lower germination seed that person shall ensure—
- (a) that the official label, or the particulars printed or stamped on the package in accordance with paragraph (10), contains a statement that the minimum percentage of germination of the seed is less than the minimum percentage of germination for Basic Seed; and
 - (b) that there is a label affixed to the outside of the package containing a statement of the specific minimum percentage of germination of the seed guaranteed by the person marketing the seed in accordance with regulation 11(2) together with the name and address of the seller and the reference number of the seed lot.
- (7) If in accordance with regulation 12 a person markets any early movement seed, that person shall ensure that there is a label affixed to the outside of the package containing—
- (a) a statement that the seed is being sold before the official examination of the germination of that seed lot has been concluded; and
 - (b) a statement of the specific minimum percentage of germination guaranteed by the person marketing the seed in accordance with regulation 12(2)(c), together with the name and address of the seller and the reference number of the seed lot.
- (8) Subject to paragraph (9), a package (other than a small package sealed in the United Kingdom in accordance with regulation 16(4)) of Pre basic Seed, Basic Seed, Seed of a Certified Generation, a mixture of seeds to which regulation 8 applies, [^{F19}test and trial seed,] lower germination seed or early movement seed—
- (a) which is sealed in Scotland 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 (5) and shall contain particulars of the matters specified in the items numbered—
 - (i) 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;
 - (ii) in the case of Basic Seed, Seed of a Certified Generation, or lower germination seed to which paragraph 5 of Part II of Schedule 6 is relevant, paragraph 5(a)(iv) to (vi) of Part II of Schedule 6;
 - (iii) in the case of a mixture of seeds to which regulation 8 applies, paragraph 6(a)(i) and (iv) of Part II of Schedule 6; and
 - [^{F20}(b) which is sealed in any other part of the United Kingdom, must contain an official document in accordance with the applicable requirements for official documents and, as the case may be, for labelling of packages of mixtures of seeds, in the relevant part of the United Kingdom.]
- (9) The official inner label or document referred to in paragraph (8) shall not be required if the particulars specified in paragraphs (3), (8) and (13) are printed indelibly on the outside of the package or if the official label is an adhesive or a tear resistant label.
- (10) Notwithstanding paragraphs (5) and (6)(a), but subject to paragraphs (6)(b) and (7), a package (other than a small package sealed in the United Kingdom in accordance with regulation 16(4)) of Basic Seed, Seed of a Certified Generation, a mixture of seeds to which

regulation 8 applies, [^{F19}test and trial seed,] lower germination seed or early movement seed may be marketed if–

- [^{F21}(a) (i) for packages sealed in Scotland, the appropriate particulars of the matters specified in Part II of Schedule 6 and paragraphs (3), (6)(a), (12) and (13), are printed or stamped indelibly on the package in a panel of at least the size and of the colour so specified;
- (ii) for packages sealed in any other part of the United Kingdom, the appropriate particulars of the matters specified in accordance with the applicable requirements in the relevant part of the United Kingdom, are printed or stamped indelibly on the package in a panel of at least the size and of the colour so specified; and]
- (b) the requirements of paragraphs 12 to 15 of Part VI of Schedule 6 are satisfied, in the case of a package sealed in Scotland; and
- [^{F22}(c) the requirements of paragraph 17 of Part VI of Schedule 6 are satisfied in the case of a package sealed in any other part of the United Kingdom.]

(11) A small 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, particulars of the matters specified in paragraphs (3), (12) and (13) and the relevant paragraph of Part III of Schedule 6, and being of the colour specified in the relevant paragraph of Part III of Schedule 6, except that subject to paragraphs (6) and (7)–

- (a) if such particulars are printed 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.

(12) Subject to paragraph (10) or (11), if a package of seed has been re sealed in accordance with regulations 16(3) or regulation 21(4) this fact shall be stated on the official label required under paragraph (5) or the label required under paragraph (11), 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.

(13) 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 18, with the particulars given in accordance with that regulation;
- (b) in a case where seed is not being marketed in accordance with regulation 18–
 - (i) on a separate label on the package; or
 - (ii) on the label referred to in paragraph (4), (5) or (11), the official inner label or document referred to in paragraph (8), or the printing or stamp referred to in paragraph (9), (10) or (11),

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.

(14) The particulars and information given in accordance with this regulation shall be given in [^{F23}English but may also be given in other languages].

(15) Subject to the provisions of the Act and of these Regulations, no person shall, in the course of the marketing or the preparation for marketing of any seed by that person or by any other person, 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 regulation 17(2)(b).]

