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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 329**

**The Fodder Plant Seed (Scotland) Regulations 2005**

**PART I**  
**GENERAL**

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Fodder Plant Seed (Scotland) Regulations 2005 and shall come into force on 1st July 2005.

(2) These Regulations extend to Scotland only.

**Commencement Information**

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

**Interpretation**

2.—(1) In these Regulations—

“the Act” means the Plant Varieties and Seeds Act 1964;

“AFP number” means official application for protection number issued by the Plant Variety Rights Office;

**F1**  
...

“blended seed lot” means a seed lot obtained by mixing seed where—

(a) the seed that goes into the seed lot—

(i) is of the same variety;

(ii) has come from different sources; and

(iii) either—

(aa) is fully certified seed;

(bb) is not fully certified seed, but is seed which has been harvested from seed crops for which official field inspection reports have been issued showing that the relevant crops met the conditions for the relevant category of seed specified in Part I of Schedule 4 <sup>F2</sup>...; or

(cc) is made up of seed which falls within sub-paragraph (aa) and seed which falls within sub-paragraph (bb); and

(b) a [<sup>F3</sup>GB Authority or the NI Authority] has been notified that the seed which goes into the seed lot is intended to be included in a blended seed lot;

“breeder”—

- (a) in relation to a variety which has not been accepted on to a [<sup>F4</sup>GB Variety List, an NI Variety List or the equivalent list in a country granted equivalence], includes any person lawfully multiplying (on their own account) seed bred by another; and
- (b) in relation to a variety which has been so accepted, means the person who is indicated in the relevant [<sup>F5</sup>GB Variety List, NI Variety List or equivalent list in a country granted equivalence] as responsible for maintaining the plant variety in accordance with the characteristics to which regard was had when the plant variety was accepted on to the relevant [<sup>F5</sup>GB Variety List, NI Variety List or equivalent list in a country granted equivalence];

“breeder’s confirmation” means a document issued by the Scottish Ministers in accordance with Part II of Schedule 2 containing in respect of the seed to which it relates the particulars specified in paragraph 2 of Schedule 3;

“breeder’s designation” means the title, name or other designation proposed by a breeder for a new plant variety which is the subject of an application for acceptance on to a [<sup>F6</sup>GB Variety List or an NI Variety List];

“bulked seed lot” means a seed lot obtained by mixing seed where—

- (a) the seed that goes into the seed lot is—
  - (i) of the same variety;
  - (ii) has come from different sources; and
  - (iii) has been harvested from seed crops for which official field inspection reports have been issued showing that the relevant crops met the conditions for the relevant category of seed specified in Part I of Schedule 4 <sup>F7</sup>...; and
- (b) a [<sup>F8</sup>GB Authority or the NI Authority] has been notified that the seed which goes into the seed lot is intended to be included in a bulked seed lot;

[<sup>F9</sup>“collection site” means a part of the source area, where the seed has been collected;]

[<sup>F10</sup>“the 2004 Commission Decision” means Commission Decision [2004/842/EC](#) concerning implementing rules whereby Member States may authorise the placing on the market of seed belonging to varieties for which an application for entry in the national catalogue of varieties of agricultural plant species or vegetable species has been submitted][<sup>F11</sup>, as amended by Commission Implementing Decision (EU) 2016/320];

[<sup>F12</sup>“Commission Directive 2008/62” means Commission Directive [2008/62/EC](#) providing for certain derogations for acceptance of agricultural landraces and varieties which are naturally adapted to the local land regional conditions and threatened by genetic erosion and for marketing of seed of those landraces and varieties;]

[<sup>F13</sup>“Commission Directive 2010/60” means Commission Directive 2010/60/EU providing for certain derogations for marketing of fodder plant seed mixtures intended for use in the preservation of the natural environment;]

[<sup>F10</sup>“Commission Regulation 217/2006” means Commission Regulation (EC) No. 217/2006 laying down rules for the application of Council Directives [66/401/EEC](#), [66/402/EEC](#), [2002/54/EC](#), [2002/55/EC](#) and [2002/57/EC](#) as regards the authorisation of Member States to permit temporarily the marketing of seed not satisfying the requirements in respect of the minimum germination;]

<sup>F14</sup> ...

<sup>F14</sup> ...

“component” means a component of a hybrid variety;

[<sup>F12</sup>“Conservation variety” means the landraces or varieties of agricultural plant species which are naturally adapted to local and regional conditions and threatened by genetic erosion and are contained within a [<sup>F15</sup>GB Variety List or an NI Variety List] and for these purposes–

- (a) “landrace” means a set of populations or clones of a plant species which are naturally adapted to the environment conditions of their regions; and
- (b) “genetic erosion” means loss of genetic diversity between and within populations of varieties of the same species over time or reduction of the genetic basis of a species due to human intervention or environmental change;]

“constituent” means seed of a single species and, where appropriate, variety, which forms part of a mixture of seeds;

[<sup>F16</sup>“control plot” means a plot sown by a [<sup>F17</sup>GB Authority or the NI Authority] with a seed from a submitted sample taken–

- (a) by a [<sup>F17</sup>GB Authority or the NI Authority];
- (b) by a licensed seed sampler; or
- (c) by an applicant of a seed of a Conservation Variety;]

[<sup>F18</sup>“country granted equivalence” means a country that has been—

- (a) granted equivalence under the Equivalence Decision; or
- (b) assessed by the Scottish Ministers as producing the species of seed referred to in regulation 5 under conditions equivalent to those required by these Regulations;]

[<sup>F19</sup>“crop-grown preservation mixture” means a preservation mixture produced in accordance with the following process—

- (a) seed of individual species is taken at the collection site;
- (b) the seed in paragraph (a) is multiplied outside the collection site as single species; and
- (c) the seeds of those species are then mixed to create a mixture composed of those genera, species and, where relevant, subspecies which are typical for the habitat type of the collection site;]

[<sup>F20</sup>“Crown Dependency” means any of the Channel Islands or the Isle of Man;]

<sup>F21</sup> ...

“the 2001 Deliberate Release Directive” means Directive [2001/18/EC](#) of the European Parliament and of the Council(1) on the deliberate release into the environment of genetically modified organisms and repealing Council Directive [90/220/EEC](#), as [<sup>F22</sup>last amended by [<sup>F23</sup>Regulation (EU) 2019/1381]];

[<sup>F24</sup>“directly harvested preservation mixture” means a preservation mixture marketed as collected at the collection site, with or without cleaning;]

[<sup>F25</sup>“DAERA” means the Department of Agriculture, Environment and Rural Affairs in Northern Ireland;]

“early movement seed” means seed marketed under regulation 12;

<sup>F26</sup> ...

“Equivalence Decision” means Council Decision [2003/17/EC](#)(2) on the equivalence of field inspections carried out in third countries on seed producing crops and on the equivalence of seed produced in third countries, as [<sup>F27</sup>last amended by Decision (EU) [<sup>F28</sup>2020/1544]];

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(1) O.J. No. L 106, 17.4.01, p.1.

(2) O.J. No. L 8, 14.1.03, p.10.

[<sup>F29</sup>“the EU Plant Health Regulation” means Regulation (EU) 2016/2031 of the European Parliament of the Council on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC;]

<sup>F30</sup> ...

“Excepted Seed Marketed in Bulk” means seed of field peas or field beans which are Certified Seed of the First Generation or Certified Seed of the Second Generation—

- (a) which is marketed in bulk direct to the final consumer in a container that is closed after filling; and
- (b) in respect of which a random sample has been taken in accordance with paragraph 12 of Schedule 5, by a person authorised in that behalf;

“first buyer by way of trade” has the same meaning as for the purposes of the Fodder Plant Seed Directive;

[<sup>F31</sup>“the Fodder Plant Seed Directive” means Council Directive 66/401/EEC on the marketing of fodder plant seed<sup>M1</sup>[<sup>F32</sup>, as last amended by Commission Implementing Directive (EU) 2020/177;]

“the Food and Feed Regulation” means Regulation (EC) No 1829/2003 of the European Parliament and of the Council<sup>(3)</sup> on genetically modified food and feed [<sup>F33</sup>, as last amended by Regulation [<sup>F34</sup>(EU) 2019/1381]];

“fully certified” means—

- (a) officially certified; or
  - (b) certified by a [<sup>F35</sup>International] Authority other than the Scottish Ministers,
- as satisfying the conditions specified for the relevant category of seed in regulation 3 and [<sup>F36</sup>Schedule 4;]

“genetically modified” has the same meaning as for the purposes of the 2001 Deliberate Release Directive;

[<sup>F37</sup>“the GMO Regulations” means—

- (a) in relation to Scotland, the Genetically Modified Organisms (Deliberate Release) (Scotland) Regulations 2002;
- (b) in relation to England, the Genetically Modified Organisms (Deliberate Release) Regulations 2002;
- (c) in relation to Wales, the Genetically Modified Organisms (Deliberate Release) (Wales) Regulations 2002;
- (d) in relation to Northern Ireland, the Genetically Modified Organisms (Deliberate Release) Regulations (Northern Ireland) 2003;]

[<sup>F37</sup>“GB Authority” means the Scottish Ministers, the Secretary of State or the National Assembly for Wales;]

[<sup>F37</sup>“GB quarantine pest” has the meaning given in Article 4 (definition of GB quarantine pests) of the EU Plant Health Regulation;]

[<sup>F37</sup>“GB Variety List” is a list of plant varieties prepared and published by the Secretary of State in accordance with the provisions of the Seeds (National Lists of Varieties) Regulations 2001;]

“Higher Voluntary Standard” means the standards which—

- (a) are higher than the minimum standards prescribed for Certified Seed; and
- (b) are specified in Part II of Schedule 4, being the standards and the level in respect of which an official certificate has been issued in accordance with Schedule 2,

and the abbreviation “HVS” shall be construed accordingly;

“HVS species of seed” means a species of fodder plant seed designated in Schedule 1 to which Higher Voluntary Standards may be applied;

“homogeneous seed lot” means a seed lot in which the seed has been so mixed or blended that it is as uniform as practicable and, as far as is practicable, the seed lot shows no evidence of heterogeneity;

[<sup>F38</sup>“International Authority“ means a GB authority or the NI authority or the competent seed certification authority of a country other than the United Kingdom, and “by an International Authority” means—

- (a) by or on behalf of a GB Authority;
- (b) by or on behalf of the NI Authority; or
- (c) by or on behalf of the competent seed certification authority of a country other than the United Kingdom;]

[<sup>F39</sup>“licensed crop inspector” means a person who holds a current licence to be a crop inspector—

- (a) granted by the Scottish Ministers or having effect as if it were a licence granted by the Scottish Ministers under regulation 4(1)(a) of the Seed (Licensing and Enforcement etc.) (Scotland) Regulations 2016; or
- (b) [<sup>F40</sup>granted under provisions equivalent to that regulation by—
  - ((i)) a GB Authority other than the Scottish Ministers; or
  - ((ii)) the NI Authority;]]

F41 ...

