

[^{F1}SCHEDULE 1

Regulations 2(1) and 5(1)

SPECIES OF SEED TO WHICH THE REGULATIONS APPLY

Textual Amendments

F1 Sch. 1 substituted (30.6.2010) by The Seed (Scotland) (Miscellaneous Amendments) Regulations 2010 (S.S.I. 2010/219), regs. 1(2), sch. 1

Column 1	Column 2
Common Name	Latin Name
Barley	<i>Hordeum vulgare L.</i>
Durum Wheat	<i>Triticum durum</i> Desf.
Maize, except for popcorn and sweet corn	<i>Zea mays</i> L. (partim) except for <i>Zea mays</i> convar. <i>microsperma</i> Koern. and <i>Zea mays</i> convar. <i>saccharata</i> Koern.
Oats and Red oat	<i>Avena sativa L.</i> (includes <i>A. byzantina</i> K. Koch)
Small naked oat, Hulless oat.	<i>Avena nuda. L.</i>
Rye	<i>Secale cereale L.</i>
Spelt Wheat	<i>Triticum spelta L.</i>
Triticale	<i>xTriticosecale</i> Wittm. ex A. Camus – hybrids resulting from the crossing of a species of the genus <i>Triticum</i> and a species of the genus <i>Secale</i>
Wheat	<i>Triticum aestivum L.</i>]

SCHEDULE 2

Regulations 2(1), 6(3), 11(1), 14(2), 20(2) and 22(5)

OFFICIAL CERTIFICATES AND BREEDER'S CONFIRMATIONS

PART I

OFFICIAL CERTIFICATES

Applications for seed harvested in the United Kingdom

1. On receipt of an application made in accordance with regulation 14(1) ^{F2}... for the issue of an official certificate in respect of a seed lot as Pre-basic Seed(1), Basic Seed(2) or Seed of a Certified

(1) See regulation 3 for the definition of “Pre basic Seed”.

(2) See regulation 3 for the definition of “Basic Seed”.

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

Generation(3), the Scottish Ministers shall, subject to paragraphs 2 and 3, issue in respect of such a seed lot an official certificate containing the particulars specified in paragraph 1 of Schedule 3.

Textual Amendments

- F2** Words in [sch. 2 para. 1](#) omitted (31.12.2020) by virtue of [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **13(21)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

- I1** Sch. 2 para. 1 in force at 1.7.2005, see [reg. 1\(1\)](#)

When applications will be refused

2.—(1) The Scottish Ministers shall refuse to issue an official certificate in respect of a seed lot unless—

- (a) an application has been made to the Scottish Ministers, in writing in such form and manner and at such time as the Scottish Ministers may require, and has been accompanied by such information, material, records, illustrations and other documents as they may require, in respect of—
 - (i) the seed lot or seed lots to be used for the production of the crop or crops from which is to be or has been obtained the seed lot in respect of which the application for an official certificate has been made; and
 - (ii) the crop or crops from which the seed lot is to be or has been obtained;
- (b) an official examination of the crop or crops from which was obtained the seed lot in respect of which the application for an official certificate has been made has shown that the crop or crops met the standards appropriate to the category of seed referred to in the application specified in Part I of Schedule 4; and
- (c) an official examination of a sample of the seed lot has shown that the seed lot meets the standards appropriate to the relevant category of seed referred to in the application specified in paragraph 16(1) of Part II of Schedule 4,

except that paragraph 2(1)(c), in so far as it relates to standards of percentage of germination specified in paragraph 13 of Part II of Schedule 4, shall not apply in relation to an application for the issue of an official certificate in respect of lower germination seed.

(2) Notwithstanding sub paragraph (1), the Scottish Ministers shall refuse to issue an official certificate certifying a seed lot either as—

- (a) Basic seed if the seed lot was certified at the time of the relevant application as Seed of a Certified Generation; or
- (b) Pre basic seed if the seed lot was certified at the time of the relevant application as either Basic Seed or Seed of a Certified Generation,

unless the application is accompanied by the written consent of the Breeder.

Commencement Information

- I2** Sch. 2 para. 2 in force at 1.7.2005, see [reg. 1\(1\)](#)

(3) See regulation 3 for the definition of “Seed of a Certified Generation”.

When applications may be refused

3. The Scottish Ministers may refuse to issue an official certificate in respect of a seed lot if it appears to them that—

- (a) a sample taken from the seed lot for the purpose of an official examination to ascertain whether the seed lot meets the appropriate standards specified in Part II of Schedule 4 has not been taken in accordance with regulation 15(1);
- (b) an official examination of a control plot sown with a sample of the seed lot shows that the crop does not meet the appropriate standards specified in Part I of Schedule 4; or
- (c) there has been any breach of seeds regulations in relation to the seed lot in respect of which the application for an official certificate has been made.

Commencement Information

I3 Sch. 2 para. 3 in force at 1.7.2005, see [reg. 1\(1\)](#)

[^{F3} Applications for seed harvested outside the United Kingdom

4.—(1) Notwithstanding paragraphs 2 and 3, and subject to sub-paragraphs (2) and (3), on receipt of an application made in accordance with regulation 14(1) for the issue of an official certificate in respect of a seed lot as Pre basic Seed, Basic Seed or Seed of a Certified Generation, the Scottish Ministers may issue an official certificate in respect of the seed lot containing the particulars specified in paragraph 1 of Schedule 3.

- (2) An official certificate may only be issued under sub-paragraph (1) if—
 - (a) the seed has been—
 - (i) produced directly from—
 - (aa) fully certified Basic Seed or Certified Seed of the First Generation, or
 - (bb) seed certified in the United Kingdom, a Crown Dependency (provided the seed has been produced under legislation recognised by the Scottish Ministers to have equivalent effect to these Regulations) or a country granted equivalence, which is permitted to be sold as Basic Seed or Certified Seed of the First Generation in accordance with these Regulations,
 - (ii) harvested outside the United Kingdom, and
 - (iii) shown on official examination, or, in the case of seed certified in a country granted equivalence, on official field inspection, to have satisfied the conditions specified in Part II of Schedule 4 for the relevant category of seed;
 - (b) the seed has been—
 - (i) produced directly from the crossing of fully certified Basic Seed with seed certified in the United Kingdom, a Crown Dependency (provided the seed has been produced under legislation recognised by the Scottish Ministers to have equivalent effect to these Regulations) or a country granted equivalence, which is permitted to be sold as Basic Seed in accordance with these Regulations,
 - (ii) harvested outside the United Kingdom, and
 - (iii) shown on official examination, or, in the case of seed certified in a country granted equivalence, to have satisfied the conditions specified in Part II of Schedule 4 for the relevant category of seed; or
 - (c) the seed—

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

- (i) is to be certified by the Scottish Ministers as Basic Seed;
 - (ii) has been produced directly from—
 - (aa) fully certified Pre-basic Seed, or
 - (bb) seed certified in the United Kingdom, a Crown Dependency (provided the seed has been produced under legislation recognised by the Scottish Ministers to have equivalent effect to these Regulations) or a country granted equivalence, which is permitted to be sold as Pre-basic Seed in accordance with these Regulations,
 - (iii) has been harvested outside the United Kingdom, and
 - (iv) has been shown on official examination, or, in the case of seed certified in a country granted equivalence, on official field inspection, to have satisfied the conditions specified in Part II of Schedule 4 for the relevant category of seed.
- (3) In the case of seed which has been harvested in a country granted equivalence, an official certificate may only be issued under sub-paragraph (1) provided that—
- (a) the seed has been harvested from a crop which has been found by official field inspection to satisfy the crop conditions specified in Part I of schedule 4 (crop standards); and
 - (b) has been packed in a sealed package in accordance with the requirements of regulation 16 (sealing of packages of fully certified seed) and has been labelled in accordance with the requirements of regulation 17 (labelling of packages of fully certified seed) and schedule 6.]

Textual Amendments

- F3** Sch. 2 para. 4 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(21)(b)** (as substituted by [S.S.I. 2020/445](#), regs. 1(1)(b), **14(18)(a)**); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

PART II

BREEDER'S CONFIRMATIONS

Applications

5. On receipt of an application made in accordance with regulation 20(1) for the issue of a breeder's confirmation in respect of a seed lot, as Pre-basic Seed or Basic Seed, the Scottish Ministers shall, subject to paragraphs 6 and 7, issue in respect of that seed lot a breeder's confirmation containing the particulars specified in paragraph 2 of Schedule 3.

Commencement Information

- I4** Sch. 2 para. 5 in force at 1.7.2005, see [reg. 1\(1\)](#)

When applications will be refused

6. The Scottish Ministers shall refuse to issue a breeder's confirmation in respect of a seed lot unless—

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

- (a) an application has been made to the Scottish Ministers in writing in such form and manner and at such time as the Scottish Ministers may require, and has been accompanied by such information, material, records, illustrations and other documents as they may require, in respect of—
 - (i) the seed lot or seed lots to be used for the production of the crop or crops from which is to be or has been obtained the seed lot in respect of which the application for a breeder’s confirmation has been made; and
 - (ii) the crop or crops from which the seed lot is to be or has been obtained;
- (b) an official examination of the crop or crops from which was obtained the seed lot in respect of which the application for a breeder’s confirmation has been made has shown that the crop or crops meet the standards specified in Part I of Schedule 4 appropriate to the category referred to in the application; and
- (c) an official examination of a sample taken from the seed lot has shown that the seed lot meets the standards specified in Part II of Schedule 4 appropriate to the relevant category of seed referred to in the application except that a breeder’s confirmation can be issued for Pre-basic Seed or Basic Seed in respect of seed which attains a lower percentage of germination than that specified in paragraph 16(1) of Part II of Schedule 4.

Commencement Information

I5 Sch. 2 para. 6 in force at 1.7.2005, see [reg. 1\(1\)](#)

When applications may be refused

7. The Scottish Ministers may refuse to issue a breeder’s confirmation in respect of a seed lot if—
- (a) it appears to them that a sample taken from the seed lot for the purpose of an official examination to ascertain whether the seed lot meets the appropriate standards specified in Part II of Schedule 4 has not been taken in accordance with regulation 15(1);
 - (b) it appears to them that an official examination of a control plot sown with a sample of the seed lot shows that the crop does not meet the appropriate standards specified in Part I of Schedule 4;
 - (c) it appears to them that there has been a breach of seeds regulations in relation to the seed lot in respect of which application for a breeder’s confirmation has been made; or
 - (d) the breeder applying for the breeder’s confirmation in respect of the seed lot notifies them that the application to have the relevant variety or hybrid variety accepted on to a [F4GB Variety List or an NI Variety List] has been withdrawn or refused.

Textual Amendments

F4 Words in [sch. 2 para. 7\(d\)](#) 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\(21\)\(c\)](#) (as substituted by [S.S.I. 2020/445](#), [regs. 1\(1\)\(b\), 14\(18\)\(b\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Commencement Information

I6 Sch. 2 para. 7 in force at 1.7.2005, see [reg. 1\(1\)](#)

SCHEDULE 3

Regulation 2(1), paragraphs 1 and 4 of
Part I of Schedule 2 and paragraph 5 of
Part II of Schedule 2

PARTICULARS TO BE SPECIFIED IN AN OFFICIAL
CERTIFICATE OR A BREEDER'S CONFIRMATION

Particulars to be specified in an official certificate

1. The following particulars shall be specified in an official certificate:—
 - (a) name and address of certifying authority;
 - (b) applicant's name, address and, if appropriate, [^{F5}registered or licensed number];
 - (c) seed lot reference number;
 - (d) species/variety/category/level, as appropriate;
 - (e) net weight of seed lot and number of containers;
 - (f) seed treatment, if any; and
 - (g) if the seed is Pre basic Seed or Basic Seed and the seed attains a lower percentage of germination than that specified in paragraph 16(1) of Part II of Schedule 4, a statement to that effect.

