
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\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Cereal Seed (Scotland) Regulations 2005, Section 16.