[<sup>F42</sup>“licensed seed sampler” means a person who holds a current licence to be a seed sampler—

- (a) granted by the Scottish Ministers or having effect as if it were a licence granted by the Scottish Ministers under regulation 4(1)(a) of the Seed (Licensing and Enforcement etc.) (Scotland) Regulations 2016; or
- (b) [<sup>F40</sup>granted under provisions equivalent to that regulation by—
  - ((i)) a GB Authority other than the Scottish Ministers; or
  - ((ii)) the NI Authority;]]

[<sup>F43</sup>“licensed seed testing station” means an establishment which holds a current seed testing station licence—

- (a) granted by the Scottish Ministers or having effect as if it were a licence granted by the Scottish Ministers under regulation 4(1)(a) of the Seed (Licensing and Enforcement etc.) (Scotland) Regulations 2016; or
- (b) [<sup>F40</sup>granted under provisions equivalent to that regulation by—
  - ((i)) a GB Authority other than the Scottish Ministers; or
  - ((ii)) the NI Authority;]]

“lower germination seed” means seed marketed under regulation 11;

“mixture of seeds” means a mixture of seeds to which regulation 8 applies;

F44  
...

[<sup>F45c</sup>“NI Authority” means DAERA;]

[<sup>F45c</sup>“NI Variety List” means a list of plant varieties prepared and published by DAERA in accordance with legislation having equivalent effect to the Seeds (National Lists of Varieties) Regulations 2001;]

[<sup>F46c</sup>“official certificate” means a certificate issued by the Scottish Ministers in accordance with these Regulations and “officially certified” shall be construed accordingly;]

“official control” means under the supervision of, and in accordance with any conditions set by, a [<sup>F47</sup>International Authority];

“official examination” means–

- (a) in relation to Seed of a Certified Generation or Commercial Seed–
  - (i) an examination or a test carried out by the Scottish Ministers;
  - (ii) if the seed has undergone official post-control the results of which have been satisfactory, a field examination carried out by a licensed crop inspector; or
  - (iii) a test carried out by a licensed seed testing station; and
- (b) in relation to Pre-basic Seed and Basic Seed–
  - (i) an examination or a test carried out by the Scottish Ministers; or
  - (ii) a test carried out by a licensed seed testing station;

“official field inspection” means a field examination of a crop carried out–

- (a) by a [<sup>F48</sup>International Authority]; or
- (b) in the case of seed which, if it were fully certified would be Seed of a Certified Generation, and which has been harvested from a crop which has been produced from seed that has undergone official post control the results of which have been satisfactory, by a licensed crop inspector <sup>F49</sup>...;

“official label” means a label issued by a [<sup>F50</sup>International Authority];

“official post-control” means a control plot has been sown with seed from the relevant seed lot and has produced plants which have been examined by [<sup>F51</sup>an International Authority]; and “official post-control the results of which have been satisfactory” means official post-control has been carried out for the relevant seed lot and [<sup>F52</sup>an International Authority] has found, having regard to–

- (a) the conditions specified in–
  - (i) in the case of the Scottish Ministers–
    - (aa) paragraphs 4, 9 and 10 of Part I of Schedule 4; and
    - (bb) paragraphs 11 and 12 of Part II of Schedule 4; and
  - (ii) [<sup>F53</sup>in the case of a GB Authority other than the Scottish Ministers, Parts I and II of Schedule 4;]
- (b) the category of the seed to be produced,

that the plants produced in the control plot indicate that the corresponding plants in the field are satisfactory plants from which to harvest the relevant category of seed;

“official sticker” means a sticker issued by a [<sup>F54</sup>International Authority] and attached to an official label;

[<sup>F55</sup>“PFA quarantine pest” has the meaning given in Article 32 (recognition of GB pest free areas), paragraph 1 of the EU Plant Health Regulation;]

[<sup>F56</sup>“preservation mixture” means a mixture (other than a mixture covered by regulation 8) of fodder plant seed of any of the species specified in Schedule 1 (and which may also contain other constituents), which the Scottish Ministers are satisfied will, when used—

- (a) assist in the conservation of genetic resource; and
- (b) reduce the loss of genetic diversity or natural habitat;]

[<sup>F57</sup>“professional seed operator” means a seed merchant, a seed packer or a seed processor;]

<sup>F58</sup>  
...

[<sup>F59</sup>“registered or licensed number” means the number issued to a person who holds a licence granted under regulation 4(1)(a) of the Seed (Licensing and Enforcement etc.) (Scotland) Regulations 2016 or to a person licensed or registered under provisions equivalent to that regulation by—

- (a) a GB Authority other than the Scottish Ministers; or
- (b) the NI Authority;]

[<sup>F60</sup>“RNQP” means a [<sup>F61</sup>GB] regulated non-quarantine pest within the meaning given in Article 36 (definition of Union regulated non-quarantine pests) of the EU Plant Health Regulation;]

“Secretary of State” means the Secretary of State for Environment, Food and Rural Affairs;

“seed lot” means an identifiable consignment of seed of a weight not exceeding—

- (a) in the case of a mixture of seed, that specified in paragraph 25 of Part II of Schedule 5; or
- (b) in any other case, that specified in column 2 of the table in paragraph 26 of Part II of Schedule 5 for the species specified in column 1 of that table by more than 5%, including a blended seed lot or a bulked seed lot; and

which bears a unique seed lot reference number;

“small <sup>F62</sup>... A package” means a package of seed containing a net weight of not more than 2 kilograms of a mixture of seeds not intended for agricultural use;

“small <sup>F63</sup>... B package” means a package of seed containing a net weight of not more than 10 kilograms of Basic Seed, Certified Seed or Commercial Seed or, where the package is not a small <sup>F63</sup>... A package, a mixture of seeds;

[<sup>F64</sup>“source area” has the same meaning as it has in [<sup>F65</sup>Article 1(a) of Commission Directive 2010/60, which is to be read as if the definition of “source area” contained in that Article defined it to mean an area designated as a special area of conservation or an area contributing to the conservation of plant genetic resources in accordance with [<sup>F66</sup>assimilated] law];]

“submitted sample” means a sample of at least the minimum weight of a sample specified in paragraph 26 of Part II of Schedule 5, or in the case of a sample to be submitted to a licensed seed testing station, double the minimum weight of a sample specified in paragraph 26 of Part II of Schedule 5, taken from a seed lot in accordance with the provisions of Part I of Schedule 5;

[<sup>F67</sup>“test and trial seed” means seed which is the subject of an authorisation of a type described in regulation 9A(1);]

[<sup>F67</sup>“tests and trials authorisation” means an authorisation granted by the Scottish Ministers under regulation 9A(4);]

[<sup>F68</sup>“third country” means any country or territory other than the British Islands.];]

“UK National List ” means a list of varieties of species of fodder plants for the time being published in accordance with the Seeds (National Lists of Varieties) Regulations 2001(4); and F69 ...

“volunteers” means plants of a species and variety that have grown from seed that was not deliberately sown as part of the crop.

(2) In these Regulations–

“Alaska brome-grass” means plants of the species specified in column 2 of Schedule 1 in relation to Alaska brome-grass;

“Alsike clover” means plants of the species specified in column 2 of Schedule 1 in relation to Alsike clover;

“annual meadowgrass” means plants of the species specified in column 2 of Schedule 1 in relation to annual meadowgrass;

“birdsfoot trefoil” means plants of the species specified in column 2 of Schedule 1 in relation to birdsfoot trefoil;

“brown top” means plants of the species specified in column 2 of Schedule 1 in relation to brown top;

“cocksfoot” means plants of the species specified in column 2 of Schedule 1 in relation to cocksfoot;

“common vetch” means plants of the species specified in column 2 of Schedule 1 in relation to common vetch;

“creeping bent” means plants of the species specified in column 2 of Schedule 1 in relation to creeping bent;

“festulolium” means plants of the species specified in column 2 of Schedule 1 in relation to festulolium;

“field bean” means plants of the species specified in column 2 of Schedule 1 in relation to field bean;

“field pea” means plants of the species specified in column 2 of Schedule 1 in relation to field pea;

“fodder kale” means plants of the species specified in column 2 of Schedule 1 in relation to fodder kale;

“fodder radish” means plants of the species specified in column 2 of Schedule 1 in relation to fodder radish;

“hairy vetch” means plants of the species specified in column 2 of Schedule 1 in relation to hairy vetch;

“Hungarian vetch” means plants of the species specified in column 2 of Schedule 1 in relation to Hungarian vetch;

“hybrid ryegrass” means plants of the species specified in column 2 of Schedule 1 in relation to hybrid ryegrass;