Textual Amendments

F5 Words in sch. 3 para. 1(b) 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(5)(a)(i)

Commencement Information

I7 Sch. 3 para. 1 in force at 1.7.2005, see reg. 1(1)

Particulars to be specified in a breeder's confirmation

2. The following particulars shall be specified in a breeder's confirmation:—
 - (a) name and address of issuing authority;
 - (b) applicant's name, address and, if appropriate, [^{F6}registered or licensed number];
 - (c) seed lot reference number;
 - (d) species/variety, or AFP number and breeder's designation if appropriate, category/level, as appropriate;
 - (e) net weight of seed lot and number of containers;
 - (f) seed treatment, if any;
 - (g) a statement that the breeder's confirmation does not constitute an official certificate and does not permit marketing of the seed; and
 - (h) if the seed is Pre basic Seed or Basic Seed and the seed attains a lower percentage of germination than that specified in paragraph 16(1) of Part II of Schedule 4, a statement to that effect.

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

Textual Amendments

F6 Words in [sch. 3 para. 2\(b\)](#) 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\(5\)\(a\)\(ii\)](#)

Commencement Information

I8 Sch. 3 para. 2 in force at 1.7.2005, see [reg. 1\(1\)](#)

SCHEDULE 4

Regulations 2(1), 3, 6(2) and (5), 7(3) and 7(4), 11(1), 12(1), (2) and (3), 14(4), 15(2), 20(3), 22(5) and paragraphs 2, 3 and 4 of Part I of Schedule 2, paragraphs 6 and 7 of Part II of Schedule 2 and paragraphs 1 and 2 of Schedule 3

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

PART I

CONDITIONS RELATING TO CROPS FROM WHICH SEED IS OBTAINED

Methods of ascertaining whether crop requirements are met

1. The Scottish Ministers may ascertain, so far as practicable, whether the requirements for the crop set out in this Part of this Schedule are met by the use of methods which shall include official field inspection of the crop and which may include examination of a control plot sown with a sample from the seed lot and the consideration of any other relevant information.

Commencement Information

I9 Sch. 4 para. 1 in force at 1.7.2005, see [reg. 1\(1\)](#)

Varietal identity and varietal purity

2. The characteristics used for the determination of varietal identity and varietal purity shall be those to which regard was had when the relevant variety was accepted on to the relevant [^{F7}GB Variety List or NI Variety List].

Textual Amendments

F7 Words in [sch. 4 para. 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\(22\)\(a\)\(i\)](#) (as substituted by [S.S.I. 2020/445](#), [regs. 1\(1\)\(b\)](#), [14\(19\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Commencement Information

I10 Sch. 4 para. 2 in force at 1.7.2005, see [reg. 1\(1\)](#)

Crop inspection

3.—(1) An official examination of the crop shall be made by means of an official field inspection.

(2) The official field inspection shall only be carried out when the cultural condition of the field and the stage of development and condition, including state of health, of the crop—

- (a) are such as to permit suitable checks of varietal identity, varietal purity, species purity and wild oats contamination to be made; and
- (b) meet the requirements of the Scottish Ministers.

(3) A crop from which HVS level seed of Basic Seed, Certified Seed of the First Generation or Certified Seed of the Second Generation is to be produced shall not be more than one third lodged at the time of inspection.

(4) Subject to sub paragraphs (5) and (6), at least one field inspection of the crop shall be carried out.

(5) Subject to sub-paragraph (6), at least three field inspections shall be carried out in the case of an inbred line or hybrid of maize.

(6) In the case of maize, where the crop to be examined follows a maize crop in either the preceding or current year, at least one special field inspection shall be carried out to check that the condition contained in paragraph 1 has been complied with.

(7) For the purposes of this paragraph “lodged” means an area of crop which has been displaced from the vertical by more than 45 degrees.

Commencement Information

I11 Sch. 4 para. 3 in force at 1.7.2005, see [reg. 1\(1\)](#)

[^{F8}Pests in the crop

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

(2) The crop must also comply with the requirements concerning [^{F9}GB] quarantine pests, [^{F10}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

F8 Sch. 4 para. 4 substituted (1.7.2020) by [The Seed and Plant Material \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/165\)](#), regs. 1(1), [6\(3\)\(a\)](#)

F9 Word in [sch. 4 para. 4](#) 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\(22\)\(a\)\(ii\)\(aa\)](#) (as substituted by [S.S.I. 2020/445](#), regs. 1(1)(b), [14\(19\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

F10 Word in [sch. 4 para. 4](#) 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\(22\)\(a\)\(ii\)\(bb\)](#) (as substituted by [S.S.I. 2020/445](#), regs. 1(1)(b), [14\(19\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Previous cropping

5.—(1) The previous cropping of the field shall not have been incompatible with the production of seed of the species and variety of the crop, and the field shall be sufficiently free from plants which are volunteers from previous cropping.

(2) The crop may be grown only on land which complies with the Scottish Ministers' requirements in respect of previous cropping.

Commencement Information

I12 Sch. 4 para. 5 in force at 1.7.2005, see [reg. 1\(1\)](#)

Isolation distances – general

6. There shall be either a physical barrier or at least 2 metres of fallow ground between the seed crop and any crop likely to cause contamination in the seed.

Commencement Information

I13 Sch. 4 para. 6 in force at 1.7.2005, see [reg. 1\(1\)](#)

[^{F11}Isolation distances — minimum distances

7.—(1) Subject to sub-paragraph (2), for maize, self-pollinating varieties of triticale, rye and hybrids of barley [^{F12}, durum wheat, spelt wheat and wheat] produced by means of cytoplasmic male sterility, the minimum distance from neighbouring crops or plants of other species, or of other varieties of the same species, liable to cross-pollinate with the crop shall be the distance specified in column 2 of the following table for the corresponding crop specified in column 1 of the table (which can include any distance of at least 2 metres of fallow ground required under paragraph 6)—

<i>Column 1</i>	<i>Column 2</i>
<i>Crop</i>	<i>Minimum Distance</i>
(a) Maize—	
(i) for the production of Basic Seed	200 metres
(ii) for the production of Certified Seed	200 metres
(b) Self-pollinating variety of triticale—	
(i) for the production of Basic Seed	50 metres
(ii) for the production of Certified Seed	20 metres
(c) Rye (other than hybrids)—	
(i) for the production of Basic Seed	300 metres
(ii) for the production of Certified Seed	250 metres
(d) Hybrids of rye—	
(i) for the production of Basic Seed where male sterility is used	1,000 metres

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

<i>Column 1</i>	<i>Column 2</i>
<i>Crop</i>	<i>Minimum Distance</i>
(ii) for the production of Basic Seed where male sterility is not used	600 metres
(iii) for the production of Certified Seed	500 metres
(e) Hybrids of barley produced by means of cytoplasmic male sterility—	
(i) for the production of Basic Seed	100 metres
(ii) for the production of Certified Seed	50 metres
[^{F13} (f) Hybrids of durum wheat, spelt wheat and wheat produced by means of cytoplasmic male sterility—	
(i) for the production of Basic Seed	300 metres
(ii) for the production of Certified Seed	25 metres]

(2) The minimum distance specified in paragraph (1) may, subject to the approval of the Scottish Ministers, be modified or disregarded if the Scottish Ministers are satisfied that there is adequate protection against undesirable foreign pollen.]

Textual Amendments

- F11** Sch. 4 para. 7 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)(a)(i)**
- F12** Words in sch. 4 para. 7(1) inserted (6.10.2023) by [The Cereal Seed \(Scotland\) Amendment Regulations 2023 \(S.S.I. 2023/193\)](#), regs. 1(1), **3(1)(a)(i)**
- F13** Words in sch. 4 para. 7(1) Table inserted (6.10.2023) by [The Cereal Seed \(Scotland\) Amendment Regulations 2023 \(S.S.I. 2023/193\)](#), regs. 1(1), **3(1)(a)(ii)**

Standards for varietal purity

- 8.—(1) The crop shall have sufficient varietal identity and varietal purity, including—
- (a) in the case of a crop of an inbred line, sufficient varietal identity and varietal purity as regards its characteristics; and
 - (b) in the case of a crop used for the production of seed of hybrid varieties, sufficient varietal identity and varietal purity as regards the characteristics of the components of the hybrid variety, including male sterility or fertility restoration.
- (2) In crops of rye, including hybrids of rye, the number of plants of the crop species which are recognisable as obviously not being true to the variety shall not exceed—
- (a) one plant in 30 square metres for the production of Basic Seed; and
 - (b) subject to sub-paragraph (4)(a) in relation to hybrids of rye, one plant in 10 square metres for the production of Certified Seed.
- (3) In crops of maize—
- (a) the percentage by number of plants which are recognisable as obviously not being true to the variety, to the inbred line or to the component shall not exceed the percentage specified

in column 2 of the following table corresponding to the relevant crop specified in column 1 of the table—

Column 1 Crop of maize	Column 2 Percentage by number of plants
(i) For the production of Basic Seed—	
(aa) inbred lines	0.1%
(bb) simple hybrid, each component	0.1%
(cc) open-pollinated varieties	0.5%
(ii) For the production of Certified Seed—	
(aa) a component of a hybrid variety	
(aaA) in the case of an inbred line	0.2%
(aaB) in the case of a simple hybrid	0.2%
(aaC) in the case of open pollinated variety	1.0%
(bb) in the case of open pollinated varieties	1.0%
(b) used for the production of seed of hybrid varieties—	
(i) sufficient pollen shall be shed by the plants of the male component while the plants of the female component are in flower;	
(ii) where appropriate emasculation shall be carried out; and	
(iii) where 5% or more of the female component plants have receptive stigmas, the percentage of female component plants which have shed pollen or are shedding pollen shall not exceed—	
(aa) 1% at any official field inspection; and	
(bb) 2% at the total of the official field inspections;	
(c) for the purposes of sub paragraphs (b)(i) and (iii) plants shall be considered as having shed pollen or to be shedding pollen where, on 50 millimetres or more of the central axis or laterals of a panicle, the anthers have emerged from their glumes and have shed or are shedding pollen.	
(4) In crops of hybrids of rye—	
(a) in an official field inspection the standard in paragraph (2)(b) shall apply to the female component only;	
(b) in the case of Basic Seed, where male sterility is used, the level of sterility of the male sterile component shall be at least 98%; and	
(c) where appropriate, Certified Seed shall be produced in mixed cultivation of a female male sterile component with a male component which restores male fertility.	
[^{F14} (5) [^{F15} In crops of hybrids of barley, durum wheat, oats, self-pollinating triticale, spelt wheat or wheat other than hybrids of barley, durum wheat, spelt wheat or wheat produced by means of cytoplasmic male sterility—]	
(a) subject to sub-paragraph (b), varieties of the female component of the crop shall be at least 25 metres from a crop of any other variety of the same species except from a crop of the male component;	
(b) sub-paragraph (a) shall not apply if there is sufficient protection from any undesirable foreign pollination;	

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

- (c) where seed is produced using a chemical hybridisation agent, the crop shall conform to the following standards or other conditions—
 - (i) the minimum varietal purity of each component shall be—
 - (aa) in the case of barley, durum wheat, oats, spelt wheat or wheat, 99.7%; and
 - (bb) in the case of self-pollinating varieties of triticale, 99.0%; and
 - (ii) the minimum hybridity must be 95%; and
 - (d) in cases where the hybridity is determined during seed testing prior to certification, the determination of the hybridity during a field inspection need not be done.
- (6) In crops of hybrids of barley produced by means of cytoplasmic male sterility—
- (a) the percentage by number of plants which are recognisable as obviously not being true to the variety shall not exceed—
 - (i) where the crop is used for the production of Basic Seed, 0.1% for the maintainer and the restorer line and 0.2% for the cytoplasmic male sterility female component; and
 - (ii) where the crop is used for the production of Certified Seed—
 - (aa) 0.3% for the restorer and the cytoplasmic male sterility female component; or
 - [^{F16}(bb) 0.3% for the restorer and 0.5% for the cytoplasmic male sterility female component, where the cytoplasmic male sterility component is a simple hybrid;]
 - (b) the level of sterility of the female component shall be at least—
 - (i) where the crop is used for the production of Basic Seed, 99.7%; and
 - (ii) where the crop is used for the production of Certified Seed, 99.5%; and
 - (c) in the case of Certified Seed, the crop may be produced in mixed cultivation of a female male-sterile component with a male component which restores fertility.]
- [^{F17}(7) In crops of hybrids of durum wheat, spelt wheat and wheat produced by means of cytoplasmic male sterility—
- (a) the percentage by number of plants which are recognisable as obviously not being true to the variety shall not exceed—
 - (i) where the crop is used for the production of Basic Seed—
 - (aa) 0.1% for the maintainer and the restorer line and 0.3% for the cytoplasmic male sterility female component; and
 - (ii) where the crop is used for the production of Certified Seed—
 - (aa) 0.3% for the restorer line and 0.6% for the cytoplasmic male sterility female component; or
 - (bb) 0.3% for the restorer line and 1% for the cytoplasmic male sterility female component, where the cytoplasmic male sterility female component is a simple hybrid;
 - (b) the level of sterility of the female component shall be at least—
 - (i) where the crop is used for the production of Basic Seed, 99.7%; and
 - (ii) where the crop is used for the production of Certified Seed, 99%; and
 - (c) in the case of Certified Seed, the crop may be produced in mixed cultivation of a female male-sterile component with a male component which restores fertility.]

