

SCHEDULE 4 **S**

REQUIREMENTS FOR PRE BASIC SEED, BASIC SEED,
CERTIFIED SEED, CERTIFIED SEED OF THE FIRST GENERATION
AND CERTIFIED SEED OF THE SECOND GENERATION

PART II **S**

CONDITIONS RELATING TO BASIC SEED, CERTIFIED
SEED, CERTIFIED SEED OF THE FIRST GENERATION
AND CERTIFIED SEED OF THE SECOND GENERATION

Standards for varietal purity **S**

13.—(1) The seed shall possess sufficient varietal identity and varietal purity or, in the case of an inbred line, sufficient identity and purity as regards its characteristics.

(2) For the seed of hybrid varieties, the requirement for sufficient identity and purity shall also apply to the characteristics of the components.

(3) In particular, seed of the species, category and level specified in columns 1 and 2 of the following table shall possess at least the percentage of minimum varietal purity specified in the corresponding entry in column 3 of the table—

Column 1 Species and category	Column 2 Level (where appropriate)	Column 3 Percentage of minimum varietal purity
(a) (a) Barley, durum wheat, oats, spelt wheat and wheat except hybrids in each case—		
(i) Basic Seed	HVS	99.95%
	Minimum	99.90%
(ii) Certified Seed of the First Generation	HVS	99.90%
	Minimum	99.70%
(iii) Certified Seed of the Second Generation	HVS	99.70%
	Minimum	99.00%
[^{F1} (b) [^{F1} (b) Hybrids of barley, durum wheat, oats, self-pollinating varieties of triticale, spelt wheat or wheat other than hybrids of barley, durum wheat, spelt wheat and wheat produced by		

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

Column 1 Species and category	Column 2 Level (where appropriate)	Column 3 Percentage of minimum varietal purity
means of cytoplasmic male sterility—		
(i) Certified Seed		90.00%]
[^{F2} (ba) [^{F2} (ba) Hybrids of barley [^{F3} , durum wheat, spelt wheat and wheat] produced by means of cytoplasmic male sterility—		
(i) Certified Seed		85.00%]
(c) (c) Self pollinating varieties of triticale—		
(i) Basic Seed	—	99.70%
(ii) Certified Seed of the First Generation	—	99.00%
(iii) Certified Seed of the Second Generation	—	98.00%

(4) For the purposes of sub paragraph (3)(a) and (b), the minimum varietal purity of seed shall be examined mainly in official field inspections carried out in accordance with the conditions specified in paragraph 3 of Part I of this Schedule.

[^{F4}(4A) For the purposes of sub-paragraph (3)(ba), impurities other than the restorer shall not exceed 2%.]

(5) For the purposes of [^{F5}sub-paragraphs (3)(b), (ba) and (c)], the minimum varietal purity of the seed shall be examined in official post-control tests on an appropriate proportion of samples.

Textual Amendments

- F1** Words in sch. 4 para. 13(3) table substituted (6.10.2023) by The Cereal Seed (Scotland) Amendment Regulations 2023 (S.S.I. 2023/193), regs. 1(1), **3(1)(c)(i)(aa)**
- F2** Words in sch. 4 para. 13(3) table 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(6)(b)(i)(aa)**
- F3** Words in sch. 4 para. 13(3) table inserted (6.10.2023) by The Cereal Seed (Scotland) Amendment Regulations 2023 (S.S.I. 2023/193), regs. 1(1), **3(1)(c)(i)(bb)**
- F4** Sch. 4 para. 13(4A) inserted (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(6)(b)(i)(bb)**
- F5** Words in sch. 4 para. 13(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(6)(b)(i)(cc)**

Commencement Information

- I1** Sch. 4 para. 13 in force at 1.7.2005, see **reg. 1(1)**

Production of Certified Seed of hybrids of maize **S**

14.—(1) Where a female male-sterile component and a male component which does not restore male fertility have been used for the production of Certified Seed of hybrids of maize, the seed produced—

- (a) by mixing the seed lots in a proportion appropriate to the variety where, on the one hand a female male sterile component has been used and, on the other, a female male fertile component has been used; or
- (b) by growing the female male sterile component and the female male fertile component in a proportion appropriate to the variety.

(2) In the case of seed produced in the manner specified in sub paragraph (1)(b) the proportion of the female male sterile and female male fertile components shall be examined in field inspections carried out in accordance with the conditions laid down in paragraph 3 of Part I of this Schedule.