“Italian ryegrass (including Westerwolds ryegrass)” means plants of the species specified in column 2 of Schedule 1 in relation to Italian ryegrass (including Westerwolds ryegrass);

“lucerne” means plants of the species specified in column 2 of Schedule 1 in relation to lucerne;

“lupins” means blue, white and yellow lupins;



“meadow fescue” means plants of the species specified in column 2 of Schedule 1 in relation to meadow fescue;

“narrow-leaved lupin (blue lupin)” means plants of the species specified in column 2 of Schedule 1 in relation to narrow-leaved lupin (blue lupin);

“perennial ryegrass” means plants of the species specified in column 2 of Schedule 1 in relation to perennial ryegrass;

“red clover” means plants of the species specified in column 2 of Schedule 1 in relation to red clover;

“red fescue (including chewings fescue)” means plants of the species specified in column 2 of Schedule 1 in relation to red fescue (including chewings fescue);

“red top” means plants of the species specified in column 2 of Schedule 1 in relation to red top;

“rescue grass” means plants of the species specified in column 2 of Schedule 1 in relation to rescue grass;

“rough stalked meadowgrass” means plants of the species specified in column 2 of Schedule 1 in relation to rough stalked meadowgrass;

“sainfoin” means plants of the species specified in column 2 of Schedule 1 in relation to sainfoin;

“sheep’s fescue (including fine-leaves fescue and hard fescue)” means plants of the species specified in column 2 of Schedule 1 in relation to sheep’s fescue (including fine-leaves fescue and hard fescue);

“small Timothy” means plants of the species specified in column 2 of Schedule 1 in relation to small Timothy;

“smooth-stalked meadowgrass” means plants of the species specified in column 2 of Schedule 1 in relation to smooth-stalked meadowgrass;

“swede” means plants of the species specified in column 2 of Schedule 1 in relation to swede;

“tall fescue” means plants of the species specified in column 2 of Schedule 1 in relation to tall fescue;

“tall oatgrass” means plants of the species specified in column 2 of Schedule 1 in relation to tall oatgrass;

“Timothy” means plants of the species specified in column 2 of Schedule 1 in relation to Timothy;

“trefoil, black medick” means plants of the species specified in column 2 of Schedule 1 in relation to trefoil, black medick;

“velvet bent” means plants of the species specified in column 2 of Schedule 1 in relation to velvet bent;

“vetches” means common, hairy and Hungarian vetches;

“white clover” means plants of the species specified in column 2 of Schedule 1 in relation to white clover;

“white lupin” means plants of the species specified in column 2 of Schedule 1 in relation to white lupin;

“wood meadowgrass” means plants of the species specified in column 2 of Schedule 1 in relation to wood meadowgrass; and

“yellow lupin” means plants of the species specified in column 2 of Schedule 1 in relation to yellow lupin.

(3) In these Regulations—

- (a) any reference to a numbered regulation, to a numbered Part or to a numbered Schedule is a reference to the regulation, Part or Schedule in these Regulations so numbered; and
- (b) any reference to a numbered paragraph is a reference to the paragraph so numbered in the regulation or Schedule in which that reference occurs.

### Textual Amendments

- F1** Words in reg. 2(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), **14(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in reg. 2(1) omitted (31.12.2020) by S.S.I. 2019/59, **reg. 14(2)(b)(i)** (as substituted 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)(b), **15(2)(a)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F3** Words in reg. 2(1) substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(2)(b)(ii)** (as substituted 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)(b), **15(2)(a)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F4** Words in reg. 2(1) substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(2)(c)(i)** (as substituted 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)(b), **15(2)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F5** Words in reg. 2(1) substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(2)(c)(ii)** (as substituted 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)(b), **15(2)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F6** Words in reg. 2(1) substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(2)(ca)** (as substituted 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)(b), **15(2)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F7** Words in reg. 2(1) omitted (31.12.2020) by S.S.I. 2019/59, **reg. 14(2)(d)(i)** (as substituted 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)(b), **15(2)(c)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F8** Words in reg. 2(1) substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(2)(d)(ii)** (as substituted 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)(b), **15(2)(c)**)
- F9** Words in reg. 2(1) inserted (10.2.2012) by The Fodder Plant Seed (Scotland) Amendment Regulations 2012 (S.S.I. 2012/5), regs. 1, **3(a)**
- F10** Words in reg. 2(1) inserted (1.4.2007) by The Seed (Scotland) (Amendments for Tests and Trials etc.) Regulations 2007 (S.S.I. 2007/224), regs. 1, **13(a)**
- F11** Words in reg. 2(1) inserted (28.3.2019) by The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59), regs. 1(1)(a), **5(2)(a)**
- F12** Words in reg. 2(1) inserted (30.6.2009) by The Seed (Scotland) (Amendments for Conservation Varieties) Regulations 2009 (S.S.I. 2009/223), regs. 1, **23(a)**
- F13** Words in reg. 2(1) inserted (10.2.2012) by The Fodder Plant Seed (Scotland) Amendment Regulations 2012 (S.S.I. 2012/5), regs. 1, **3(b)**
- F14** Words in reg. 2(1) omitted (31.12.2020) by S.S.I. 2019/59, **reg. 14(2)(e)** (as substituted 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)(b), **15(2)(d)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F15** Words in reg. 2(1) substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(2)(ea)** (as substituted 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)(b), **15(2)(d)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F16** Words in reg. 2(1) substituted (30.6.2009) by The Seed (Scotland) (Amendments for Conservation Varieties) Regulations 2009 (S.S.I. 2009/223), regs. 1, **23(b)**
- F17** Words in reg. 2(1) substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(2)(f)** (as substituted 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)(b), **15(2)(e)**); 2020 c. 1, **Sch. 5 para. 1(1)**

- F18** Words in reg. 2(1) inserted (31.12.2020) by The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59), regs. 1(1)(b), **14(2)(g)** (as amended by S.S.I. 2020/445, regs. 1(1)(b), **15(2)(f)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F19** Words in reg. 2(1) inserted (10.2.2012) by The Fodder Plant Seed (Scotland) Amendment Regulations 2012 (S.S.I. 2012/5), regs. 1, **3(c)**
- F20** Words in reg. 2(1) inserted (31.12.2020) by The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59), regs. 1(1)(b), **14(2)(h)**; 2020 c. 1, Sch. 5 para. 1(1)
- F21** Words in reg. 2(1) omitted (1.4.2007) by virtue of The Seed (Scotland) (Amendments for Tests and Trials etc.) Regulations 2007 (S.S.I. 2007/224), regs. 1, **13(b)**
- F22** Words in reg. 2(1) substituted (28.3.2019) by The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59), regs. 1(1)(a), **5(2)(b)**
- F23** Words in reg. 2(1) substituted (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), **5(a)**
- F24** Words in reg. 2(1) inserted (10.2.2012) by The Fodder Plant Seed (Scotland) Amendment Regulations 2012 (S.S.I. 2012/5), regs. 1, **3(d)**
- F25** Words in reg. 2(1) substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(2)(ha)** (as inserted 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)(b), **15(2)(g)**); V
- F26** Words in reg. 2(1) omitted (31.12.2020) by S.S.I. 2019/59, **reg. 14(2)(i)** (as substituted 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)(b), **15(2)(h)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F27** Words in reg. 2(1) substituted (28.3.2019) by The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59), regs. 1(1)(a), **5(2)(d)**
- F28** Word in reg. 2(1) substituted (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), **5(b)**
- F29** Words in reg. 2(1) inserted (1.7.2020) by The Seed and Plant Material (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/165), regs. 1(1), **7(2)(a)**
- F30** Words in reg. 2(1) omitted (31.12.2020) by S.S.I. 2019/59, **reg. 14(2)(j)** (as substituted 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)(b), **15(2)(i)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F31** Words in reg. 2(1) substituted (1.1.2018) by The Seed (Miscellaneous Amendments) (Scotland) Regulations 2017 (S.S.I. 2017/384), regs. 1(1), **2(2)**
- F32** Words in reg. 2(1) 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), **5(c)**
- F33** Words in reg. 2(1) inserted (28.3.2019) by The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59), regs. 1(1)(a), **5(2)(e)**
- F34** Words in reg. 2(1) substituted (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), **5(d)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F35** Word in reg. 2(1) substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(2)(l)(i)** (as substituted 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)(b), **15(2)(k)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F36** Words in reg. 2(1) substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(2)(l)(ii)** (as substituted 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)(b), **15(2)(k)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F37** Words in reg. 2(1) inserted (31.12.2020) by S.S.I. 2019/59, **reg. 14(2)(m)** (as substituted 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)(b), **15(2)(l)**); 2020 c. 1, **Sch. 5 para. 1(1)**