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

Textual Amendments

- F14** Sch. 4 para. 8(5)(6) substituted for sch. 4 para. 8(5) (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)(a)(ii)**
- F15** Words in sch. 4 para. 8(5) substituted (6.10.2023) by The Cereal Seed (Scotland) Amendment Regulations 2023 (S.S.I. 2023/193), regs. 1(1), **3(1)(b)(i)**
- F16** Sch. 4 para. 8(6)(a)(ii)(bb) substituted (6.10.2023) by The Cereal Seed (Scotland) Amendment Regulations 2023 (S.S.I. 2023/193), regs. 1(1), **3(1)(b)(ii)**
- F17** Sch. 4 para. 8(7) inserted (6.10.2023) by The Cereal Seed (Scotland) Amendment Regulations 2023 (S.S.I. 2023/193), regs. 1(1), **3(1)(b)(iii)**

Commencement Information

- I14** Sch. 4 para. 8 in force at 1.7.2005, see **reg. 1(1)**

Standards for wild oats contamination

9. The maximum number of wild oats per hectare shall be as follows—

Crops to produce	Level where applicable	Barley (other than hybrids)	Hybrid barley	Durum wheat, spelt wheat and wheat (other than hybrids in each case)	Hybrid durum wheat, spelt wheat and wheat	Maize and rye (including hybrids)	Oats (other than hybrids)	Hybrid oats	Hybrid of self-pollinating varieties of triticale	Triticale
Basic Seed	HVS	7	n/a	7	n/a	n/a	0	n/a	n/a	n/a
	Minimum	7	n/a	7	n/a	7	0	n/a	n/a	7
Certified Seed	—	n/a	20	n/a	50	50	n/a	0	50	n/a
Certified Seed of the First Generation	HVS	7	n/a	7	n/a	n/a	0	n/a	n/a	n/a
	Minimum	20	n/a	50	n/a	n/a	0	n/a	n/a	50
Certified Seed of the Second Generation	HVS	7	n/a	7	n/a	n/a	0	n/a	n/a	n/a
	Minimum	20	n/a	50	n/a	n/a	0	n/a	n/a	50

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

Commencement Information

I15 Sch. 4 para. 9 in force at 1.7.2005, see [reg. 1\(1\)](#)

Standards for other cereal species

10. In the case of barley, durum wheat, oats, spelt wheat and wheat, the crop shall conform to the following standards as regards the minimum species purity–

Crops to produce	Minimum standard (percentage by number)	Higher Voluntary Standard (percentage by number)
(a) (a) Basic seed	n/a	99.99%
(b) (b) Certified Seed of the First Generation	n/a	99.99%
(c) (c) Certified Seed of the Second General	n/a	99.99%

Commencement Information

I16 Sch. 4 para. 10 in force at 1.7.2005, see [reg. 1\(1\)](#)

Crop standards for loose smut infection

11. 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 meet the seed standards in paragraph 18.

Commencement Information

I17 Sch. 4 para. 11 in force at 1.7.2005, see [reg. 1\(1\)](#)

Crop conditions for Pre basic Seed

12. For the purpose of determining whether a crop from which Pre basic Seed is to be produced meets the conditions specified in this Part of this Schedule, the crop from which such seed is to be produced shall be treated in the same way as a crop from which minimum level Basic Seed is to be produced.

Commencement Information

I18 Sch. 4 para. 12 in force at 1.7.2005, see [reg. 1\(1\)](#)

PART II

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

Standards for varietal purity

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%

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

Column 1 Species and category	Column 2 Level (where appropriate)	Column 3 Percentage of minimum varietal purity
	Minimum	99.70%
(iii) Certified Seed of the Second Generation	HVS	99.70%
	Minimum	99.00%
[^{F18} (b)] [^{F18} (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 means of cytoplasmic male sterility—		
(i) Certified Seed		90.00%]
[^{F19} (ba)] [^{F19} (ba)] Hybrids of barley [^{F20} , 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.

[^{F21}(4A) For the purposes of sub-paragraph (3)(ba), impurities other than the restorer shall not exceed 2%.]

(5) For the purposes of [^{F22}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

F18 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)**

- F19** 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)**
- F20** 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)**
- F21** 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)**
- F22** 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

- I19** Sch. 4 para. 13 in force at 1.7.2005, see **reg. 1(1)**

Production of Certified Seed of hybrids of maize

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

- I20** Sch. 4 para. 14 in force at 1.7.2005, see **reg. 1(1)**

[^{F23}Standards for varietal purity for hybrid varieties of rye and cytoplasmic male sterility hybrid varieties of barley, durum wheat, spelt wheat and wheat]

15. In the case of seed of a hybrid variety of rye [^{F24}or a cytoplasmic male sterility hybrid variety of barley][^{F25}, 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

- F23** 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)**
- F24** 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)**
- F25** 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)**

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

Commencement Information

I21 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

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—

Species and category	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> , [^{F26} <i>Avena sterilis</i>], <i>Lolium temulentum</i>		[^{F27} <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
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 ^(c)	0 ^(d)	1	0
– certified seed	85 ^(e)	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	85 ^(e)	85 ^(e)	98	99	10	2	7	1	7	1	0 ^(b)	0	3 ^(c)	1	3	1

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

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> , [^{F26} <i>Avena sterilis</i>], <i>Lolium temulentum</i>		[^{F27} <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
- certified seed of the Second generation	85 ^(e)	85 ^(e)	98	99	10	4	7	3	7	2	0 ^(b)	0	3 ^(f)	1	3	1
[^{F29} <i>Avena nuda</i>																
- 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																

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

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> , [^{F26} <i>Avena sterilis</i>], <i>Lolium temulentum</i>		[^{F27} <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	85	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	85	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
xTriticosecale																
– 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>																

Species and category	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> , [^{F26} <i>Avena sterilis</i>], <i>Lolium temulentum</i>		[^{F27} <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
All categories	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

- (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*, [^{F26}*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) [^{F28}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

F26 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)**

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

- F27** 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)**
- F28** 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)**
- F29** 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

- I22** Sch. 4 para. 16 in force at 1.7.2005, see [reg. 1\(1\)](#)

[^{F30}Pests in the seed

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 [^{F31}GB] quarantine pests, [^{F32}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

- F30** 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)**
- F31** 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)**
- F32** 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

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%

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
(d) (d) Certified HVS Seed of the Second Generation		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

I23 Sch. 4 para. 18 in force at 1.7.2005, see [reg. 1\(1\)](#)

Moisture content

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.

Commencement Information

I24 Sch. 4 para. 19 in force at 1.7.2005, see [reg. 1\(1\)](#)

PART III

OFFICIAL EXAMINATIONS USED TO ASCERTAIN WHETHER A CROP OR SEED LOT MEETS THE CONDITIONS RELATING TO BASIC SEED, CERTIFIED SEED, CERTIFIED SEED OF THE FIRST GENERATION AND CERTIFIED SEED OF THE SECOND GENERATION

Methods for official examinations

20. All official examinations used to ascertain whether crops or seed lots meet the standards specified in this Schedule shall be carried out in accordance with current international methods insofar as such methods exist.

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

Commencement Information

I25 Sch. 4 para. 20 in force at 1.7.2005, see [reg. 1\(1\)](#)

[^{F33}SCHEDULE 4A

Regulations 6, 9B and 14

STANDARDS FOR CERTIFICATION OF CONSERVATION VARIETIES

Textual Amendments

F33 Sch. 4A inserted (30.6.2009) by [The Seed \(Scotland\) \(Amendments for Conservation Varieties\) Regulations 2009 \(S.S.I. 2009/223\)](#), regs. 1, [sch. 1](#)

PART I

OFFICIAL CERTIFICATES

Applications for seed harvested in the United Kingdom

1. On receipt of an application made in accordance with regulation 14(1) in respect of seed of a Conservation Variety for the issue of an official certificate in respect of that Conservation Variety, the Scottish Ministers shall, subject to paragraphs 2 and 3, issue in respect of such a seed lot an official certificate containing the particulars specified in Part II of this Schedule.

When applications will be refused

2. The Scottish Ministers shall refuse to issue an official certificate in respect of a seed lot of a Conservation Variety unless—

- (a) an application has been made to the Scottish Ministers, in writing in such form and manner and at such time as the Scottish Ministers may require, and has been accompanied by information, material, records, illustrations and other documents as they may require in respect of—
 - (i) the seed lot or seed lots to be used for the production of the crop or crops from which is to be, or has been, obtained the seed lot in respect of which the application for an official certificate has been made; and
 - (ii) the crop or crops from which the seed lot is to be, or has been, obtained;
- (b) an examination of a sample of the seed lot has shown that the seed lot meets the standards appropriate to the relevant category of seed referred to in the application specified in paragraph 1 of Part IV of this Schedule.

When applications may be refused

3. The Scottish Ministers may refuse to issue an official certificate in respect of a seed lot if it appears to them that—

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

- (a) a sample taken from the seed lot for the purposes of an examination to ascertain whether the seed lot meets the appropriate standards in Part IV of this Schedule has not been taken in accordance with regulation 15(1A);
- (b) an examination of a post control plot sown with a sample of the seed lot shows that the crop does not meet the appropriate standards specified in Part III of this Schedule;
- (c) there has been any breach of seeds regulations in relation to the seed lots in respect of which the application for an official certificate has been made.

PART II

PARTICULARS TO BE SPECIFIED IN AN OFFICIAL CERTIFICATE

The following particulars shall be specified in an official certificate:–

- (a) name and address of certifying authority;
- (b) applicant's name, address and, if appropriate, [^{F34}registered or licensed number];
- (c) seed lot reference number;
- (d) species and variety;
- (e) net weight of seed lot and number of containers;
- (f) seed treatment, if any; and
- (g) the region of origin/region of seed production (if applicable) of the Conservation Variety.

Textual Amendments

F34 Words in *sch. 4A* para. (b) 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(5)(b)**

PART III

CONDITIONS RELATING TO CROPS FROM WHICH SEED IS OBTAINED

Varietal identity and varietal purity

1. The characteristics used for determination of varietal identity and varietal purity shall be those to which regard was had when the Conservation Variety was accepted on to the relevant [^{F35}GB Variety List or NI Variety List].

Textual Amendments

F35 Words in *Sch. 4A Pt. 3 para. 1* 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(23)(a)** (as substituted by S.S.I. 2020/445, regs. 1(1)(b), **14(20)**); ; 2020 c. 1, **Sch. 5 para. 1(1)**

Harmful organisms in the seed

2. Harmful organisms which reduce the usefulness of the seed shall be at the lowest possible level.

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

Standards for loose smut infection

3. In any sample of seed of barley, durum wheat, spelt wheat or wheat, the maximum percentage by number of loose smut infection shall be 0.5%.

PART IV

CONDITIONS RELATING TO SEED OF A CONSERVATION VARIETY

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

1. The seed shall conform to the minimum ^{F36}... standard for the final generation of that species as listed in paragraph 16 of Part II of Schedule 4 as regards germination, analytical purity and the content of seeds of other plant species.