Textual Amendments

- F12** Words in [reg. 17\(1\)](#) substituted (30.6.2009) by [The Seed \(Scotland\) \(Amendments for Conservation Varieties\) Regulations 2009 \(S.S.I. 2009/223\)](#), regs. 1, [9\(a\)\(i\)](#)
- F13** Words in [reg. 17\(1\)](#) substituted (30.6.2009) by [The Seed \(Scotland\) \(Amendments for Conservation Varieties\) Regulations 2009 \(S.S.I. 2009/223\)](#), regs. 1, [9\(a\)\(ii\)](#)
- F14** [Reg. 17\(4A\)](#) inserted (30.6.2009) by [The Seed \(Scotland\) \(Amendments for Conservation Varieties\) Regulations 2009 \(S.S.I. 2009/223\)](#), regs. 1, [9\(b\)](#)
- F15** [Reg. 17\(4A\)\(b\)](#) substituted (31.12.2020) by [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), [13\(16\)\(a\)](#) (as substituted by S.S.I. 2020/445, regs. 1(1)(b), [14\(15\)\(a\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F16** Words in [reg. 17\(1\)\(5\)](#) inserted (1.4.2007) by [The Seed \(Scotland\) \(Amendments for Tests and Trials etc.\) Regulations 2007 \(S.S.I. 2007/224\)](#), regs. 1, [7\(b\)](#)
- F17** Words in [reg. 17\(5\)\(a\)\(iii\)](#) omitted (1.4.2007) by virtue of [The Seed \(Scotland\) \(Amendments for Tests and Trials etc.\) Regulations 2007 \(S.S.I. 2007/224\)](#), regs. 1, [7\(c\)](#)
- F18** [Reg. 17\(5\)\(b\)](#) substituted (31.12.2020) [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), [13\(16\)\(b\)](#) (as substituted by S.S.I. 2020/445, regs. 1(1)(b), [14\(15\)\(b\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F19** Words in [reg. 17\(8\)\(10\)](#) inserted (1.4.2007) by [The Seed \(Scotland\) \(Amendments for Tests and Trials etc.\) Regulations 2007 \(S.S.I. 2007/224\)](#), regs. 1, [7\(b\)](#)
- F20** [Reg. 17\(8\)\(b\)](#) substituted (31.12.2020) by [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), [13\(16\)\(c\)](#) (as substituted by S.S.I. 2020/445, regs. 1(1)(b), [14\(15\)\(c\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F21** [Reg. 17\(10\)\(a\)](#) substituted (31.12.2020) by [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), [13\(16\)\(d\)\(i\)](#) (as substituted by S.S.I. 2020/445, regs. 1(1)(b), [14\(15\)\(d\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F22** [Reg. 17\(10\)\(c\)](#) substituted (31.12.2020) by [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), [13\(16\)\(d\)\(ii\)](#) (as substituted by S.S.I. 2020/445, regs. 1(1)(b), [14\(15\)\(d\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F23** Words in [reg. 17\(14\)](#) substituted (31.12.2020) by [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), [13\(16\)\(e\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Commencement Information

- I2** [Reg. 17](#) in force at 1.7.2005, see [reg. 1\(1\)](#)

Marketing of unpacked seed

18. A person may sell any seed otherwise than in a package which is sealed, labelled, inscribed or otherwise dealt with in accordance with regulation 16 and regulation 17(1), (2), (4) to (12), (14) and (15) where—

- (a) the seed is sold in a quantity not exceeding 5 kilograms to the final consumer; and
- (b) the seed is taken, in the presence of the final consumer, from a container on which there is clearly and visibly marked, or near which there is clearly and visibly displayed, a statement containing particulars of the matters specified in the relevant paragraph of Part IV of Schedule 6.

Commencement Information

- I3** [Reg. 18](#) in force at 1.7.2005, see [reg. 1\(1\)](#)

Marketing of Excepted Seed Marketed in Bulk

19.—(1) Regulations 16 and 17 shall not apply to marketing of Excepted Seed Marketed in Bulk where the person marketing the seed delivers a note to the final consumer, not later than the time of delivery of the seed, containing the information given on the official label on the container from which the seed was taken.

(2) A supplier of seed shall prior to 10th January 2006 and prior to 10th January in each year thereafter notify the Scottish Ministers in such manner as the Scottish Ministers may from time to time specify of the quantities of Excepted Seed Marketed in Bulk by that supplier in the period from 1st January to 31st December in the immediately preceding year.

Commencement Information

14 Reg. 19 in force at 1.7.2005, see [reg. 1\(1\)](#)

Changes to legislation:

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