- F38** Words in reg. 2(1) inserted (31.12.2020) by S.S.I. 2019/59, **reg. 14(2)(ma)** (as substituted 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)(b), **15(2)(l)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F39** Words in reg. 2(1) 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. 3(2)(a)**
- F40** Words in reg. 2(1) substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(2)(mb)** (as substituted 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)(b), **15(2)(l)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F41** Words in reg. 2(1) omitted (31.12.2020) by S.S.I. 2019/59, **reg. 14(2)(n)** (as substituted 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)(b), **15(2)(m)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F42** Words in reg. 2(1) 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. 3(2)(b)**
- F43** Words in reg. 2(1) 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. 3(2)(c)**
- F44** Words in reg. 2(1) omitted (31.12.2020) by S.S.I. 2019/59, **reg. 14(2)(na)** (as substituted 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)(b), **15(2)(m)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F45** Words in reg. 2(1) inserted (31.12.2020) by S.S.I. 2019/59, **reg. 14(2)(nb)** (as substituted 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)(b), **15(2)(m)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F46** Words in reg. 2(1) substituted (30.6.2009) by The Seed (Scotland) (Amendments for Conservation Varieties) Regulations 2009 (S.S.I. 2009/223), regs. 1, **23(c)**
- F47** Words in reg. 2(1) substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(2)(nc)(i)** (as substituted 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)(b), **15(2)(m)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F48** Words in reg. 2(1) substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(2)(nd)(i)** (as substituted 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)(b), **15(2)(m)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F49** Words in reg. 2(1) omitted (31.12.2020) by S.S.I. 2019/59, **reg. 14(2)(nd)(ii)** (as substituted 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)(b), **15(2)(m)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F50** Words in reg. 2(1) substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(2)(nc)(ii)** (as substituted 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)(b), **15(2)(m)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F51** Words in reg. 2(1) substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(2)(ne)** (as substituted 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)(b), **15(2)(m)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F52** Words in reg. 2(1) substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(2)(nf)(i)** (as substituted 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)(b), **15(2)(m)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F53** Words in reg. 2(1) substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(2)(nf)(ii)** (as substituted 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)(b), **15(2)(m)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F54** Words in reg. 2(1) substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(2)(nc)(iii)** (as substituted 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)(b), **15(2)(m)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F55** Words in reg. 2(1) inserted (31.12.2020) by S.S.I. 2019/59, **reg. 14(2)(ng)** (as substituted 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)(b), **15(2)(m)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F56** Words in reg. 2(1) inserted (10.2.2012) by The Fodder Plant Seed (Scotland) Amendment Regulations 2012 (S.S.I. 2012/5), regs. 1, **3(e)**

- F57** Words in reg. 2(1) 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. 3(2)(d)**
- F58** Words in reg. 2(1) omitted (31.12.2020) by S.S.I. 2019/59, **reg. 14(2)(nh)** (as substituted 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)(b), **15(2)(m)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F59** Words in reg. 2(1) substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(2)(ni)** (as substituted 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)(b), **15(2)(m)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F60** Words in reg. 2(1) inserted (1.7.2020) by The Seed and Plant Material (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/165), regs. 1(1), **7(2)(c)**
- F61** Word in reg. 2(1) substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(2)(nj)** (as substituted 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)(b), **15(2)(m)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F62** Word in reg. 2(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), **14(2)(o)**; 2020 c. 1, Sch. 5 para. 1(1)
- F63** Word in reg. 2(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), **14(2)(p)**; 2020 c. 1, Sch. 5 para. 1(1)
- F64** Words in reg. 2(1) inserted (10.2.2012) by The Fodder Plant Seed (Scotland) Amendment Regulations 2012 (S.S.I. 2012/5), regs. 1, **3(f)**
- F65** Words in reg. 2(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), **14(2)(q)**; 2020 c. 1, Sch. 5 para. 1(1)
- F66** Word in reg. 2(1) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendments) (Scotland) Regulations 2023 (S.S.I. 2023/374), reg. 1(1), **sch. 2 para. 6**
- F67** Words in reg. 2(1) inserted (1.4.2007) by The Seed (Scotland) (Amendments for Tests and Trials etc.) Regulations 2007 (S.S.I. 2007/224), regs. 1, **13(c)**
- F68** Words in reg. 2(1) substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(2)(r)** (as inserted 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)(b), **15(2)(n)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F69** Words in reg. 2(1) omitted (31.12.2020) by S.S.I. 2019/59, **reg. 14(2)(s)** (as inserted 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)(b), **15(2)(n)**); 2020 c. 1, **Sch. 5 para. 1(1)**

#### Commencement Information

- I2** Reg. 2 in force at 1.7.2005, see **reg. 1(1)**

#### Marginal Citations

- M1** OJ L25, 11.7.1966, p.2298, as last amended by Commission Implementing Directive (EU) 2016/2109 (OJ L 327, 2.12.2016, p.59).

### Definitions of seed categories

#### 3. In these Regulations—

“Breeder’s Seed” means seed of a generation prior to Basic Seed which has been produced by or under the responsibility of the breeder and is intended for the production of Pre-basic Seed or Basic Seed;

“Pre-basic Seed” means seed of a generation prior to Basic Seed which—

- (a) has been produced by or under the responsibility of the breeder according to accepted practices for the maintenance of the variety;

- (b) is intended to be used for the production of more Pre-basic Seed, Basic Seed, or with the written authority of the breeder—
  - (i) in the case of seed other than field peas, field beans, Lucerne, lupins and vetches, Certified Seed;
  - (ii) in the case of field peas, field beans, Lucerne, lupins and vetches, Certified Seed of the First Generation; or
  - (iii) in the case of field peas and field beans, Certified Seed of the Second Generation; and
- (c) has been—
  - (i) subject to regulation 12, officially certified, or confirmed by the Scottish Ministers by means of a breeder’s confirmation, as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Basic Seed specified in Schedule 4; or
  - (ii) [<sup>F70</sup>certified by a GB Authority, other than the Scottish Ministers, as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Basic Seed in the relevant part of the United Kingdom;]

“Basic Seed”, other than in relation to a component of a hybrid variety of fodder kale, means seed which—

- (a) in relation to seed of bred varieties has been produced by or under the responsibility of the breeder according to accepted practices for the maintenance of the variety; or
- (b) in relation to seed of local varieties has been produced under official control from material officially accepted as being of the local variety on one or more holdings situated within a clearly demarcated region of origin; and
- (c) in either case is intended to be used for the production of—
  - (i) in the case of seed other than field beans, field peas, Lucerne, lupins and vetches, Certified Seed;
  - (ii) in the case of field beans, field peas, Lucerne lupins and vetches, Certified Seed of the First Generation; or
  - (iii) in the case of field beans and field peas, Certified Seed of the Second Generation; and
- (d) has been—
  - (i) subject to regulation 12, officially certified, or confirmed by the Scottish Ministers by means of a breeder’s confirmation, as satisfying the conditions specified in paragraph (a) or (b) and paragraph (c) and the requirements for Basic Seed specified in Schedule 4; or
  - (ii) [<sup>F71</sup>certified by a GB Authority, other than the Scottish Ministers, as satisfying the conditions specified in paragraph (a) or (b) and paragraph (c) and the requirements for Basic Seed in the relevant part of the United Kingdom;]

“Basic Seed” in relation to a component of a hybrid variety of fodder kale, means seed of the component which—

- (a) has been produced by or under the responsibility of the breeder;
- (b) is intended to be used for the production of Certified Seed of the hybrid variety; and
- (c) has been—
  - (i) subject to regulation 12, officially certified, or confirmed by the Scottish Ministers by means of a breeder’s confirmation, as satisfying the conditions specified in



[<sup>F72</sup>paragraphs (a) and (b)] and the requirements for Basic Seed specified in Schedule 4; or

- (ii) [<sup>F73</sup>certified by a GB Authority, other than the Scottish Ministers, as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Basic Seed in the relevant part of the United Kingdom;]

“Certified Seed” means seed which in relation to all of the species listed in Schedule 1 other than field beans, field peas, Lucerne, lupins and vetches—

- (a) has been produced directly from Basic Seed or, on the breeder’s written authority, from Pre-basic seed;
- (b) is intended for purposes other than the production of fodder plant seed; and
- (c) has been—
  - (i) subject to regulation 12, officially certified as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Certified Seed specified in Schedule 4; or
  - (ii) [<sup>F74</sup>certified by a GB Authority, other than the Scottish Ministers, as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Certified Seed in the relevant part of the United Kingdom;]

“Certified Seed of the First Generation” means seed of field beans, field peas, Lucerne, lupins and vetches which—

- (a) has been produced directly from Basic Seed or, on the breeder’s written authority, from Pre-basic seed;
- (b) is intended—
  - (i) in the case of field beans and field peas, for the production of Certified Seed of the Second Generation, or
  - (ii) in the case of field beans, field peas, Lucerne, lupins and vetches, for purposes other than the production of fodder plant seed;
- (c) has been—
  - (i) subject to regulation 12, officially certified as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Certified Seed of the First Generation specified in Schedule 4; or
  - (ii) [<sup>F75</sup>certified by a GB Authority, other than the Scottish Ministers, as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Certified Seed of the First Generation in the relevant part of the United Kingdom;]

“Certified Seed of the Second Generation” means seed of field beans, field peas, Lucerne, lupins and vetches which—

- (a) in the case of field beans or field peas has been produced directly from Basic Seed, from Certified Seed of the First Generation or, on the breeder’s written authority, from Pre-basic seed;
- (b) is intended for purposes other than the production of fodder plant seed;
- (c) has been—
  - (i) subject to regulation 12, officially certified as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Certified Seed of the Second Generation specified in Schedule 4; or

- (ii) [<sup>F76</sup>certified by a GB Authority, other than the Scottish Ministers, as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Certified Seed of the Second Generation in the relevant part of the United Kingdom;]

“Commercial Seed” means seed of annual meadowgrass, Hungarian vetch or sainfoin which is identifiable as to its species and has been—

- (a) subject to regulation 12, officially certified as satisfying the requirements for Commercial Seed specified in Schedule 4; or
- (b) [<sup>F77</sup>certified by a GB Authority, other than the Scottish Ministers, as satisfying the requirements for Commercial Seed in the relevant part of the United Kingdom;]

“Seed of a Certified Generation” means Certified Seed, Certified Seed of the First Generation and Certified Seed of the Second Generation.