Textual Amendments

F36 Words in Sch. 4A Pt. 4 para. 1 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(23)(b)**; 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Harmful organisms in the seed

2. Harmful organisms which reduce the usefulness of the seed shall be at the lowest possible level.

Standards for loose smut infection

3. In any sample of seed of barley, durum wheat, spelt wheat or wheat, the maximum percentage by number of loose smut infection shall be 0.5%.

Moisture content

4. The requirements of moisture content of the seed shall be as specified in paragraph 19 of Part II of Schedule 4.

Varietal purity

5. The seed shall have sufficient varietal purity.

PART V

EXAMINATIONS

All examinations used to ascertain whether crops or seed lots meet the standards specified in this Schedule shall be carried out in accordance with current international methods insofar as such methods exist.]

SCHEDULE 5

Regulations 2(1), 15(1) and (2), 24(5)
and (6) and paragraph 19 of Part II of
Schedule 4

PART I

SAMPLING OF SEED LOTS

Definitions

1. In this Part of this Schedule—

“composite sample” means a single sample comprising all of the primary samples taken from a seed lot during a single sampling exercise to produce a submitted sample⁽⁴⁾ for the seed lot; and

“primary sample” means a sample taken from a seed lot in accordance with paragraphs 13 to 19 of this Part of this Schedule.

Commencement Information

I26 Sch. 5 para. 1 in force at 1.7.2005, see [reg. 1\(1\)](#)

Obtaining a submitted sample

2. A submitted sample shall be obtained from the seed lot by taking primary samples systematically or at random from different positions in the seed lot and combining them to form a composite sample. Where the composite sample is a submitted sample, it may be submitted for an official examination intact or it may be reduced in weight by using one of the instruments referred to in paragraph 19 of this Part of this Schedule in accordance, where appropriate, with the relevant procedures specified in paragraphs 20 to 23 of this Part of this Schedule to give a smaller submitted sample.

Commencement Information

I27 Sch. 5 para. 2 in force at 1.7.2005, see [reg. 1\(1\)](#)

Primary sample size

3. At each position of sampling of a seed lot, primary samples of approximately equal size shall be taken.

Commencement Information

I28 Sch. 5 para. 3 in force at 1.7.2005, see [reg. 1\(1\)](#)

⁽⁴⁾ See regulation 2(1) for the definition of “submitted sample”.

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

Condition of the seed lot

4. The seed lot to be sampled shall be a homogeneous seed lot⁽⁵⁾.

.....

Commencement Information
I29 Sch. 5 para. 4 in force at 1.7.2005, see [reg. 1\(1\)](#)

Seed lot containers

5. If a seed lot is presented for sampling in more than one container, the containers shall be of the same size and type and contain approximately the same weight of seed.

.....

Commencement Information
I30 Sch. 5 para. 5 in force at 1.7.2005, see [reg. 1\(1\)](#)

Sampling from sacks – minimum number of containers to be sampled

6. When the seed lot is in sacks or similar sized containers each containing at least 15 kilograms of seed and not more than 100 kilograms of seed, the minimum number of containers to be sampled shall be in accordance with the following table–

Number of containers in which the seed lot is contained	Minimum number of containers to be sampled
1–4	3 primary samples from each container
5–8	2 primary samples from each container
9–15	1 primary sample from each container
16–30	A total of 15 primary samples with each sample being taken from a different container
31–59	A total of 20 primary samples with each sample being taken from a different container
60 or more	A total of 30 primary samples with each sample being taken from a different container

.....

Commencement Information
I31 Sch. 5 para. 6 in force at 1.7.2005, see [reg. 1\(1\)](#)

Sampling from sacks or similar containers

7. The containers to be sampled shall be selected systematically or at random and primary samples shall be drawn from the top, middle and bottom of containers; and if more than one primary sample is taken from any container then the position from which the seed is taken shall be varied from primary sample to primary sample and from container to container.

(5) See regulation 2(1) for the definition of “homogeneous seed lot”.

Commencement Information

I32 Sch. 5 para. 7 in force at 1.7.2005, see [reg. 1\(1\)](#)

Sampling from small containers – general

8. For sampling seed lots in containers holding less than 15 kilograms of seed, a 100 kilogram weight of seed shall be taken as the basic unit and the small containers shall be combined to form sampling units not exceeding this weight (for example 9 packages of 10 kilograms, 20 packages of 5 kilograms) and for sampling purposes each unit shall be regarded as one container and the sampling procedures prescribed in paragraphs 6 and 7 of this Part of this Schedule shall be used.

Commencement Information

I33 Sch. 5 para. 8 in force at 1.7.2005, see [reg. 1\(1\)](#)

Sampling from small containers – moisture proof containers

9. When seed is in moisture-proof containers the opened or pierced containers shall be adequately closed or the residues from sampling transferred to new containers.

Commencement Information

I34 Sch. 5 para. 9 in force at 1.7.2005, see [reg. 1\(1\)](#)

Sampling from small containers – primary samples

10. When seed is in packets of 100 grams or less each packet may be considered as a primary sample and sufficient packets shall be taken at random to obtain a submitted sample.

Commencement Information

I35 Sch. 5 para. 10 in force at 1.7.2005, see [reg. 1\(1\)](#)

Sampling from large containers

11. For the sampling of containers holding at least 100 kilograms of seed, primary samples shall be taken from different horizontal and vertical positions selected at random and the minimum number of primary samples to be taken shall be in accordance with the following table–

Seed lot weight (kilograms)	Number of primary samples to be taken
Up to 500	At least 5
501–3,000	1 for each 300 kilograms but no fewer than 5
3,001–20,000	1 for each 500 kilograms but no fewer than 10
20,001 and above	1 for each 700 kilograms but no fewer than 40

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

Commencement Information

I36 Sch. 5 para. 11 in force at 1.7.2005, see [reg. 1\(1\)](#)

Sampling of seed lots intended to be Excepted Seed Marketed in Bulk

12. Random sampling of seed lots of seed which is intended to be Excepted Seed Marketed in Bulk shall be carried out in accordance with the requirements of this Schedule during the filling of the container used by the final consumer and into which the seed is placed.

Commencement Information

I37 Sch. 5 para. 12 in force at 1.7.2005, see [reg. 1\(1\)](#)

Sampling from a seed stream

13. Primary samples may be drawn from a seed stream during processing using an automatic sampling device, which shall uniformly sample the entire cross-section of the seed stream when a sample is taken. Primary samples of seed shall be taken at regular intervals throughout the processing of the seed lot using the same sampling intensity as specified in paragraph 11 of this Part of this Schedule.

Commencement Information

I38 Sch. 5 para. 13 in force at 1.7.2005, see [reg. 1\(1\)](#)

Sampling instruments – general

14. Sampling instruments shall be capable of sampling all parts of the seed lot.

Commencement Information

I39 Sch. 5 para. 14 in force at 1.7.2005, see [reg. 1\(1\)](#)

Sampling instruments – instruments and methods

15. Subject to paragraph 16 of this Part of this Schedule, one of the instruments described in paragraph 17 of this Part of this Schedule shall be used, as appropriate to the location of the seed, to draw primary samples in accordance with the relevant methods described in paragraphs 18 and 19 of this Part of this Schedule.

Commencement Information

I40 Sch. 5 para. 15 in force at 1.7.2005, see [reg. 1\(1\)](#)

Sampling instruments – power to allow other instruments and methods

16. Where it is not practicable to use any of the instruments described in paragraph 17 of this Part of this Schedule in accordance with the relevant methods described in paragraphs 18 and 19

of this Part of this Schedule, another instrument or method may be used with the written approval of the Scottish Ministers.

Commencement Information

I41 Sch. 5 para. 16 in force at 1.7.2005, see **reg. 1(1)**

Sampling instruments – instruments for drawing primary samples

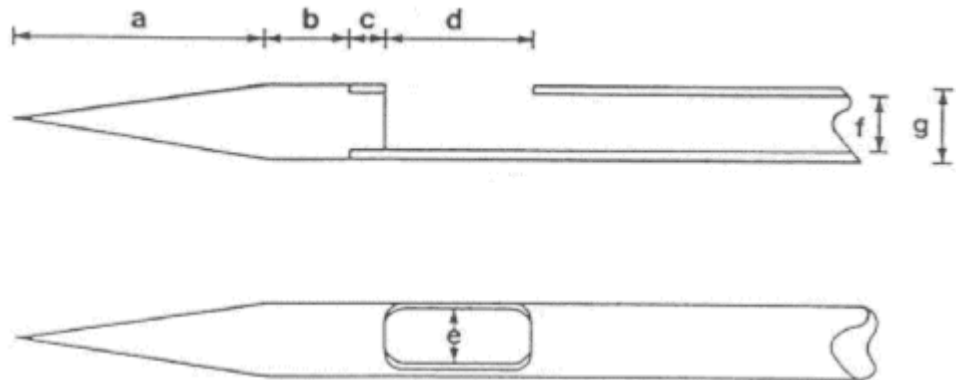
17. The instruments referred to in paragraph 15 of this Part of this Schedule, to be used for drawing primary samples are as follows:–

Dynamic spear sampler

- (a) used, in accordance with the methods described in paragraph 19(a) of this Part of this Schedule, for sampling seed lots in sacks or small containers. It shall be a hollow, cylindrical, solid-pointed metal spear or trier which shall be long enough to reach beyond the middle of the sack from the side and shall have an aperture so positioned that portions of seed of equal volume are removed from each part of the sack through which it travels. In sampling seed lots of the species specified in column 1 of the following table a dynamic spear sampler shall have a point length (a), shoulder length (b), boss length (c), aperture length (d), aperture width (e), bore width (f) and outside diameter (g) as shown in the diagrams below of dimensions no smaller than those specified in the corresponding entries in the table:–

Species of Seed for which dynamic spear sampler can be used	Minimum dimensions in millimetres						
	Point length	Shoulder length	Boss length	Aperture Length	Aperture Width	Bore width	Outside Diameter
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
1	2	3	4	5	6	7	8
All species other than maize	85	12	10	33	11	13	15
Maize	82	12	13	40	15	17	19

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



Stick samplers

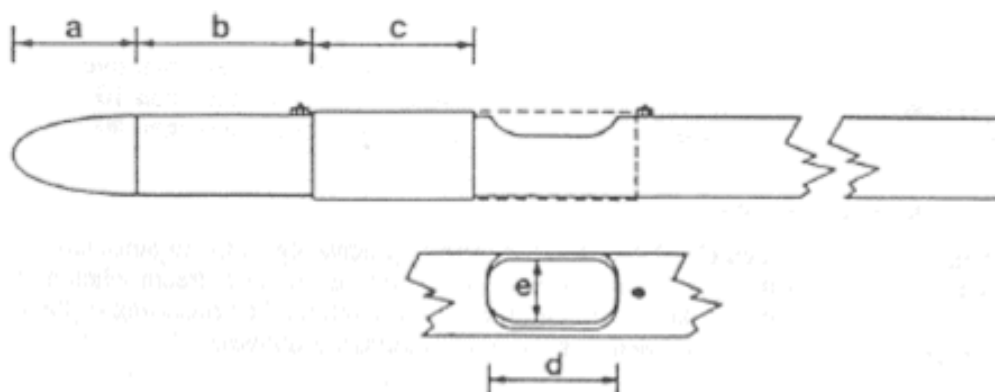
(a) A stick sampler of one of the types described in sub paragraphs (i) and (ii) may, subject to sub paragraphs (i) and (ii), be used if it has an aperture or apertures of sufficient size to allow the unrestricted entry of seed and other particles and is capable of being opened and closed during the sampling procedure as appropriate to the method of use described in paragraph 19(b) of this Part of this Schedule.