Commencement Information

I2 Sch. 4 para. 14 in force at 1.7.2005, see [reg. 1\(1\)](#)

[^{F6}Standards for varietal purity for hybrid varieties of rye and cytoplasmic male sterility hybrid varieties of barley, durum wheat, spelt wheat and wheat] **S**

15. In the case of seed of a hybrid variety of rye [^{F7}or a cytoplasmic male sterility hybrid variety of barley]^{F8}, durum wheat, spelt wheat or wheat], the seed shall not be certified as Certified Seed unless due account has been taken of the results of official post control tests on samples of Basic Seed taken in accordance with regulation 15(1) and carried out during the growing season of the seed for which an application has been made for certification as Certified Seed to ascertain whether the Basic Seed has met the requirements for Basic Seed specified in these Regulations in respect of varietal identity as regards the characteristics of the components, including male sterility and in respect of the minimum varietal purity.

Textual Amendments

- F6** Sch. 4 para. 15 heading substituted (6.10.2023) by [The Cereal Seed \(Scotland\) Amendment Regulations 2023 \(S.S.I. 2023/193\)](#), [regs. 1\(1\)](#), [3\(1\)\(d\)\(i\)](#)
- F7** Words in sch. 4 para. 15 inserted (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\(6\)\(b\)\(ii\)\(bb\)](#)
- F8** Words in sch. 4 para. 15 inserted (6.10.2023) by [The Cereal Seed \(Scotland\) Amendment Regulations 2023 \(S.S.I. 2023/193\)](#), [regs. 1\(1\)](#), [3\(1\)\(d\)\(ii\)](#)

Commencement Information

I3 Sch. 4 para. 15 in force at 1.7.2005, see [reg. 1\(1\)](#)

Standards of germination, analytical purity and content of seed of other plant species **S**

16.—(1) The seed shall conform to the standards or other conditions as regards germination, analytical purity and the content of seeds of other plant species specified in the following table—

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

Maximum content by number of seeds of other plant species in a sample of the weight specified in column 6 of paragraph 26(2) of Part II of Schedule 5																
Species and category (seed)	Germination (% of pure seed)		Analytical purity (% by weight)		Other plant species (inc. seeds of the species specified in columns 8 to 15)		Other cereal species		All species other than cereals		<i>Avena fatua</i> , [^{F9} <i>Avena sterilis</i>], <i>Lolium temulentum</i>		[^{F10} <i>Elytrigia repens</i>]; or <i>Agrostemma githago</i> ; or <i>Bromus sterilis</i> ; or <i>Raphanus raphanistrum</i>		Ergot (pieces)	
	<i>Min Std</i>	<i>HVS</i>	<i>Min Std</i>	<i>HVS</i>	<i>Min Std</i>	<i>HVS</i>	<i>Min Std</i>	<i>HVS</i>	<i>Min Std</i>	<i>HVS</i>	<i>Min Std</i>	<i>HVS</i>	<i>Min Std</i>	<i>HVS</i>	<i>Min Std</i>	<i>HVS</i>
<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>	<i>8</i>	<i>9</i>	<i>10</i>	<i>11</i>	<i>12</i>	<i>13</i>	<i>14</i>	<i>15</i>	<i>16</i>	<i>17</i>
Avena sativa, Hordeum vulgare Triticum aestivum, T. durum, T. spelta:																
– basic seed	85	85	99	99	4	1	1 ^(a)	0	3	1	0 ^(b)	0	1 ^(f)	0 ^(d)	1	0
– certified seed	85 ^(c)	n/a	98	n/a	10	n/a	7	n/a	7	n/a	0 ^(b)	n/a	3 ^(f)	n/a	3	n/a
– certified seed of the First generation	85 ^(c)	85 ^(c)	98	99	10	2	7	1	7	1	0 ^(b)	0	3 ^(f)	1	3	1
– certified seed of the Second generation	85 ^(c)	85 ^(c)	98	99	10	4	7	3	7	2	0 ^(b)	0	3 ^(f)	1	3	1
[^{F12} <i>Avena nuda</i>																