#### Textual Amendments

- F70** Words in reg. 3 substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(3)(a)** (as substituted 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)(b), **15(3)(a)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F71** Words in reg. 3 substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(3)(b)** (as substituted 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)(b), **15(3)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F72** Words in reg. 3 substituted (1.4.2007) by The Seed (Scotland) (Amendments for Tests and Trials etc.) Regulations 2007 (S.S.I. 2007/224), regs. 1, **14**
- F73** Words in reg. 3 substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(3)(c)** (as substituted 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)(b), **15(3)(c)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F74** Words in reg. 3 substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(3)(d)** (as substituted 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)(b), **15(3)(d)**)
- F75** Words in reg. 3 substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(3)(e)** (as substituted 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)(b), **15(3)(e)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F76** Words in reg. 3 substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(3)(f)** (as substituted 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)(b), **15(3)(f)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F77** Words in reg. 3 substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(3)(g)** (as substituted 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)(b), **15(3)(g)**); 2020 c. 1, **Sch. 5 para. 1(1)**

#### Commencement Information

- I3** Reg. 3 in force at 1.7.2005, see reg. 1(1)

#### Definition of marketing

4.—(1) In these Regulations “marketing” means—

- (a) selling, holding with a view to sale and offering for sale; and
- (b) any disposal, supply or transfer for the purpose of commercial exploitation of seed to third parties,

whether or not for consideration, and “market” and “marketed” shall be construed accordingly.



(2) Trade in seed not aimed at commercial exploitation of the variety, such as the following operations—

- (a) the supply of seed to official testing and inspection bodies; or
- (b) the supply of seed to any person for the purposes of processing or packaging the seed provided that person does not acquire title to the seed supplied,

shall not be treated as marketing of seed of that variety.

#### Commencement Information

**I4** Reg. 4 in force at 1.7.2005, see [reg. 1\(1\)](#)

#### Seed to which the Regulations apply

**5.—(1)** Subject to paragraph (2), these Regulations apply to fodder plant seed of the species specified in Schedule 1, being seed intended to be used only for the production of agricultural or horticultural crops other than for ornamental purposes.

<sup>[F78]</sup>(2) These Regulations do not apply to seed intended for export outside the United Kingdom (other than regulation 13A (certification and labelling for export)).]

#### Textual Amendments

**F78** Reg. 5(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), **14(4)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Commencement Information

**I5** Reg. 5 in force at 1.7.2005, see [reg. 1\(1\)](#)

## PART II MARKETING

#### Marketing of seed

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

- (a) it is marketed in seed lots or in parts of seed lots; and
- (b) it is—
  - (i) Commercial Seed; or
  - (ii) seed of a plant variety of a species specified in Part I of Schedule 1 (varieties of plant species on national lists) to the Seeds (National Lists of Varieties) Regulations 2001(5) accepted on to a <sup>[F79]</sup>GB Variety List or an NI Variety List] and which is fully certified <sup>[F80]</sup>Pre-basic Seed, fully certified Basic Seed, Seed of a Certified Generation or seed of a Conservation Variety]; or
  - (iii) Breeder's Seed.

[<sup>F81</sup>(2) Paragraph (1) shall not apply to the marketing of seed which has not yet been fully certified if–

- (a) the seed is marketed for processing;
- (b) the identity of the seed is ensured; and
- (c) the seed has been harvested from a crop which has been found by an official field inspection to satisfy the conditions specified in Part I of Schedule 4 <sup>F82</sup>... for the relevant category of seed; or
- (d) the seed of a Conservation Variety has been harvested from a crop which has been found to satisfy the conditions specified in Part III of Schedule 4A.]

(3) Where seed is sampled in an untreated state for <sup>F83</sup>... the official examination referred to in paragraph 2(1)(c) of Part I of Schedule 2, [<sup>F84</sup>the examination referred to in paragraph 2(b) of Part I of Schedule 4A] or for an examination or test carried out by a [<sup>F85</sup>International] Authority other than the Scottish Ministers, and the seed is subsequently subjected to chemical treatment the seller shall, upon or before delivering the seed to the purchaser, provide the purchaser with a statement in writing that the seed has been subsequently subjected to chemical treatment and specifying the chemical nature of such treatment.

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

(5) Any person marketing seed which has been imported from [<sup>F86</sup>outside the United Kingdom] and which exceeds 2 kilograms of seed shall supply the Scottish Ministers, in such manner and at such time as the Scottish Ministers may require, with the particulars relating to the seed specified in paragraph 12 of Part V of Schedule 6.

#### Textual Amendments

- F79** Words in reg. 6(1)(b)(ii) substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(5)(a)** (as substituted 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)(b), **15(4)(a)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F80** Words in reg. 6(1)(b)(ii) substituted (30.6.2009) by The Seed (Scotland) (Amendments for Conservation Varieties) Regulations 2009 (S.S.I. 2009/223), regs. 1, **24(a)**
- F81** Reg. 6(2) substituted (30.6.2009) by The Seed (Scotland) (Amendments for Conservation Varieties) Regulations 2009 (S.S.I. 2009/223), regs. 1, **24(b)**
- F82** Words in reg. 6(2)(c) omitted (31.12.2020) by S.S.I. 2019/59, **reg. 14(5)(aa)** (as substituted 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)(b), **15(4)(a)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F83** Word in reg. 6(3) revoked (30.6.2009) by The Seed (Scotland) (Amendments for Conservation Varieties) Regulations 2009 (S.S.I. 2009/223), regs. 1, **24(c)(i)**
- F84** Words in reg. 6(3) inserted (30.6.2009) by The Seed (Scotland) (Amendments for Conservation Varieties) Regulations 2009 (S.S.I. 2009/223), regs. 1, **24(c)(ii)**
- F85** Word in reg. 6(3) substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(5)(ab)** (as substituted 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)(b), **15(4)(a)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F86** Words in reg. 6(5) substituted (31.12.2020) by The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59), regs. 1(1)(b), **14(5)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**

#### Commencement Information

**I6** Reg. 6 in force at 1.7.2005, see [reg. 1\(1\)](#)

#### [<sup>F87</sup>Importation from [<sup>F88</sup>a country granted equivalence]

**6A.** Seed imported from [<sup>F89</sup>a country granted equivalence] must be labelled with a label approved by the Organisation for Economic Cooperation and Development for the varietal certification on the control of seed moving in international trade.]

#### Textual Amendments

**F87** Reg. 6A inserted (28.3.2019) by The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59), regs. 1(1)(a), **5(4)**

**F88** Words in reg. 6A heading substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(6)(a)** (as substituted 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)(b), **15(5)**); 2020 c. 1, **Sch. 5 para. 1(1)**

**F89** Words in reg. 6A substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(6)(b)** (as substituted 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)(b), **15(5)**); 2020 c. 1, **Sch. 5 para. 1(1)**

#### Marketing of seed of a Higher Voluntary Standard

7.—(1) This regulation applies to the marketing of Seed of a Certified Generation of an HVS species of seed, where any label or notice affixed to, contained in or marked on any package containing the seed, any document accompanying the seed or any particulars displayed in respect of the seed, states or indicates that the seed attains the Higher Voluntary Standards for such seed.

(2) Any mixture of seeds to which the provisions of paragraph (1) relate shall be required to meet the appropriate standards prescribed in seeds regulations.

(3) Where any person markets seed to which this regulation applies, the person marketing the seed shall be deemed to state for the purpose of these Regulations, and in relation to the particulars given to a purchaser, that—

- (a) the seed meets the Higher Voluntary Standards for such seed laid down in Part II of Schedule 4; and
- (b) a successful application has been made to the Scottish Ministers under paragraph (4) verifying that the seed has attained those standards.

(4) An application for verification that seed which is Certified Seed of an HVS species of seed has attained the Higher Voluntary Standards for such seed shall be made to the Scottish Ministers in such form and manner and shall contain such information and be accompanied by such documents as the Scottish Ministers may require and the Scottish Ministers shall grant the application if they are satisfied that the seed meets the Higher Voluntary Standards for such seed laid down in Part II of Schedule 4.

#### Commencement Information

**I7** Reg. 7 in force at 1.7.2005, see [reg. 1\(1\)](#)

## Mixtures

8.—(1) The prohibition in regulation 6(1)(b) shall not apply to the marketing of a mixture of various genera, species or varieties of seeds that includes seed to which these Regulations apply and any other seed and that is not intended to be used to produce fodder plants if—

- (a) the seed in the mixture to which these Regulations apply complied, before mixing, with the relevant provisions of these Regulations; and
- (b) if any seeds in the mixture are cereal seeds, oil and fibre plant seeds or vegetable seeds, they complied, before mixing, with the relevant provisions of [<sup>F90</sup>the Cereal Seed (Scotland) Regulations 2005]<sup>M2</sup>, [<sup>F91</sup>the Oil and Fibre Plant Seed (Scotland) Regulations 2004]<sup>M3</sup> or [<sup>F92</sup>the Vegetable Seeds Regulations 1993]<sup>M4</sup> respectively.

(2) The prohibition in regulation 6(1)(b) shall not apply to the marketing of a mixture of various genera, species or varieties of seeds that is intended to be used to produce a mixture of plants, including plants of a species specified in Schedule 1, which are intended for use as fodder plants, if—

- (a) the seed in the mixture is a mixture of seed to which these Regulations apply and the seed in the mixture complied, before mixing, with the relevant provisions of these Regulations; or
- (b) the seed in the mixture is a mixture of—
  - (i) seed to which these Regulations apply that complied, before mixing, with the relevant provisions of these Regulations; and
  - (ii) cereal seeds, oil and fibre plant seeds or vegetable seeds to which [<sup>F93</sup>the Cereal Seed (Scotland) Regulations 2005]<sup>M2</sup>, [<sup>F94</sup>the Oil and Fibre Plant Seed (Scotland) Regulations 2004]<sup>M3</sup> or [<sup>F95</sup>the Vegetable Seeds Regulations 1993]<sup>M4</sup> respectively apply and that complied, before mixing, with the relevant provisions of those Regulations; and

the mixture does not include any grass seed of a variety which has not been examined for its value for cultivation and use <sup>F96</sup>... because the breeder has declared that seed of that variety is not intended for the production of fodder plants.

(3) A person who wishes to market a mixture of seeds to which paragraph (1), or (2) applies without including the percentage by weight of each of the constituents by species and, where appropriate, by variety on the label referred to in regulation 17(1), (5), (8) or (11) may apply to the Scottish Ministers to register the mixture.