(i) Single chamber type

Subject to paragraph 14 of this Part of this Schedule, a single chamber type stick sampler may be used to sample seed lots in open sacks or in large containers. In sampling seed lots in open sacks or in large containers, as specified in column 1 of the following table, a single chamber type stick sampler shall have a point length (a), shoulder length (b), sliding sleeve length (c), aperture length (d), aperture width (e) and bore width (f), as shown in the diagrams below, of the dimensions specified in the corresponding entries in the table, or such other dimensions as the Scottish Ministers may approve in writing—

Type of Container	Dimensions in millimetres					
	Point length	Shoulder length	Sliding sleeve length	Aperture length	Aperture width	Bore width
1	(a)	(b)	(c)	(d)	(e)	(f)
	2	3	4	5	6	7
Seed lots in sacks	55	25	75	50	22	25
Seed lots in large containers	100	390	63	50	22	30

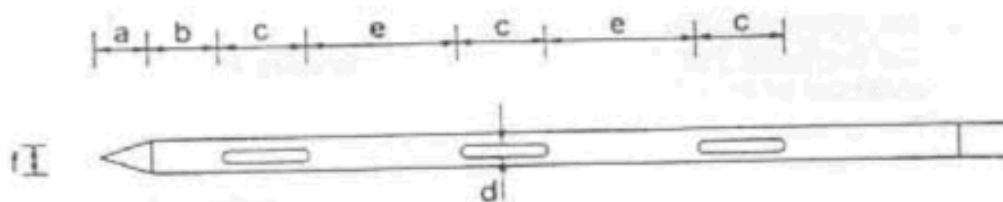
Changes to legislation: There are currently no known outstanding effects for the The Cereal Seed (Scotland) Regulations 2005. (See end of Document for details)



(ii) Multi-chamber type

Subject to paragraph 14 of this Part of this Schedule, a multi chamber type stick sampler may be used to sample seed lots in sacks or any other containers. The apertures shall open into chambers which shall be separated from one another by transverse partitions. The multi chamber type stick sampler shall have a point length (a), shoulder length (b), aperture length (c), aperture width (d), aperture separation distance (e) and bore width (f), as shown in the diagram below, of the dimensions specified in the following table or such other dimensions as the Scottish Ministers may approve in writing:—

Dimensions in millimetres					
Point length	Shoulder length	Aperture length	Aperture width	Aperture separation distance	Bore width
(a)	(b)	(c)	(d)	(e)	(f)
60	50	100	15	110	25



Cargo sampler

(a) Subject to paragraph 14 of this Part of this Schedule, a cargo sampler may be used, in accordance with the method described in paragraph 19(c) of this Part of this Schedule, to sample seed lots in large containers and shall only be used in the vertical position.

Seed stream sampler

(b) Subject to paragraph 14 of this Part of this Schedule, a seed stream sampler may be used if it has been approved in writing by the Scottish Ministers and if it uniformly samples the cross section of the seed stream without any loss of the seed and any other particles which enter the seed stream sampler, in accordance with the method described in paragraph 19(d)

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

of this Part of this Schedule. Timing devices shall be attached so that the frequency and duration of sampling can be adjusted to meet the requirements of paragraph 13 of this Part of this Schedule.

Commencement Information

I42 Sch. 5 para. 17 in force at 1.7.2005, see **reg. 1(1)**

Methods of use of dynamic spear samplers, stick samplers, cargo samplers and seed stream samplers – general

18. All instruments shall be clean before use.

Commencement Information

I43 Sch. 5 para. 18 in force at 1.7.2005, see **reg. 1(1)**

Methods of use of dynamic spear samplers, stick samplers, cargo samplers and seed stream samplers – specific

19. The methods of using the instruments described in paragraph 17 shall be as follows:–

Dynamic spear samplers

(a) Dynamic spear samplers may be used in one of two ways depending on their length–

(i) **Method 1**

In the case of a dynamic spear sampler in which the aperture reaches only to the centre of the sack or small container–

- (aa) the instrument shall be inserted into the sack in an upward direction at an angle of approximately 30° to the horizontal with its aperture downwards until the aperture reaches the centre of the sack or container;
- (bb) the instrument shall be lightly tapped to remove any seed taken in and then rotated to bring the aperture uppermost;
- (cc) the instrument shall be withdrawn immediately with a vibratory or oscillatory motion and at a decreasing speed so that the quantity of seed and any other particles obtained from successive locations increases progressively from the centre to the side of the sack; and
- (dd) seed and any other particles passing through the instrument shall be collected in a clean container.

(ii) **Method 2**

In the case of a dynamic spear sampler in which the aperture reaches to the far side of a sack or small container–

- (aa) the instrument shall be inserted in the manner described in sub paragraph (i) (aa) until its aperture reaches almost to the far side of the sack or container;
- (bb) the instrument shall be tapped and rotated in the manner described in sub paragraph (i)(bb) and then withdrawn at a uniform speed; and
- (cc) the seed and any other particles passing through the instrument shall be collected in a clean container.

Stick samplers

(b) The method of using a single chamber type stick sampler and the method of using a multi chamber type stick sampler are as follows:–

(i) **Single chamber type stick sampler**

In the case of a single chamber type stick sampler–

- (aa) the sleeve shall move freely;
- (bb) the instrument shall be inserted vertically downwards until the aperture reaches the appropriate primary sampling position ensuring that the sleeve covers the aperture as it enters the seed lot;
- (cc) the instrument shall be withdrawn sufficiently to uncover the aperture;
- (dd) the instrument shall be left in position until the primary sample has been collected; and
- (ee) the instrument shall be withdrawn and the contents emptied into a clean container.

(ii) **Multi-chamber type stick sampler**

In the case of a multi chamber type stick sampler–

- (aa) the apertures shall be closed before insertion;
- (bb) the instrument shall be inserted diagonally into sacks or vertically into large containers so that all apertures are fully covered;
- (cc) the apertures shall be opened;
- (dd) the instrument shall be agitated so that seed and any other particles enter the chambers;
- (ee) the apertures shall be closed gently to ensure that trapped seed and any other particles are not broken or damaged;
- (ff) the instrument shall be withdrawn and if the chambers are full the contents shall be emptied onto a clean surface or into a clean container; and
- (gg) if all the chambers are not full, the contents shall be discarded and the procedures specified in sub-paragraphs (ii)(aa) to (ff) shall be repeated.

Cargo samplers

(c) In the case of a cargo sampler–

- (i) the lid shall open and close easily;
- (ii) the instrument shall be inserted with the lid closed to the appropriate primary sampling position which shall be at least 300 millimetres below the surface of the seed lot;
- (iii) the handle shall be raised sufficiently to open the lid;
- (iv) the instrument shall be left in position until the primary sample has been collected;
- (v) the instrument shall be withdrawn and the contents shall be emptied into a clean container; and
- (vi) if all the chambers are not full, the contents shall be discarded and the procedures specified in sub paragraphs (c)(i) to (v) shall be repeated.

Seed stream samplers

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

- (d) In the case of a seed stream sampler, the instrument shall take the number of primary samples necessary for the weight of seed lot being sampled, the primary samples being taken from the seed lot at regular intervals and the resultant composite sample being of a weight not less than the minimum weight prescribed in paragraph 26 of Part II of this Schedule and not greater than can conveniently be reduced by means of one of the methods of sample reduction specified in paragraphs 22 to 23. They shall be installed in such a way that the composite sample can be readily identified with the seed lot from which it was taken.

Commencement Information

I44 Sch. 5 para. 19 in force at 1.7.2005, see [reg. 1\(1\)](#)

Obtaining a sample for moisture tests

20.—(1) Samples of seed for moisture tests shall be drawn in such a way as to minimise exposure to the atmosphere.

(2) Samples so collected for moisture testing shall be submitted intact to the licensed seed testing station or the Scottish Ministers in an airtight container.

(3) Where the sample seed for moisture testing is submitted for testing in a different container from the submitted sample then the sample of seed for moisture testing shall be obtained as follows—

- (a) the composite sample from the relevant seed lot shall be passed through a riffle divider which complies with paragraph 21(a) in accordance with paragraph 22(a) to (e); and
- (b) a clean and dry airtight container shall be passed through the seed in one of the two pans into which the seed was passed until the airtight container is filled with a sample of at least 100 grams.

(4) Where the sample of seed for moisture testing is collected and submitted for testing in the same airtight container as the submitted sample, then the methods of sampling set out in this Part of this Schedule for obtaining the submitted sample shall also be used to obtain the sample submitted for moisture testing.

Commencement Information

I45 Sch. 5 para. 20 in force at 1.7.2005, see [reg. 1\(1\)](#)

Obtaining a submitted sample – composite sample division instruments

21. Where the composite sample exceeds the minimum weight prescribed for a sample in paragraph 26 of Part II of this Schedule, any of the following instruments may be used to reduce the weight of the sample—

Riffle divider

- (a) (i) the riffle divider shall consist of a rectangular hopper leading to a series of evenly spaced chutes, arranged so that seed is distributed equally on two sides;
- (ii) there shall be a minimum of 18 chutes, each discharging in the opposite direction to its immediate neighbour; and
- (iii) three (or more) metal collecting vessels (pans) of sufficient depth to prevent seed bouncing out shall be used;

Centrifugal divider

- (b) (i) the centrifugal divider shall consist of a hopper from which seed flows on to a shallow cup which is then rotated by an electric motor; and
- (ii) the seed shall be distributed by centrifugal force onto a stationary baffle which divides it into two equal parts which are then discharged through separate spouts. Four metal collecting vessels (pans) of sufficient depth to prevent seed bouncing out shall be used; or

Other instruments

- (c) other instruments and methods may be used with the written approval of the Scottish Ministers.

Commencement Information

I46 Sch. 5 para. 21 in force at 1.7.2005, see **reg. 1(1)**

Method of use of riffle divider

- 22.** The method of using a riffle divider shall be as follows—
- (a) the riffle divider shall be placed on a firm level surface;
 - (b) the riffle divider and pans shall be clean;

Sample mixing

- (c) an empty pan shall be placed on each side of the riffle divider to receive the discharge from the chutes;
- (d) the entire composite sample shall be poured evenly into the other pan(s);
- (e) the seed shall then be poured from the pan(s) evenly along the entire length of the hopper;
- (f) the two pans into which the seed has passed shall then be replaced with empty pans;
- (g) the procedures specified in sub paragraphs (e) and (f) shall then be repeated twice to mix the sample thoroughly;

Sample reduction

- (h) before reduction, the composite sample shall have been thoroughly mixed using the procedures specified in sub paragraphs (c) to (g). The contents of one of the two receiving pans shall then be set aside. If the seed and any other particles in the second pan is of at least the minimum weight prescribed in paragraph 26 of Part II of this Schedule for a sample, it may be used as a submitted sample. If the weight of seed in the second pan is greater than the minimum weight prescribed in paragraph 26 of Part II of this Schedule for a sample, it may be reduced using the procedures specified in sub paragraphs (i) to (k);
- (i) an empty pan shall be placed on each side of the divider to receive the discharge from the chutes;
- (j) the contents of the second pan shall be poured evenly along the entire length of the hopper;
- (k) the contents of one of the two pans into which the seed and other particles have passed shall then be set aside. If the weight of seed and other particles in the other pan is still greater than the minimum weight prescribed in paragraph 26 of Part II of this Schedule for a sample, it may be used as a submitted sample intact or it may be reduced further using the procedures specified in sub paragraphs (i) to (k);

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

- (l) if the weight of seed and other particles in either of the two pans set aside in the procedures specified either in sub-paragraph (h) or sub paragraph (k) is less than the minimum weight prescribed in paragraph 26 of Part II of this Schedule for a sample, the procedures specified in sub paragraphs (m) to (q) shall be used;
- (m) an empty pan shall be placed on each side of the divider to receive the discharge from the chutes;
- (n) the contents of one of the pans shall be set aside. The contents of the other pan shall be poured evenly along the entire length of the hopper;
- (o) one receiving pan and its contents shall then be removed and replaced with an empty pan. The other pan, with its contents, shall be left in place;
- (p) the contents of the pan removed during the procedure specified in sub paragraph (o) shall be poured evenly along the entire length of the hopper so that two sub-samples of different weights shall be produced;
- (q) the procedures specified in sub paragraphs (o) and (p), when repeated, constitute the process of continuous halving, and shall be repeated using whichever sub-sample is appropriate until sufficient seed and any other particles is obtained in one pan, which, when added to the seed and any other particles set aside during the procedure specified in sub paragraph (n), produces a submitted sample;

Obtaining more than one submitted sample

- (r) when two submitted samples are required from one composite sample, one composite sample of at least twice the minimum weight prescribed in paragraph 26 of Part II of this Schedule for a sample shall be obtained using the procedures specified in sub paragraphs (c) to (g) and (h) to (q), as appropriate. The composite sample shall then be divided into two parts by passing it once through the riffle divider; and
- (s) when three submitted samples are required from one composite sample, one composite sample of at least three times the minimum weight prescribed in paragraph 26 of Part II of this Schedule for a sample shall be obtained using the procedures specified in sub-paragraphs (c) to (g) and (h) to (q) as appropriate. A submitted sample shall then be extracted using the procedures specified in sub paragraphs (c) to (g) and (h) to (q), as appropriate. All portions of seed which have been set aside shall then be recombined and two submitted samples shall be obtained from this residue of the composite sample by following the procedure specified in sub paragraph (r).