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

Species and category	Germination (% of seed)		Analytical purity (% by weight)		Other plant species (inc. seeds of the species specified in columns 8 to 15)		Other cereal species		All species other than cereals		Avena fatua, [^{F9} Avena sterilis], Lolium temulentum		[^{F10} Elytrigia repens]; or Agrostemma githago; or Bromus sterilis; or Raphanus raphanistrum		Ergot (pieces)	
	Min Std	HVS	Min Std	HVS	Min Std	HVS	Min Std	HVS	Min Std	HVS	Min Std	HVS	Min Std	HVS	Min Std	HVS
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
- basic seed	75	75	99	99	4	1	1(a)	0	3	1	0(b)	0	1(f)	0	1	0
- certified seed	75(c)	n/a	98	n/a	10	n/a	7	n/a	7	n/a	0(b)	n/a	3(f)	n/a	3	n/a
- certified seed of the first generation	75(c)	75(c)	98	99	10	2	7	1	7	1	0(b)	0	3(f)	1	3	1
- certified seed of the second generation	75(c)	75(c)	98	99	10	4	7	3	7	2	0(b)	0	3(f)	1	3	1]
Secale cereale																
- basic seed	85	n/a	98	n/a	4	n/a	1 (a)	n/a	3	n/a	0 (b)	n/a	1 (f)	n/a	1	n/a
- certified seed	85	n/a	98	n/a	10	n/a	7	n/a	7	n/a	0 (b)	n/a	3 (f)	n/a	3 (4 ^(e))	n/a
xTriticosecale																

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

Species and category	Germination (% of seed)		Analytical purity (% by weight)		Other plant species (inc. seeds of the species specified in columns 8 to 15)		Other cereal species		All species other than cereals		<i>Avena fatua</i> , [^{F9} <i>Avena sterilis</i>], <i>Lolium temulentum</i>		[^{F10} <i>Elytrigia repens</i>]; or <i>Agrostemma githago</i> ; or <i>Bromus sterilis</i> ; or <i>Raphanus raphanistrum</i>		Ergot (pieces)	
	Min Std	HVS	Min Std	HVS	Min Std	HVS	Min Std	HVS	Min Std	HVS	Min Std	HVS	Min Std	HVS	Min Std	HVS
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
– basic seed	80	n/a	98	n/a	4	n/a	1 ^(a)	n/a	3	n/a	0 ^(b)	n/a	1 ^(c)	n/a	1	n/a
– certified seed	80	n/a	98	n/a	10	n/a	7	n/a	7	n/a	0 ^(b)	n/a	3 ^(c)	n/a	3	n/a
– certified seed of the First generation	80	n/a	98	n/a	10	n/a	7	n/a	7	n/a	0 ^(b)	n/a	3 ^(c)	n/a	3	n/a
– certified seed of the Second generation	80	n/a	98	n/a	10	n/a	7	n/a	7	n/a	0 ^(b)	n/a	3 ^(c)	n/a	3	n/a
<i>Zea mays</i>	90	n/a	98	n/a	0	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
All categories																

- (a) A second seed shall not be regarded as an impurity if a second sample of the same weight is free from any seeds of other cereals species.
- (b) The presence of one seed of *Avena fatua*, [^{F9}*Avena sterilis*] or *Lolium temulentum* in a sample of the prescribed weight shall not be regarded as an impurity where a second sample of the same weight is free from any seeds of these species.
- (c) [^{F14}In the case of varieties of *Hordeum vulgare* which are officially classified as of the “naked barley” type and in the case of varieties of *Avena nuda* which are officially classified as of the “naked oat” type, the minimum germination standard is 75%. In such cases the official label shall be endorsed ‘minimum germination capacity 75%’.]
- (d) In HVS Basic Seed the nil standard shall apply in respect of *Agrostemma githago* and *Raphanus raphanistrum*.

- (e) For hybrids of rye. The presence of five ergots or fragments of ergot in a sample of seed of a hybrid of rye of the prescribed weight shall be deemed to be in conformity with required sample purity standards, where a second sample of the same weight contains not more than four ergots or fragments of ergot.
- (f) In minimum standard seed, the standards shall apply in respect of *Agrostemma githago* and *Raphanus raphanistrum* only.

(2) Subject to sub paragraphs (3) and (4) it shall be determined, by way of a germination test, whether the seed attains the percentage of germination for the relevant level specified in columns 2 and 3 of the table set out in sub paragraph (1) for the appropriate category of seed.

(3) Sub paragraph (2) shall not apply to seed that has been subjected to a tetrazolium test carried out by the Scottish Ministers or a licensed seed testing station to establish the viability of the seed unless the result of the test casts doubt on whether it will satisfy the applicable germination standard set out in column 2 of the table set out in sub paragraph (1).