(4) An application referred to in paragraph (3) shall include the name under which the mixture is to be marketed and the percentage, by weight, of each of the constituents by species and, where appropriate, by variety.

(5) The Scottish Ministers shall register a mixture in respect of which an application has been made under paragraph (3) and in accordance with paragraph (4) if the name under which the mixture is to be marketed has not already been registered with them.

(6) Any person who sells or supplies a package (other than a small <sup>F97</sup>... A or <sup>F97</sup>... B package) containing a registered mixture of seeds and does so under its registered name and without including—

- (a) the species and, where appropriate, the variety of each of the constituents in the mixture; and
- (b) the percentage by weight of each of those constituents,

on the label referred to in regulation 17(8), shall, on or before the sale or supply of such package, provide the person to whom the package of seeds is sold or supplied with a notice containing the information referred to in sub-paragraphs (a) and (b).

(7) Any person (“the seller”) who sells or supplies a small <sup>F98</sup>... A or <sup>F98</sup>... B package containing a registered mixture of seeds produced in [<sup>F99</sup>Great Britain] and does so—

- (a) under its registered name, and
- (b) in a package that includes the species and, where appropriate, the variety of each of the constituents in the mixture on the label referred to in regulation 17(8) in the case of a small <sup>F98</sup> ... A or a small <sup>F98</sup> ... B package of seeds, but does not include the percentage by weight of each of those constituents in the mixture,

shall, on or before the sale or supply of such seed, notify the person (“the purchaser”) to whom the package of seeds is sold or supplied that the seller shall provide the information relating to the percentage by weight of each of the constituents in the mixture to the purchaser on request.

(8) A person who has registered a mixture of seeds with the Scottish Ministers in accordance with this regulation may apply to the Scottish Ministers to cancel the registration and the Scottish Ministers, having received such an application, shall cancel the registration and notify the applicant that this has been done.

#### Textual Amendments

- F90** Words in reg. 8(1)(b) substituted (31.3.2017) by The Seed (Miscellaneous Amendments) (Scotland) Regulations 2016 (S.S.I. 2016/434), regs. 1(1), **5(3)(a)**
- F91** Words in reg. 8(1)(b) substituted (31.3.2017) by The Seed (Miscellaneous Amendments) (Scotland) Regulations 2016 (S.S.I. 2016/434), regs. 1(1), **5(3)(b)**
- F92** Words in reg. 8(1)(b) substituted (31.3.2017) by The Seed (Miscellaneous Amendments) (Scotland) Regulations 2016 (S.S.I. 2016/434), regs. 1(1), **5(3)(c)**
- F93** Words in reg. 8(2)(b)(ii) substituted (31.3.2017) by The Seed (Miscellaneous Amendments) (Scotland) Regulations 2016 (S.S.I. 2016/434), regs. 1(1), **5(3)(a)**
- F94** Words in reg. 8(2)(b)(ii) substituted (31.3.2017) by The Seed (Miscellaneous Amendments) (Scotland) Regulations 2016 (S.S.I. 2016/434), regs. 1(1), **5(3)(b)**
- F95** Words in reg. 8(2)(b)(ii) substituted (31.3.2017) by The Seed (Miscellaneous Amendments) (Scotland) Regulations 2016 (S.S.I. 2016/434), regs. 1(1), **5(3)(c)**
- F96** Words in reg. 8(2) 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), **14(7)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F97** Word in reg. 8(6) omitted (31.12.2020) by S.S.I. 2019/59, **reg. 14(7)(b)** (as substituted 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)(b), **15(6)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F98** Word in reg. 8(7) omitted (31.12.2020) by S.S.I. 2019/59, **reg. 14(7)(c)(i)** (as substituted 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)(b), **15(6)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F99** Words in reg. 8(7) substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(7)(c)(ii)** (as substituted 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)(b), **15(6)**); 2020 c. 1, **Sch. 5 para. 1(1)**

#### Commencement Information

- I8** Reg. 8 in force at 1.7.2005, see **reg. 1(1)**

#### Marginal Citations

- M2** S.S.I. 2005/328, as last amended by S.S.I. 2016/434.
- M3** S.S.I. 2004/317, as last amended by S.S.I. 2016/434.
- M4** S.I. 1993/2008, as last amended by S.S.I. 2016/434.

## <sup>F100</sup>Preservation mixtures

**8A.**—(1) Regulation 6(1)(b) does not apply to the marketing of a preservation mixture if the producer of that mixture has obtained an authorisation in accordance with this regulation.

(2) A producer established in Scotland may apply to the Scottish Ministers for an authorisation to market a directly harvested or a crop-grown preservation mixture.

(3) An application under paragraph (2) shall be made to the Scottish Ministers in writing and shall contain such information as the Scottish Ministers may require.

(4) The Scottish Ministers may grant an authorisation to market a preservation mixture if—

- (a) the seed has been collected in its source area at a collection site which has not been sown in the 40 years prior to the date of application by the producer under paragraph (2);
- (b) the source area is located in the region of origin;
- (c) in the case of a directly harvested preservation mixture, a visual inspection has been carried out by the Scottish Ministers at the collection site during the period of growth of the seed, together with an examination, and the inspection and the examination have shown that the directly harvested preservation mixture complies with the requirements in Schedule 4B;
- (d) in the case of a crop-grown preservation mixture, an official examination has shown that—
  - (i) the crop-grown preservation mixture complies with the requirements in Schedule 4B; and
  - (ii) the constituents of the mixture which comprise fodder plant seed comply with the requirements for Commercial Seed in Part II of Schedule 4 or comply with those requirements except in so far as those requirements relate to standards of percentage of germination; and
- (e) in a case where the preservation mixture contains a Conservation variety, the conservation variety complies with <sup>F101</sup>regulation 9B].

(5) An authorisation may be made subject to such conditions as the Scottish Ministers think are necessary.

(6) An authorisation must include the information specified in paragraph 3 of Schedule 3.

(7) An authorisation shall last for a period of one year or such shorter period as the Scottish Ministers may specify.

(8) A producer proposing to apply for authorisation to market a preservation mixture must notify the Scottish Ministers of the quantity of seed for which that person intends to apply for authorisation under paragraph (2) before the beginning of each production season together with—

- (a) the location of the collection site;
- (b) the size (in hectares) of the collection site; and
- (c) in the case of a crop-grown preservation mixture, also the location and size of the multiplication site.

(9) <sup>F102</sup>The] Scottish Ministers may specify the maximum amount of seed of a preservation mixture which may be marketed in any given growing season and specify different maxima for different persons or classes of person.

(10) A preservation mixture may only be marketed in its region of origin.

(11) In this regulation, in paragraph 3 of Schedule 3 and in paragraph 8A of Schedule 6, “region of origin” means the region forming a part or the whole of <sup>F103</sup>Great Britain] identified by the Scottish Ministers <sup>F104</sup>having taken account of any available information from plant genetic resource organisations].]

### Textual Amendments

- F100** Reg. 8A inserted (10.2.2012) by The Fodder Plant Seed (Scotland) Amendment Regulations 2012 (S.S.I. 2012/5), regs. 1, 4
- F101** Words in reg. 8A(4)(e) 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), **14(8)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F102** Word in reg. 8A(9) 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), **14(8)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F103** Words in reg. 8A(11) substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(8)(c)(i)** (as substituted 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)(b), **15(7)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F104** Words in reg. 8A(11) substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(8)(c)(ii)** (as substituted 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)(b), **15(7)**); 2020 c. 1, **Sch. 5 para. 1(1)**

### [<sup>F105</sup>Exception for scientific purposes or selection work

9.—(1) Regulation 6(1)(b) shall not apply to the marketing by a producer of small quantities of seed for scientific purposes or selection work for which—

- (a) an authorisation has been granted to the producer by the Scottish Ministers in accordance with this regulation; or
- (b) [<sup>F106</sup>an authorisation has been granted to the producer, in respect of small quantities of seed for scientific purposes or selection work in accordance with the applicable requirements in the relevant part of the United Kingdom, by—
  - (i) a GB Authority other than the Scottish Ministers; or
  - (ii) the NI Authority.]

(2) A producer established in Scotland may apply to the Scottish Ministers for authorisation under this regulation.

(3) An application under paragraph (2) shall be made in writing to the Scottish Ministers and shall be accompanied by such information as the Scottish Ministers may require.

(4) [<sup>F107</sup>The Scottish Ministers may only grant an authorisation under this regulation in respect of a genetically modified variety if the marketing and release of the genetically modified material by the applicant has—

- (a) before the day on which IP completion day falls, been authorised under Part C of the 2001 Deliberate Release Directive,
- (b) been authorised under the Food and Feed Regulation, or
- (c) been authorised under the GMO Regulations.]

(5) An authorisation under this regulation may—

- (a) specify the amount of seed which may be marketed under it; and
- (b) impose such conditions as the Scottish Ministers think necessary or desirable having regard to the nature of the scientific purposes or selection work involved and the nature of the seed to which the authorisation relates, including a condition relating to the keeping of records in respect of the marketing of the seed.

### Textual Amendments

- F105** Regs. 9, 9A substituted for reg. 9 (1.4.2007) by [The Seed \(Scotland\) \(Amendments for Tests and Trials etc.\) Regulations 2007 \(S.S.I. 2007/224\)](#), regs. 1, **15**
- F106** Reg. 9(1)(b) substituted (31.12.2020) by [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **14(9)(a)** (as amended by S.S.I. 2020/445, regs. 1(1)(b), **15(8)(a)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F107** Reg. 9(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), **14(9)(b)** (as amended by S.S.I. 2020/445, regs. 1(1)(b), **15(8)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**

### Exception for test and trial seed

**9A.**—(1) [<sup>F108</sup>Regulation 6(1)(b) does not apply to the marketing by a producer of seed for test and trial purposes in accordance with—

- (a) a tests and trials authorisation; or
- (b) an authorisation has been granted to the producer, in accordance with the applicable requirements in the relevant part of the United Kingdom, by—
  - (i) a GB Authority other than the Scottish Ministers; or
  - (ii) the NI Authority.]