Commencement Information

I47 Sch. 5 para. 22 in force at 1.7.2005, see [reg. 1\(1\)](#)

Method of use of a centrifugal divider

23. The method of using a centrifugal divider shall be as follows—

- (a) the centrifugal divider shall be levelled prior to use;
- (b) the centrifugal divider and pans shall be clean;

Sample mixing

- (c) an empty pan shall be placed under each spout of the centrifugal divider;
- (d) the entire composite sample shall be poured into the centre of the hopper;

- (e) the motor shall be operated so that the seed and any other particles in the sample pass into the pans;
- (f) the motor shall be switched off;
- (g) the two pans containing seed and any other particles shall be removed and replaced by empty ones;
- (h) the contents of both pans removed during the procedure specified in sub paragraph (g) shall be poured together into the centre of the hopper, the seed and any other particles being allowed to blend as they flow in. The procedures specified in sub paragraphs (e) to (g) shall be repeated;
- (i) the procedure specified in sub paragraph (h) shall be repeated twice to mix the sample thoroughly;

Sample reduction

- (j) before reduction, the composite sample shall have been thoroughly mixed using the procedures specified in sub paragraphs (c) to (i). The contents of one of the two receiving pans shall then be set aside. If the seed and any other particles in the second pan is of at least the minimum weight prescribed in paragraph 26 of Part II of this Schedule for a sample, it may be used as a submitted sample. If the weight of seed in the second pan is greater than the minimum weight prescribed in paragraph 26 of Part II of this Schedule for a sample, it may be reduced using the procedures specified in sub paragraphs (k) to (m);
- (k) empty pans shall be placed under the spouts;
- (l) the contents of the second pan shall be poured into the hopper and the procedures specified in sub paragraphs (e) and (f) shall be repeated;
- (m) the contents of one of the two pans into which the seed and any other particles have passed shall then be set aside. If the weight of seed and any other particles in the other pan is still greater than the minimum weight prescribed in paragraph 26 of Part II of this Schedule for a sample, the sample may be used as a submitted sample intact or it may be reduced further using the procedures specified in sub paragraphs (k) to (m);
- (n) if the weight of seed and any other particles in either of the two pans referred to either in sub paragraph (j) or (m) is less than the minimum weight prescribed in paragraph 26 of Part II of this Schedule for a sample, the procedures specified in sub paragraphs (o) to (s) shall be used;
- (o) empty pans shall be placed under the spouts;
- (p) the contents of one of the pans shall be set aside. The contents of the other pan shall be poured into the centre of the hopper and the procedures specified in sub paragraphs (e) and (f) shall be repeated;
- (q) one receiving pan and its contents shall then be removed and replaced with an empty pan. The other pan, with its contents, shall be left in place;
- (r) the contents of the pan removed during the procedure specified in sub paragraph (q) shall be poured into the centre of the hopper and the procedures specified in sub paragraphs (e) and (f) shall be repeated so that two sub-samples of different weights shall be produced;
- (s) the procedures specified in sub paragraphs (q) and (r), when repeated, constitute the process of continuous halving, and shall be repeated using whichever sub-sample is appropriate until a sufficient sample is obtained in one pan, which, when added to the seed and any other particles set aside during the procedure specified in sub paragraph (p), produces a submitted sample;

Obtaining more than one submitted sample

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

- (t) when two submitted samples are required from one composite sample, one composite sample of at least twice the minimum weight prescribed in paragraph 26 of Part II of this Schedule for a sample shall be obtained using the procedures specified in sub paragraphs (c) to (i) and (j) to (s) as appropriate. The composite sample shall then be divided into two parts by passing it once through the centrifugal divider; and
- (u) when three submitted samples are required from one composite sample, one composite sample of at least three times the minimum weight prescribed in paragraph 26 of Part II of this Schedule for a sample shall be obtained using the procedures specified in sub paragraphs (c) to (i) and (j) to (s), as appropriate. A submitted sample shall then be extracted using the procedures specified in sub paragraphs (c) to (i) and (j) to (s), as appropriate. All portions of seed which have been set aside shall then be recombined and two submitted samples shall be obtained from this residue of the composite sample by following the procedure specified in sub paragraph (t).

Commencement Information

I48 Sch. 5 para. 23 in force at 1.7.2005, see [reg. 1\(1\)](#)

PART II

MAXIMUM WEIGHT OF A SEED LOT AND MINIMUM WEIGHT OF A SUBMITTED SAMPLE

Maximum weight of a seed lot

24. Subject to paragraph 25, the maximum weight of a seed lot shall be that set out in column 3 of the table in paragraph 26 in relation to the corresponding entries in columns 1 and 2 of the table.

Commencement Information

I49 Sch. 5 para. 24 in force at 1.7.2005, see [reg. 1\(1\)](#)

Margin by which seed lots can exceed maximum weight

25. A seed lot may exceed the maximum weight for a seed lot set out in column 3 of the table in paragraph 26 by not more than 5%.

Commencement Information

I50 Sch. 5 para. 25 in force at 1.7.2005, see [reg. 1\(1\)](#)

Maximum weight of a seed lot and minimum weight of a sample

26.—(1) The minimum weight of a sample submitted for official examination shall be that specified in column 4 of the table set out in sub paragraph (2) in relation to the corresponding entries in columns 1 and 2 of the table.

(2) The minimum weight of a sample for moisture testing shall be that specified in column 5 of the following table:—

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

^{F37} Column 1 Species	Column 2 Level (where applicable)	Column 3 Maximum weight of a lot (tonnes)	Column 4 Minimum weight of a sample to be drawn from a lot (grams)	Column 5 Minimum weight of a sample for a moisture test (grams)	Column 6 Weight of the sample for determination by number in accordance with paragraph 16 of Part II of Schedule 4 (grams)
Barley, durum wheat, oats, spelt wheat and wheat	Minimum	30	1,000	100	500
	HVS	30	1,000	100	1,000
Rye and triticale	–	30	1,000	100	500
Maize, Basic Seed of inbred lines	–	40	250	100	250
Maize, Basic Seed other than of inbred lines and Certified Seed	–	40	1,000	100	1,000
A mixture of seed to which regulation 8 applies which does not contain more than 50% maize	Minimum	30	–	–	–
	HVS	30	—	–	–
A mixture of seed to which regulation 8 applies which contains more than 50% maize	–	40	–	–	–]

Textual Amendments

F37 Sch. 5 para. 26(2) table substituted (26.9.2006) by *The Cereal Seed (Scotland) and Fodder Plant Seed (Scotland) Amendment Regulations 2006* (S.S.I. 2006/448), regs. 1, 2(2)

Commencement Information

I51 Sch. 5 para. 26 in force at 1.7.2005, see [reg. 1\(1\)](#)

SCHEDULE 6

Regulation 6(5), 17(4), (5), (8), (10), (11),
18, 22(4), (6), (7) and (12)

PART I GENERAL

Method of referring to species of seed

1. Where the species of seed is one of the particulars to be indicated on a label, in accordance with any of the provisions of this Schedule except paragraph 6(a)(v) of Part II, paragraph 8(a)(iv) of Part III and paragraph 10(b)(i) of Part IV, the species must be indicated at least under its botanical name, which may be given in abridged form and without the authority's name, in Roman characters.

Commencement Information

I52 Sch. 6 para. 1 in force at 1.7.2005, see [reg. 1\(1\)](#)

Method of referring to varieties of seed

2. Where the variety of seed is one of the particulars to be indicated on a label, in accordance with the provisions of this Schedule, the variety must be indicated at least in Roman characters.

Commencement Information

I53 Sch. 6 para. 2 in force at 1.7.2005, see [reg. 1\(1\)](#)

PART II LABELS

Label for a package of Breeder's Seed

3. The label for a package of Breeder's Seed shall—
- (a) contain the following information—
 - (i) name and address of the supplier responsible for affixing the labels or the supplier's [^{F38}registered or licensed number];
 - (ii) reference number of the seed lot;
 - (iii) species;
 - (iv) variety;
 - (v) the words "Breeder's Seed";
 - (vi) declared net or gross weight; and
 - (vii) the words "NOT CERTIFIED"; and
 - (b) be coloured buff.

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

Textual Amendments

F38 Words in [sch. 6 para. 3\(a\)\(i\)](#) 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\(5\)\(c\)](#)

Commencement Information

I54 Sch. 6 para. 3 in force at 1.7.2005, see [reg. 1\(1\)](#)

Official label for a package of Pre-basic Seed

4. The official label for a package of Pre basic Seed shall—
- (a) contain the following information—
 - (i) certifying authority and [^{F39}country or country initials];
 - (ii) month and year of sealing or the month and year of the last official sampling for the purposes of certification, expressed respectively as follows:—
 - (aa) by the word “Sealed” followed by the month and year of sealing; or
 - (bb) by the word “Sampled” followed by the month and year of official sampling;
 - (iii) reference number of the seed lot;
 - (iv) species;
 - (v) variety;
 - (vi) the words “Pre basic Seed”;
 - (vii) country of production;
 - (viii) declared net or gross weight;
 - (ix) where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additives and also the approximate ratio between the weight of seed and the total weight; and
 - (x) number of generations preceding seed of the categories Certified Seed or Certified Seed of the First Generation;
 - (b) be a minimum size of 110 millimetres by 67 millimetres; and
 - (c) be coloured white with a diagonal violet line.

Textual Amendments

F39 Words in [sch. 6 para. 4\(a\)\(i\)](#) 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\(24\)\(a\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Commencement Information

I55 Sch. 6 para. 4 in force at 1.7.2005, see [reg. 1\(1\)](#)

Official label for a package of Basic Seed or Seed of a Certified Generation

5. The official label for a package of Basic Seed or Seed of a Certified Generation shall—
- (a) subject to sub paragraph (b), contain the following information:—
 - (i) the words “ [^{F40}GB] rules and standards”;

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

- (ii) certifying authority and [^{F41}country or country initials];
- [^{F42}(ia) officially assigned serial number;]
- (iii) month and year of sealing or the month and year of the last official sampling for the purposes of certification, expressed respectively as follows:–
 - (aa) by the word “Sealed” followed by the month and year of sealing; or
 - (bb) by the word “Sampled” followed by the month and year of official sampling;
- (iv) reference number of the seed lot;
- (v) species;
- (vi) variety;
- (vii) category;
- (viii) country of production;
- (ix) declared net or gross weight;
- (x) where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of pure seed and the total weight;
- (xi) in the case of a variety which is a hybrid or an inbred line–
 - (aa) for Basic Seed where the hybrid or inbred line to which the seed belongs has been officially accepted on to a [^{F43}GB Variety List or an NI Variety List], the name under which it has been officially accepted, with or without reference to the final variety, accompanied, in the case of a hybrid or inbred line which is intended solely as a component for a final hybrid variety, by the word “component”;
 - (bb) for Basic Seed in other cases, the name of the component to which the Basic Seed belongs, which may be given in code form, accompanied by a reference to the final variety, with or without reference to its function (male or female), and accompanied by the word “component”; and
 - (cc) for Certified Seed the name of the variety to which the seed belongs, accompanied by the word “hybrid”;
- (xii) in the case of Certified Seed of the First Generation and Certified Seed of the Second Generation of oats officially classified as being of a naked oat type, the words “minimum germination capacity of 75%”; and
- (xiii) where at least germination has been retested, the word “Retested” followed by the month and year of retesting and the service responsible for such retesting;
- (b) not contain the information referred to in sub-paragraph (a)(xiii) if that information is given on an official sticker attached to the official label;
- (c) be a minimum size of 110 millimetres by 67 millimetres; and
- (d) be coloured–
 - (i) white for Basic Seed;
 - (ii) blue for Certified Seed and Certified Seed of the First Generation; and
 - (iii) red for Certified Seed of the Second Generation.

