
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 328

The Cereal Seed (Scotland) Regulations 2005

**PART II
MARKETING**

Marketing of seed

6.—(1) Subject to the provisions of this Part, no person shall market any seed unless—

- (a) it is marketed in seed lots or in parts of seed lots; and
- (b) it is—
 - (i) seed of a plant variety of a species specified in Part I of Schedule 1 (varieties of plant species on national lists) to the Seeds (National Lists of Varieties) Regulations 2001⁽¹⁾ accepted on to a [^{F1}GB Variety List or an NI Variety List] and which is fully certified [^{F2}Pre-basic Seed, fully certified Basic Seed, Seed of a Certified Generation or seed of a Conservation Variety]; or
 - (ii) Breeder's Seed.

^{F3}(2) Paragraph (1) shall not apply to the marketing of seed which has not yet been fully certified if—

- (a) the seed is marketed for processing;
- (b) the identity of the seed is ensured; and
 - (i) the seed has been harvested by an official field inspection to satisfy the conditions specified in Part I of Schedule 4 ^{F4}... for the relevant category of seed; or
 - (ii) the seed of a Conservation Variety has been harvested from a crop which has been found to satisfy the conditions specified in Part III of Schedule 4A.]

(3) Where seed is sampled in an untreated state for ^{F5}... the official examination referred to in paragraph 2(c) of Part I of Schedule 2, [^{F6}the examination referred to in paragraph 2(b) of Part I of Schedule 4A] or for an examination or test carried out by [^{F7}an International] Authority other than the Scottish Ministers, and the seed is subsequently subjected to chemical treatment the seller shall, upon or before delivering the seed to the purchaser, provide the purchaser with a statement in writing that the seed has been subsequently subjected to chemical treatment and specifying the chemical nature of such treatment.

(4) Notwithstanding paragraph (1), no person shall market seed of a genetically modified variety unless it is clearly indicated, in the sales catalogue of the person marketing the seed and in any other marketing information or marketing representations provided by that person, as having been genetically modified.

(5) Any person marketing seed which has been imported from [^{F8}outside the United Kingdom] and which exceeds 2 kilograms of seed shall supply the Scottish Ministers, in such manner and at

such time as the Scottish Ministers may require, with the particulars relating to the seed specified in paragraph 11 of Part V of Schedule 6.

^{F9}(6)

Textual Amendments

- F1** Words in [reg. 6\(1\)\(b\)\(i\)](#) 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(5)(a)** (as substituted by [S.S.I. 2020/445](#), regs. 1(1)(b), **14(4)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F2** Words in [reg. 6\(1\)\(b\)\(i\)](#) substituted (30.6.2009) by [The Seed \(Scotland\) \(Amendments for Conservation Varieties\) Regulations 2009 \(S.S.I. 2009/223\)](#), regs. 1, **4(a)**
- F3** [Reg. 6\(2\)](#) substituted (30.6.2009) by [The Seed \(Scotland\) \(Amendments for Conservation Varieties\) Regulations 2009 \(S.S.I. 2009/223\)](#), regs. 1, **4(b)**
- F4** Words in [reg. 6\(2\)\(b\)\(i\)](#) omitted (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(5)(aa)** (as substituted by [S.S.I. 2020/445](#), regs. 1(1)(b), **14(4)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F5** Word in [reg. 6\(3\)](#) revoked (30.6.2009) by [The Seed \(Scotland\) \(Amendments for Conservation Varieties\) Regulations 2009 \(S.S.I. 2009/223\)](#), regs. 1, **4(c)(i)**
- F6** Words in [reg. 6\(3\)](#) inserted (30.6.2009) by [The Seed \(Scotland\) \(Amendments for Conservation Varieties\) Regulations 2009 \(S.S.I. 2009/223\)](#), regs. 1, **4(c)(ii)**
- F7** Words in [reg. 6\(3\)](#) 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(5)(ab)** (as substituted by [S.S.I. 2020/445](#), regs. 1(1)(b), **14(4)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F8** Words in [reg. 6\(5\)](#) 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(5)(b)**; 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F9** [Reg. 6\(6\)](#) omitted (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(5)(d)**; 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Commencement Information

- I1** [Reg. 6](#) 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 6.