(2) A producer established in Scotland may apply to the Scottish Ministers for authority to market seed for the purposes of tests or trials to be carried out at an agricultural enterprise to gather information on the cultivation or use of a variety of a species specified in Schedule 1.

(3) An application under paragraph (2) shall be made in writing to the Scottish Ministers and shall be accompanied by such information as the Scottish Ministers may require.

(4) The Scottish Ministers shall not grant a tests and trials authorisation unless they are satisfied that—

- (a) [<sup>F109</sup>the seed is of a variety for which an application has been made by the applicant, which has not been withdrawn or finally determined, under—
  - (i) regulation 4(1)(a) (applications in relation to National Lists) of the Seeds (National Lists of Varieties) Regulations 2001 for acceptance on to a GB Variety List; or
  - (ii) the relevant provision of legislation in Northern Ireland having equivalent effect to the Seeds (National Lists of Varieties) Regulations 2001 for acceptance on to an NI Variety List;]
- (b) [<sup>F110</sup>in the case of seed of a genetically modified variety, the marketing and release of the genetically modified material by the applicant has been authorised—
  - (i) before the day on which IP Completion day falls, under Part C of the 2001 Deliberate Release Directive;
  - (ii) under the Food and Feed Regulation; or
  - (iii) under the GMO Regulations;]
- (c) the marketing is for the purposes of tests or trials to be carried out at an agricultural enterprise to gather information on the cultivation or use of a variety of a species specified in Schedule 1;
- (d) an official field inspection has been carried out by the Scottish Ministers or by a licensed crop inspector and a report issued stating that—



- (i) in the case of species other than field pea and field bean, the crop satisfies the conditions for Certified Seed set out in Schedule 4; or
  - (ii) in the case of the species field pea and field bean, the crop satisfies the conditions for Certified Seed of the Second Generation set out in Schedule 4;
  - (e) an official examination of the seed has been undertaken and a report issued by the Scottish Ministers or by a licensed seed testing station stating that—
    - (i) in the case of species other than field pea and field bean, the seed satisfies the conditions for Certified Seed set out in Schedule 4; or
    - (ii) in the case of the species field pea and field bean, the seed satisfies the conditions for Certified Seed of the Second Generation set out in Schedule 4; and
  - (f) such marketing would not contravene a prohibition on the use of the variety that complies with Article 14 of the 2004 Commission Decision and has been published by the Secretary of State in the gazette published under section 34(1) of the Act.
- (5) A tests and trials authorisation shall last for a period of one year or such shorter period as the Scottish Ministers may specify.
- (6) The Scottish Ministers shall not authorise marketing of an amount of seed in excess of [<sup>F111</sup>the greater of—
- (a) (i) in the case of field pea and field bean, 0.3%,  
(ii) in all other cases, 0.1%,  
of the annual number of seeds used in the United Kingdom, and
  - (b) such quantity as the Scottish Ministers consider is sufficient to sow 10 hectares].
- (7) A tests and trials authorisation may be made subject to such conditions as the Scottish Ministers think necessary or desirable having regard to the nature of the tests or trials and the nature of the seed to which the authorisation relates.
- (8) The Scottish Ministers may withdraw a tests and trials authorisation where they are satisfied that there has been a breach of a condition imposed under paragraph (7).
- (9) A tests and trials authorisation shall cease to have effect where the application referred to in paragraph (4)(a) is withdrawn or rejected or the variety is entered in a [<sup>F112</sup>GB Variety List or an NI Variety List.]
- (10) The Scottish Ministers may require, as a condition of a tests and trials authorisation, that the producer to whom authorisation was granted provide them, on request, with information about—
- (a) the results of the tests and trials to which the authorisation relates; and
  - (b) the quantities of seed marketed during the authorised period and the [<sup>F113</sup>location of the trials within the United Kingdom].]

#### Textual Amendments

- F105** Regs. 9, 9A substituted for reg. 9 (1.4.2007) by [The Seed \(Scotland\) \(Amendments for Tests and Trials etc.\) Regulations 2007 \(S.S.I. 2007/224\)](#), regs. 1, **15**
- F108** Reg. 9A(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), **14(10)(a)** (as amended by S.S.I. 2020/445, regs. 1(1)(b), **15(9)(a)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F109** Reg. 9A(4)(a) substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(10)(b)(i)** (as substituted 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)(b), **15(9)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**

- F110** Reg. 9A(4)(b) substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(10)(b)(ii)** (as substituted 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)(b), **15(9)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F111** Words in reg. 9A(6) 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), **14(10)(c)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F112** Words in reg. 9A(9) substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(10)(d)** (as substituted 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)(b), **15(9)(c)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F113** Words in reg. 9A(10) substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(10)(e)** (as substituted 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)(b), **15(9)(d)**); 2020 c. 1, **Sch. 5 para. 1(1)**

#### **[F114] Exception for conservation varieties**

**9B.**—(1) No person may market seed of a Conservation Variety unless the requirements of paragraphs (2), (3) and (5) are met.

(2) The seed must descend from seed produced according to well defined practices for maintenance of the variety.

(3) The seed must have been harvested from a crop that—

- (a) has been produced in the region of origin for the variety or additional region; and
- (b) satisfies the conditions laid down in Part III of Schedule 4A.

(4)

- (a) Scottish Ministers may ascertain, so far as practicable, whether the requirements for the crop set out in Part III of Schedule 4A are met by the use of methods which may include examination of a post control plot sown with a sample from the seed and the consideration of any other relevant information; and

- (b) for the avoidance of doubt an examination by means of an official field inspection of the crop will not be required.

(5) The seed must satisfy the conditions laid down in Part IV of Schedule 4A.

(6) No person may market seed of a Conservation Variety other than its region of origin.

(7) A person proposing to produce seed of a Conservation Variety must supply the Scottish Ministers, in such manner and form as the Scottish Ministers may require, with the following details in writing—

- (a) the size (in hectares); and
- (b) the location,

of the area to be used to produce that seed.

(8) For the purposes of Article 14 of Commission Directive 2008/62, the Scottish Ministers may specify the maximum amount of seed of a Conservation Variety which may be marketed in any given growing season. Different maxima for different persons or classes of person may be specified.

**[F115]**(8A) For the purposes of paragraph (8), Article 14 of Commission Directive 2008/62 is to be read as if—

- (a) in the first paragraph—
  - (i) “Each Member State shall ensure that,” was omitted,
  - (ii) for “does not exceed”, there were substituted “ may not exceed ”,

- (iii) for “that Member State”, there were substituted “Great Britain”,
- (b) in the second paragraph—
- (i) for “each Member State”, there were substituted “Great Britain”,
- (ii) for “the Member State” in both places where it occurs, there were substituted “Great Britain”.]
- (9) No person shall market more than the maximum amount of seed of a Conservation Variety applicable to that person as specified under (7).
- (10) Any person marketing seed of a Conservation Variety must supply Scottish Ministers, on request, with details in writing of the amount and variety of the seed placed on the market during each growing season.
- (11) In this regulation—
- “additional region” means the region for seed production approved by the Scottish Ministers for the purposes of the second paragraph of Article 11(1) of the Commission Directive 2008/62 [F116, with Article 11(1) of Commission Directive 2008/62 being read as if for the reference to “Member States” in each place where it occurs and “the Member States” there were substituted “the Scottish Ministers”]; and
- [F117“region of origin” means the region forming a part or the whole of Great Britain identified by the Scottish Ministers for the purposes of Article 8.1 of Commission Directive 2008/62, with Article 8.1 of Commission Directive 2008/62 being read as if—
- (a) in the first sub-paragraph—
- (i) for “a Member State accepts”, there were substituted “the Scottish Ministers accept”;
- (ii) for “it shall”, there were substituted “they must”;
- (iii) for “It shall”, there were substituted “The Scottish Ministers must”;
- (iv) for “Member States”, there were substituted “Scottish Ministers”;
- (b) the second sub-paragraph was omitted.]]

#### Textual Amendments

- F114** Reg. 9B inserted (30.6.2009) by [The Seed \(Scotland\) \(Amendments for Conservation Varieties\) Regulations 2009 \(S.S.I. 2009/223\)](#), regs. 1, **25**
- F115** Reg. 9B(8A) inserted (31.12.2020) by [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **14(11)(a)** (as amended by S.S.I. 2020/445, regs. 1(1)(b), **15(10)(a)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F116** Words in reg. 9B(11) inserted (31.12.2020) by [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **14(11)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F117** Words in reg. 9B(11) substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(11)(b)(ii)** (as substituted 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)(b), **15(10)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**

#### General exemptions

**10.—(1)** Subject to paragraphs (2) and (3), the Scottish Ministers may, by a general licence, exempt any person or class of persons, or persons generally, from compliance with any provision of these Regulations.