Textual Amendments

- F40** Word in sch. 6 para. 5(a)(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(24)(b)(i)** (as amended by S.S.I. 2020/445, regs. 1(1)(b), **14(21)(a)(i)(bb)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F41** Word in sch. 6 para. 5(a)(ii) 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(24)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F42** Sch. 6 para. 5(a)(iia) inserted (31.3.2017) by The Seed (Miscellaneous Amendments) (Scotland) Regulations 2016 (S.S.I. 2016/434), regs. 1(1), **4(3)(a)**
- F43** Words in sch. 6 para. 5(a)(xi)(aa) 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(24)(b)(iii)** (as substituted by S.S.I. 2020/445, regs. 1(1)(b), **14(21)(a)(iii)**); 2020 c. 1, **Sch. 5 para. 1(1)**

Commencement Information

- I56** Sch. 6 para. 5 in force at 1.7.2005, see **reg. 1(1)**

Official label for a package of a mixture of seeds to which regulation 8 applies

6. The official label for a package of a mixture of seeds to which regulation 8 applies shall—
- (a) subject to sub paragraph (b), contain the following information:—
- (i) the words “Mixture of” followed by the species and varieties;
 - (ii) the name of the authority responsible for sealing the package and [^{F44}country or country initials];
 - [^{F45}(iia) officially assigned serial number;]
 - (iii) month and year of sealing expressed by the word “Sealed” followed by the month and year of sealing;
 - (iv) reference number of the seed lot;
 - (v) species, variety, category, country of production and proportion by weight of each of the constituents which in the case of the species and of the variety, shall be indicated at least in Roman characters;
 - (vi) declared net or gross weight;
 - (vii) the words “Marketing permitted exclusively in the United Kingdom”;
 - (viii) where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of pure seed and the total weight; and
 - (ix) where at least germination of all the constituents of the mixture has been retested, the word “Retested” followed by the month and year of retesting and the service responsible for such retesting;
- (b) not contain the information referred to in sub paragraph (a)(ix) if that information is given on an official sticker attached to the official label;
- (c) be a minimum size of 110 millimetres by 67 millimetres; and
- (d) be coloured green.

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

Textual Amendments

- F44** Words in sch. 6 para. 6(a)(ii) 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(24)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F45** Sch. 6 para. 6(a)(ia) inserted (31.3.2017) by [The Seed \(Miscellaneous Amendments\) \(Scotland\) Regulations 2016](#) (S.S.I. 2016/434), regs. 1(1), **4(3)(b)**

Commencement Information

- I57** Sch. 6 para. 6 in force at 1.7.2005, see [reg. 1\(1\)](#)

[^{F46}Official label for a package of test and trial seed

6A. The official label for a package of test and trial seed shall—

- (a) subject to sub-paragraph (b), contain the following information—
- (i) the words “test and trial seed”;
 - (ii) certification authority and [^{F47}country or country initials];
[officially assigned serial number;]
 - ^{F48}(ia) (iii) reference number of the seed lot;
 - (iv) month and year of sealing expressed by the word “Sealed” followed by the month and year of sealing;
 - (v) species;
 - (vi) variety under which the seed is to be marketed;
 - [^{F49}(vii) the official application number in relation to the application for listing under—
 - (aa) in relation to applications in GB, regulation 4(1)(a) (applications in relation to GB Variety Lists) of the Seeds (National List of Varieties) Regulations 2001; or
 - (bb) in relation to applications in Northern Ireland, the relevant provision of legislation in Northern Ireland having equivalent effect to the Seeds (National Lists of Varieties) Regulations 2001;]
 - (viii) the words “variety not yet officially listed”;
 - (ix) the words “for tests and trials only”;
 - (x) the words “genetically modified variety”, where applicable;
 - (xi) declared net or gross weight or declared number of pure seeds; and
 - (xii) where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of pure seeds or, where applicable, clusters and the total weight;
- (b) not contain the information referred to in sub-paragraph (a)(ix) if that information is given on an official sticker attached to the official label;
- (c) be a minimum size of 110 millimetres by 67 millimetres; and
- (d) be coloured orange.]

Textual Amendments

- F46** Sch. 6 para. 6A inserted (1.4.2007) by [The Seed \(Scotland\) \(Amendments for Tests and Trials etc.\) Regulations 2007 \(S.S.I. 2007/224\)](#), regs. 1, **10(a)**
- F47** Words in sch. 6 para. 6A(a)(ii) 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(24)(d)(i)** (as substituted by S.S.I. 2020/445, regs. 1(1)(b), **14(21)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F48** Sch. 6 para. 6A(a)(iia) inserted (31.3.2017) by [The Seed \(Miscellaneous Amendments\) \(Scotland\) Regulations 2016 \(S.S.I. 2016/434\)](#), regs. 1(1), **4(3)(c)**
- F49** Sch. 6 para. 6A(a)(vii) 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(24)(d)(ii)** (as substituted by S.S.I. 2020/445, regs. 1(1)(b), **14(21)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**

[^{F50}Official label for a package of seed of a Conservation Variety

6B. The official label for a package of seed of a Conservation Variety shall—

- (a) contain the following information—
- (i) the words “[^{F51}GB] rules and standards”;
 - (ii) the name and address, or the registration number, of the person responsible for affixing the label or notice;
 - (iii) the year of sealing, or the year of last sampling for the purposes of the last testing of germination, expressed by the word “sealed” or “sampled” (as the case may be), followed by the year in question;
 - (iv) the species;
 - (v) the denomination of the Conservation Variety;
 - (vi) the words “Conservation Variety”;
 - (vii) the region of origin;
 - (viii) where the region of seed production is different from the region of origin, the indication of the region of seed production;
 - (ix) the reference number of the lot given by the person responsible for affixing the labels;
 - (x) the declared net or gross weight or declared number of seeds; and
 - (xi) where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the chemical treatment or additive and the approximate ratio between the weight of clusters of pure seeds and the total weight; and
- (b) be a minimum size of 110 millimetres by 67 millimetres; and
- (c) be coloured brown.]

Textual Amendments

- F50** Sch. 6 para. 6B inserted (30.6.2009) by [The Seed \(Scotland\) \(Amendments for Conservation Varieties\) Regulations 2009 \(S.S.I. 2009/223\)](#), regs. 1, **11**
- F51** Word in sch. 6 para. 6B(a)(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(24)(e)** (as amended by S.S.I. 2020/445, regs. 1(1)(b), **14(21)(c)**); 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*. (See end of Document for details)

PART III

SMALL PACKAGES

Label for a small package of Pre basic Seed, Basic Seed or Seed of a Certified Generation

7. The label for a small package of Pre basic Seed, Basic Seed or Seed of a Certified Generation shall—

- (a) contain the following information—
 - (i) the words “[^{F52}GB] rules and standards”;
 - (ii) name and address of the person responsible for fixing the label;
 - (iii) reference number of the seed lot;
 - (iv) species;
 - (v) variety;
 - (vi) category;
 - (vii) declared net weight, except in the case of packages not exceeding 15 grams net weight; and
 - (viii) in the case of Certified Seed of the First Generation or Certified Seed of the Second Generation of oats officially classified as being of a naked oat type the words “minimum germination capacity 75%”; and
 - (ix) for hybrid varieties of maize, the word “hybrid”; and
- (b) be coloured—
 - (i) white with a diagonal violet line for Pre basic Seed;
 - (ii) white for Basic Seed;
 - (iii) blue for Certified Seed and Certified Seed of the First Generation; and
 - (iv) red for Certified Seed of the Second Generation.

Textual Amendments

F52 Word in *sch. 6 para. 7(a)(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(24)(f)** (as amended by *S.S.I. 2020/445*, regs. 1(1)(b), **14(21)(d)**); 2020 c. 1, **Sch. 5 para. 1(1)**

Commencement Information

I58 Sch. 6 para. 7 in force at 1.7.2005, see **reg. 1(1)**

Label for a small package of a mixture of seeds to which regulation 8 applies

8. The label for a small package of a mixture of seeds to which regulation 8 applies shall—

- (a) contain the following information:—
 - (i) the words “Mixture of” followed by the species and varieties;
 - (ii) name and address of the person responsible for fixing the label;
 - (iii) reference number of the seed lot;
 - (iv) the species and varieties indicated at least in Roman characters of the constituents of the mixture or the proprietary name of the mixture;

- (v) declared net weight, except in the case of packages not exceeding 15 grams net weight;
 - (vi) the words “marketing permitted exclusively in the United Kingdom”; and
 - (vii) in the case of Certified Seed of the First and Second Generations of oats officially classified as being of a naked oat variety, the words “Minimum germination capacity 75%”; and
- (b) be coloured green.

Commencement Information

I59 Sch. 6 para. 8 in force at 1.7.2005, see [reg. 1\(1\)](#)

PART IV

PARTICULARS TO BE MARKED OR DISPLAYED ON THE SALE OF UNPACKETED SEED

Particulars to be marked or displayed on the sale of unpacketed seed which is not a mixture of seeds to which regulation 8 applies

9. The following particulars shall be marked on, or displayed near, the container referred to in regulation 18–

- (a) the words “complies with legal standards”;
- (b) species;
- (c) variety or inbred line of maize; and
- (d) for hybrid varieties of maize, the word “hybrid”.

Commencement Information

I60 Sch. 6 para. 9 in force at 1.7.2005, see [reg. 1\(1\)](#)

Particulars to be marked or displayed on the sale of unpacketed seed which is a mixture to which regulation 8 applies

10. The following particulars shall be marked on, or displayed near, the container referred to in regulation 18–

- (a) the words “complies with legal standards”; and
- (b) either–
 - (i) the species and variety indicated in at least Roman characters, and the proportion by weight, of the constituents of the mixture; or
 - (ii) the proprietary name of the mixture.

Commencement Information

I61 Sch. 6 para. 10 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*. (See end of Document for details)

PART V

INFORMATION IN RESPECT OF SEED IMPORTED FROM COUNTRIES [^{F53}OUTSIDE THE UNITED KINGDOM] IN PACKAGES EXCEEDING 2 KILOGRAMS NET WEIGHT

Textual Amendments

F53 Words in sch. 6 Pt. 5 heading 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\(24\)\(g\)\(i\)](#) (as substituted by [S.S.I. 2020/445](#), regs. 1(1)(b), [14\(21\)\(e\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Information to be supplied in respect of seed imported from a country [^{F54}outside the United Kingdom] in a package exceeding 2 kilograms net weight

11. The information to be supplied to the Scottish Ministers in accordance with regulation 6(5) in respect of seed imported from a country [^{F55}outside the United Kingdom] in a package exceeding 2 kilograms of seed is as follows—

- (a) species;
- (b) variety;
- (c) category;
- (d) country of production and official inspection authority;
- (e) country of despatch;
- (f) importer; and
- (g) quantity of seed.

Textual Amendments

F54 Words in sch. 6 para. 11 heading 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\(24\)\(g\)\(ii\)\(aa\)](#) (as substituted by [S.S.I. 2020/445](#), regs. 1(1)(b), [14\(21\)\(e\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

F55 Words in sch. 6 para. 11 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\(24\)\(g\)\(ii\)\(bb\)](#) (as substituted by [S.S.I. 2020/445](#), regs. 1(1)(b), [14\(21\)\(e\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Commencement Information

I62 Sch. 6 para. 11 in force at 1.7.2005, see [reg. 1\(1\)](#)

PART VI

PRINTING OF SPECIFIED MATTERS ON PACKAGES (WHOLE BAG LABELLING)

Packages sealed in Scotland – printers' returns

12. Arrangements shall be made with the printers for returns to be made to the Scottish Ministers of the number of packages printed or stamped pursuant to regulations 17(10) and [^{F56}22(6)] and of the individual serial numbers of such packages.