(4) Where a tetrazolium test is carried out on seed which does not comply with the Scottish Ministers' requirements for eligibility for tetrazolium testing or where the results of a tetrazolium test do not meet the standards set out in the Scottish Ministers' requirements in respect of such tests, the test will cast doubt on whether the seed will satisfy the applicable germination standards set out in column 2 or 3 of the table set out in sub-paragraph (1).

Textual Amendments

- F9** Words in sch. 4 para. 16(1) substituted (30.6.2010) by [The Seed \(Scotland\) \(Miscellaneous Amendments\) Regulations 2010 \(S.S.I. 2010/219\)](#), regs. 1(2), **5(a)**
- F10** Words in sch. 4 para. 16(1) substituted (30.6.2010) by [The Seed \(Scotland\) \(Miscellaneous Amendments\) Regulations 2010 \(S.S.I. 2010/219\)](#), regs. 1(2), **5(b)**
- F11** Words in sch. 4 para. 16(1) substituted (30.6.2010) by [The Seed \(Scotland\) \(Miscellaneous Amendments\) Regulations 2010 \(S.S.I. 2010/219\)](#), regs. 1(2), **5(d)**
- F12** Sch. 4 para. 16(1) entry inserted (30.6.2010) by [The Seed \(Scotland\) \(Miscellaneous Amendments\) Regulations 2010 \(S.S.I. 2010/219\)](#), regs. 1(2), 5(c), **sch. 2**

Commencement Information

- I4** Sch. 4 para. 16 in force at 1.7.2005, see [reg. 1\(1\)](#)

[^{F13}Pests in the seed **S**

17.—(1) The seed must be practically free from any pests which reduce the usefulness and quality of the seed.

(2) The seed must also comply with the requirements concerning [^{F14}GB] quarantine pests, [^{F15}PFA] quarantine pests and RNQPs provided for in implementing acts adopted pursuant to the EU Plant Health Regulation, as well as the measures adopted pursuant to Article 30(1) of that Regulation.]

Textual Amendments

- F13** Sch. 4 para. 17 substituted (1.7.2020) by [The Seed and Plant Material \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/165\)](#), regs. 1(1), **6(3)(b)**
- F14** Word in sch. 4 para. 17(2) 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(22)(b)(i)** (as substituted by S.S.I. 2020/445, regs. 1(1)(b), **14(19)**); 2020 c. 1, **Sch. 5 para. 1(1)**

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

F15 Word in sch. 4 para. 17(2) 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(22)(b)(ii)** (as substituted by S.S.I. 2020/445, regs. 1(1)(b), **14(19)**); 2020 c. 1, **Sch. 5 para. 1(1)**

Standards for loose smut infection S

18. In any sample of seed the maximum percentage by number of loose smut infection shall be as follows—

Column 1 Category (Barley, durum wheat, spelt wheat and wheat)	Column 2 Level (where appropriate)	Column 3 Maximum percentage by number of loose smut infection
(a) (a) Basic Seed	HVS	0.1%
	Minimum	0.5%
(b) (b) Certified Seed	—	0.5%
(c) (c) Certified Seed of the First Generation	HVS	0.2%
	Minimum	0.5%
(d) (d) Certified Seed of the Second Generation	HVS	0.2%
	Minimum	0.5%

Seeds produced from a crop which has failed on official examination to meet the standards laid down by this paragraph may nevertheless be eligible for official certification—

- (a) if they have been adequately treated by any method approved by the Scottish Ministers for the control of loose smut; or
- (b) if an embryo test carried out by an official seed testing station, on the sample submitted for official examination, shows that the seeds met these standards.

Commencement Information
I5 Sch. 4 para. 18 in force at 1.7.2005, see **reg. 1(1)**

Moisture content S

- 19.**—(1) The maximum moisture content of the seed shall not exceed 17% by weight.
- (2) The results of any moisture testing which is not carried out in accordance with the requirements of the Scottish Ministers shall be disregarded.
- (3) The minimum weight of the sample to be submitted for moisture content testing shall be the minimum weight of a sample specified in column 5 of the table in paragraph 26 of Part II of Schedule 5 and this sample shall be submitted for testing in addition to the submitted sample and in an airtight moisture proof container.

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

Commencement Information

I6 Sch. 4 para. 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 II.