Textual Amendments

F56 Word in sch. 6 para. 12 substituted (1.4.2007) by [The Seed \(Scotland\) \(Amendments for Tests and Trials etc.\) Regulations 2007 \(S.S.I. 2007/224\)](#), regs. 1, **10(b)(i)**

Commencement Information

I63 Sch. 6 para. 12 in force at 1.7.2005, see [reg. 1\(1\)](#)

Packages sealed in Scotland – individual serial numbers

13. Each package shall have printed or stamped on it, or be perforated with, an individual serial number allocated by the Scottish Ministers, which shall appear in the same panel as the particulars of the matters specified in Part II of this Schedule.

Commencement Information

I64 Sch. 6 para. 13 in force at 1.7.2005, see [reg. 1\(1\)](#)

Packages sealed in Scotland – printing or stamping

14. The printing or stamping of the packages shall be by, and in accordance with the instructions, of the Scottish Ministers or by a licensed seed sampler.

Commencement Information

I65 Sch. 6 para. 14 in force at 1.7.2005, see [reg. 1\(1\)](#)

Packages sealed in Scotland – particulars to be included in the printing or stamp

15. The reference number of the seed lot and the month and year in which the package was officially sealed shall be printed or stamped by the Scottish Ministers or a licensed seed sampler at the time of sampling for official examination.

Commencement Information

I66 Sch. 6 para. 15 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*. (See end of Document for details)

Seed packages sealed in the United Kingdom but not in Scotland, or ^{F57}outside the United Kingdom]

^{F58}16. Such requirements of the ^{F59}country outside the United Kingdom] (if the seed was sealed in that ^{F60}country]) or ^{F61}DAERA] (if the seed was sealed in Northern Ireland), the National Assembly for Wales (if the seed was sealed in Wales) or the Secretary of State (if the seed was sealed in England) as correspond to the requirements specified in paragraphs 12 to 15 of this Part of this Schedule for seed which has been sealed in Scotland shall be satisfied.]

Textual Amendments

- F57** Words in sch. 6 para. 16 heading 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(24)(h)(i)** (as substituted by S.S.I. 2020/445, regs. 1(1)(b), **14(21)(f)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F58** Sch. 6 para. 16 substituted (1.4.2007) by The Seed (Scotland) (Amendments for Tests and Trials etc.) Regulations 2007 (S.S.I. 2007/224), regs. 1, **10(b)(ii)**
- F59** Words in sch. 6 para. 16 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(24)(h)(ii)** (as substituted by S.S.I. 2020/445, regs. 1(1)(b), **14(21)(f)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F60** Word in sch. 6 para. 16 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(24)(h)(iii)** (as substituted by S.S.I. 2020/445, regs. 1(1)(b), **14(21)(f)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F61** Word in sch. 6 para. 16 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(24)(h)(iv)** (as substituted by S.S.I. 2020/445, regs. 1(1)(b), **14(21)(f)**); 2020 c. 1, **Sch. 5 para. 1(1)**

Commencement Information

- I67** Sch. 6 para. 16 in force at 1.7.2005, see **reg. 1(1)**

SCHEDULE 7

Regulation 24

LIMITS OF VARIATION

Commencement Information

- I68** Sch. 7 in force at 1.7.2005, see **reg. 1(1)**

GERMINATION

Minimum percentage of germination (expressed as an integer)	Limit of variation per cent
99–100	2
97–98	3
94–96	4
91–93	5
87–90	6

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

Minimum percentage of germination (expressed as an integer)	Limit of variation per cent
82–86	7
76–81	8
69–75	9
65–68	10

ANALYTICAL PURITY

Minimum percentage of analytical purity (expressed to one decimal point)	Limit of variation per cent
99.9–100	0.2
99.8	0.3
99.6–99.7	0.4
99.3–99.5	0.5
99.0–99.2	0.6
98.5–98.9	0.7
98.3–98.4	0.8
97.5–98.2	0.9
97.0–97.4	1.0
96.5–96.9	1.1
95.5–96.4	1.2
95.0–95.4	1.3

NUMBER OF SEEDS OF OTHER SPECIES

Maximum number of seeds of other species	Limit of variation number
0	1
1	3
2	4
3 and 4	5
5 and 6	6
7 and 8	7
9 to 11	8
12 to 14	9
15 to 17	10
18 to 20	11

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

SCHEDULE 8

Regulation 28(1)

REVOCATIONS

Commencement Information

I69 Sch. 8 in force at 1.7.2005, see [reg. 1\(1\)](#)

Regulations revoked	References	Extent
The Cereal Seeds Regulations 1993	S.I.1993/2005	The whole Regulations insofar as they apply to Scotland
The Cereal Seeds (Amendment) Regulations 1995	S.I.1995/1482	The whole Regulations insofar as they apply to Scotland
The Seeds (Miscellaneous Amendments) Regulations 1997	S.I.1997/616	Regulation 4(2), insofar as it applies to the Cereal Seeds Regulations 1993, but only insofar as regulation 4(2) applies to Scotland
The Cereal Seeds (Amendment) Regulations 1999	S.I.1999/1860	The whole Regulations insofar as they apply to Scotland
The Cereal Seeds (Amendment) (Scotland) Regulations 2000	S.S.I. 2000/248	The whole Regulations
The Seeds (National Lists of Varieties) Regulations 2001	S.I.2001/3510	Regulation 25(3)(a) insofar as it applies to Scotland
The Seeds (Miscellaneous Amendments) (No. 2) (Scotland) Regulations 2002	S.S.I. 2002/564	Regulation 3

SCHEDULE 9

Regulation 2(1)

DEFINITION OF CEREAL SEED DIRECTIVE

Commencement Information

I70 Sch. 9 in force at 1.7.2005, see [reg. 1\(1\)](#)

“The Cereal Seed Directive” means Council Directive [66/402/EEC](#)(6) on the marketing of cereal seed as amended by—

(6) O.J. P 125, 11.7.66, p.2309 as amended by consolidated text of corrigenda to instruments published in Special Editions 1952-72, p.17 and Corrigendum to Council Directive [66/402/EEC](#), O.J. No. L 199, 26.7.97, p.69.

[^{F62}EU] Instrument	Reference
Council Directive 69/60/EEC (7)	O.J. No. L 48, 26.2.69, p.1
Council Directive 71/162/EEC (8)	O.J. No. L 87, 17.4.71, p.24
Act of Accession of Denmark, Iceland and the United Kingdom of Great Britain and Northern Ireland(9)	O.J. No. L 73, 27.3.72, p.14
Council Directive 72/274/EEC	O.J. No. L 171, 29.7.72, p.37
Council Directive 72/418/EEC (10)	O.J. No. L 287, 26.12.72, p.22
Council Directive 73/438/EEC	O.J. No. L 356, 27.12.73, p.79
Council Directive 75/444/EEC	O.J. No. L 196, 26.7.75, p.6
Council Directive 78/55/EEC	O.J. No. L 16, 20.1.78, p.23
First Commission Directive 78/387/EEC	O.J. No. L 113, 25.4.78, p.13
Council Directive 78/692/EEC	O.J. No. L 236, 26.8.78, p.13
Council Directive 78/1020/EEC	O.J. No. L 350, 14.12.78, p.27
Commission Directive 79/641/EEC	O.J. No. L 183, 19.7.79, p.13
Council Directive 79/692/EEC	O.J. No. L 205, 13.8.79, p.1
Act of Accession of Greece	O.J. No. L 291, 19.11.79, p.17
Commission Directive 81/126/EEC	O.J. No. L 67, 12.3.81, p.36
Council Directive 81/561	O.J. No. L 203, 23.7.81, p.52
Council Regulation (EEC) No.3768/85	O.J. No. L 362, 31.12.85, p.8
Council Directive 86/155/EEC	O.J. No. L 118, 7.5.86, p.23
Commission Directive 86/320/EEC	O.J. No. L 200, 23.7.86, p.38
Commission Directive 87/120/EEC	O.J. No. L 49, 18.2.87, p.39
Council Directive 88/332/EEC	O.J. No.151, 17.6.88, p.82
Council Directive 88/380/EEC	O.J. No. L 187, 16.7.88, p.31
Commission Directive 88/506/EEC	O.J. No. L 274, 6.10.88, p.44
Commission Directive 89/2/EEC	O.J. No. L 5, 7.1.89, p.31
Commission Directive 90/623/EEC	O.J. No. L 333, 30.11.90, p.65
Council Directive 90/654/EEC	O.J. No. L 353, 17.12.90, p.48
Commission Directive 93/2/EEC	O.J. No. L 54, 5.3.93, p.20
Act of Accession of Austria, Sweden and Finland(11)	O.J. No. C 241, 29.8.94, p.21
Commission Directive 95/6/EC	O.J. No. L 67, 25.3.95, p.30

(7) As amended by consolidated text of corrigenda to instruments published in Special Editions 1952-72, p.29.

(8) As amended by consolidated text of corrigenda to instruments published in Special Editions 1952-72, p.87.

(9) As adapted by Council Decision of 1st January 1973, O.J. No. L 2, 1.1.73, p.1.

(10) As amended by consolidated text of corrigenda to instruments published in Special Editions 1952-72, p.106

(11) As adapted by Council Decision [95/1/EC](#), Euratom, ECSC, O.J. No. L 1, 1.1.95, p.1.

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

[^{F62}EU] Instrument	Reference
Council Directive 96/72/EC	O.J. No. L 304, 27.11.96, p.10
Council Directive 98/95/EC	O.J. No. L 25, 1.2.99, p.1
Council Directive 98/96/EC (12)	O.J. No. L 25, 1.2.99, p.27
Commission Directive 1999/8/EC	O.J. No. L 50, 26.2.99, p.26
Commission Directive 1999/54/EC	O.J. No. L 142, 5.6.99, p.30
Council Directive 2001/64/EC	O.J. No. L 234, 1.9.01, p.60
Council Directive 2003/61/EC	O.J. No. L 165, 3.7.03, p.23
Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded	O.J. No. L 236, 23.9.03, p.33
[^{F63} Council Directive 2004/117/EC	O.J. No. L 14, 18.1.2005, p.18
Council Directive 2006/55/EC	O.J. No. L 159, 13.6.2006, p.13]
[^{F64} Commission Directive 2009/74/EC	OJ L 166, 27.6.2009, p.40
Commission Implementing Directive 2012/1/EU	OJ L 4, 7.1.2012, p.8
Commission Implementing Directive 2012/37/EU	OJ L 325, 23.11.2012, p.13
Commission Implementing Directive (EU) 2015/1955	OJ L 284, 30.10.2015, p.142]
[^{F65} Commission Implementing Directive (EU) 2016/317	OJ L 60, 5.3.2016, p.72]
[^{F66} Commission Implementing Directive (EU) 2020/177	OJ L 41, 13.2.2020, p.1]
[^{F67} Commission Implementing Directive (EU) 2021/1927	OJ L 393, 8.11.2021, p.13]

Textual Amendments

- F62** Words in Regulations substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, **3-6**, 8-10
- F63** [Sch. 9](#) entries inserted (1.4.2007) by [The Seed \(Scotland\) \(Amendments for Tests and Trials etc.\) Regulations 2007 \(S.S.I. 2007/224\)](#), regs. 1, **11**
- F64** [Sch. 9](#) entries 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(7)**

(12) As amended by corrigendum to Council Directive [98/96/EC](#), O.J. No. L 161, 16.6.01, p.48.

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

- F65** Sch. 9 entry inserted (31.3.2017) by The Seed (Miscellaneous Amendments) (Scotland) Regulations 2016 (S.S.I. 2016/434), regs. 1(1), **4(4)**
- F66** Sch. 9 entry inserted (31.12.2020) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(a), **4(3)**
- F67** Sch. 9 entry inserted (6.10.2023) by The Cereal Seed (Scotland) Amendment Regulations 2023 (S.S.I. 2023/193), regs. 1(1), **4**

Changes to legislation:

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