- [<sup>F118</sup>(2) The Scottish Ministers may exercise the power under paragraph (1)—
- (a) for the purposes of a temporary experiment seeking improved alternatives to provisions of these Regulations and organised in accordance with regulations made under section 16(5) of the Act; or
  - (b) to the extent that the provisions of the general licence are—
    - (i) necessary in order to overcome any temporary difficulties in the supply of basic or certified seed—
      - (aa) by permitting the marketing of seed of a category subject to less stringent requirements, or of seed of a variety not included in a GB Variety List or an NI Variety List;
      - (bb) for a specified period; and
      - (cc) in quantities necessary to resolve the supply difficulties; or
    - (ii) permitted by Commission Regulation 217/2006 or an authorisation granted thereunder.
- (2A) The duration of a temporary experiment referred to in paragraph (2)(a) must not exceed 7 years.
- (2B) When seed is marketed in accordance with paragraph (2)(b)(i), the following labelling requirements apply—
- (a) for a category of seed of any given variety, the official label must be that provided for the corresponding category;
  - (b) for seed of varieties not included in a GB Variety List or an NI Variety List the official label must be that provided for commercial seed;
  - (c) the label must always state that the seed in question is of a category satisfying less stringent requirements.]
- (3) A general licence issued under paragraph (1)—
- (a) shall have effect during the period specified in it unless the Scottish Ministers revoke it earlier; and
  - (b) may impose such conditions as the Scottish Ministers may think necessary or desirable having regard to the marketing permitted by the general licence and the nature of the seed to which it relates, including a condition relating to the keeping of records in respect of the marketing of the seed.

#### Textual Amendments

**F118** Reg. 10(2)-(2B) substituted for reg. 10(2) by [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **14(12)** (as amended by S.S.I. 2020/445, regs. 1(1)(b), **15(11)**); 2020 c. 1, **Sch. 5 para. 1(1)**

#### Commencement Information

**I9** Reg. 10 in force at 1.7.2005, see [reg. 1\(1\)](#)

### Marketing of officially certified lower germination seed

**11.**—(1) Notwithstanding regulation 6(1)(b) and the requirement in regulation 3 that Pre-basic Seed and Basic Seed shall attain the minimum standards of germination specified for Basic Seed in Part II of Schedule 4 <sup>F119</sup>..., any person may, subject to paragraphs (2) and (3) and regulation 17(6) and the other provisions of these Regulations, market seed—

- (a) in respect of which an official certificate certifying that the seed is of the relevant category of seed has been issued in accordance with Part I of Schedule 2, although it attains a lower percentage of germination than that specified in paragraph 13 of Part II of Schedule 4 in relation to Basic Seed by virtue of exception (ii) of paragraph 2(1)(c) of Part I of Schedule 2;
  - [<sup>F120</sup>(b) which has been certified as satisfying the conditions for the relevant category of seed although it attains a lower percentage of germination than that specified in paragraph 13 of Part II of Schedule 4 in relation to Basic Seed—
    - (i) by a GB Authority other than the Scottish Ministers, in accordance with the applicable requirements in the relevant part of Great Britain; or
    - (ii) by the NI Authority, in accordance with the applicable requirements in Northern Ireland;]
  - (c) which the person marketing the seed knows does not satisfy the minimum standards of germination specified for Basic Seed—
    - (i) in the case of seed which has been officially certified as being Pre-basic Seed or Basic Seed, in paragraph 13 of Part II of Schedule 4, irrespective of the findings of the Scottish Ministers; and
    - [<sup>F121</sup>(ii) in the case of seed which has been fully certified as being Pre-basic Seed or Basic Seed—
      - (aa) by a GB Authority other than the Scottish Ministers, in the applicable requirements in the relevant part of Great Britain, irrespective of the findings of the GB Authority; or
      - (bb) by the NI Authority, in the applicable requirements in Northern Ireland, irrespective of the findings of the NI Authority.]
- (2) Paragraph (1) shall not apply unless the person marketing the seed guarantees a specific minimum percentage of germination of the seed.
- (3) Paragraph (1) shall not apply to seed which has been imported into [<sup>F122</sup>Great Britain from a country granted equivalence.]

#### Textual Amendments

- F119** Words in [reg. 11\(1\)](#) 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\(1\)\(b\)](#), [14\(13\)\(a\)\(i\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F120** [Reg. 11\(1\)\(b\)](#) substituted (31.12.2020) by [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019](#) (S.S.I. 2019/59), [regs. 1\(1\)\(b\)](#), [14\(13\)\(a\)\(ii\)](#) (as amended by S.S.I. 2020/445, [reg. 15\(12\)\(a\)\(i\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F121** [Reg. 11\(1\)\(c\)\(ii\)](#) substituted (31.12.2020) by [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019](#) (S.S.I. 2019/59), [regs. 1\(1\)\(b\)](#), [14\(13\)\(a\)\(iii\)](#) (as amended by S.S.I. 2020/445, [reg. 15\(12\)\(a\)\(ii\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F122** Words in [reg. 11\(3\)](#) substituted (31.12.2020) by S.S.I. 2019/59, [reg. 14\(13\)\(b\)](#) (as substituted by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020](#) (S.S.I. 2020/445), [regs. 1\(1\)\(b\)](#), [15\(12\)\(b\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

#### Commencement Information

- I10** [Reg. 11](#) in force at 1.7.2005, see [reg. 1\(1\)](#)

## Marketing of early movement seed

12.—(1) In a case where—

- (a) the official examination in respect of the germination of any seed lot of Pre-basic Seed, Basic Seed or Seed of a Certified Generation of a plant variety of a species specified in Part I (varieties of plant species on national lists) of Schedule 1 to the Seeds (National Lists of Varieties) Regulations 2001 accepted on to a [<sup>F123</sup>GB Variety List or an NI Variety List] is being undertaken and has not been completed, but a provisional germination report has shown that the seed attains the appropriate minimum standard of germination specified in paragraph 13 of Part II of Schedule 4, the seed in all other respects satisfies the appropriate requirements of Schedule 4 and the provisional analytical report and the provisional germination report on the seed have been presented by the producer to the Scottish Ministers; or

[<sup>F124</sup>(b) (i) any seed lot has, in order to make seed rapidly available, been certified by—

- (aa) a GB Authority other than the Scottish Ministers; or
- (bb) the NI Authority; and

(ii) the provisional germination report on the seed has been presented by the producer to the Scottish Ministers,]

the seed lot or any part of the seed lot may, notwithstanding regulation 6(1)(b) but subject to paragraphs (2) to (5), regulation 17(7) and the other provisions of these Regulations, be marketed to the first buyer by way of trade.

(2) In the event of any marketing under paragraph (1), the seller of the seed shall—

- (a) upon or before delivery, provide the first buyer by way of trade with a written statement that the seed is marketed before the completion of the official germination test together with the result in the provisional germination report;
- (b) notify the Scottish Ministers in writing of the name and address of the first buyer by way of trade as soon as practicable after delivery and in any event not later than 7 days after delivery;
- (c) guarantee a specific minimum percentage of germination, which shall be the percentage of the germination of the seed as ascertained in the provisional germination report; and
- (d) in the event of the official germination test showing the failure of the seed to comply with the minimum germination standard specified in paragraph 13 of Part II of Schedule 4 for seed of the relevant category, the seller shall provide the first buyer by way of trade with the result of the completed official germination test, in writing, as soon as practicable and in any event not later than 7 days after being informed of it.

(3) The provisions of paragraph (1) shall not apply to the marketing of any seed lot or part of any seed lot in respect of which a previous official examination or an examination by a [<sup>F125</sup>GB Authority, other than the Scottish Ministers, or the NI Authority] has shown that the seed fails to meet the standards specified for the relevant category of seed in Part II of Schedule 4 <sup>F126</sup>....

(4) A person who sells any seed in accordance with paragraph (1) shall make and, until the end of the period of 2 years after the date of delivery of the seed to the first buyer by way of trade, keep available for inspection by the Scottish Ministers a record of the date of such delivery, of the reference number of the seed lot or part of a seed lot delivered, of the name and address of the first buyer by way of trade, of the date on which the preliminary test of germination was carried out and of the result of that test in the provisional germination report and, if appropriate, of the date on which the first buyer by way of trade was informed of the result of the completed official germination test.

(5) Paragraph (1) shall not apply to seed which has been imported into [<sup>F127</sup>Great Britain from a country granted equivalence.]

#### Textual Amendments

- F123** Words in **reg. 12(1)(a)** substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(14)(a)(i)** (as substituted 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)(b), **15(13)(a)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F124** **Reg. 12(1)(b)** substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(14)(a)(ii)** (as substituted 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)(b), **15(13)(a)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F125** Words in **reg. 12(3)** substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(14)(b)(i)** (as substituted 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)(b), **15(13)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F126** Words in **reg. 12(3)** 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), **14(14)(b)(ii)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F127** Words in **reg. 12(5)** substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(14)(c)** (as substituted 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)(b), **15(13)(c)**); 2020 c. 1, **Sch. 5 para. 1(1)**

#### Commencement Information

- I11** **Reg. 12** in force at 1.7.2005, see **reg. 1(1)**

#### Requirement for homogeneity

**13.** No person shall market seed in accordance with regulation 6(1)(b)(i) or (ii), 11 or 12 unless it is marketed in a homogeneous seed lot or in part of a homogeneous seed lot.

#### Commencement Information

- I12** **Reg. 13** in force at 1.7.2005, see **reg. 1(1)**

#### [<sup>F128</sup>Certification and labelling for export

**13A.—(1)** The Scottish Ministers may certify the quality of any seed intended for export.

(2) Following certification in accordance with paragraph (1), any seed exported must be labelled with a label approved by the Organisation for Economic Cooperation and Development for the varietal certification on the control of seed moving in international trade.]

#### Textual Amendments

- F128** **Reg. 13A** inserted (28.3.2019) by The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59), regs. 1(1)(a), **5(6)**

## PART III

### PROCEDURES FOR ISSUING OFFICIAL CERTIFICATES

#### Applications for official certificates

14.—(1) An application in respect of a seed lot for the issue of an official certificate certifying the seed to be [<sup>F129</sup>Pre-basic Seed, Basic Seed, Seed of a Certified Generation, Commercial Seed or seed of a Conservation Variety]—

- (a) shall be made in writing to the Scottish Ministers in such form and manner, and shall include such information, records, illustrations, material and seed as the Scottish Ministers may require; and
- (b) shall be made not later than 31st December in the year following the year of harvest of the crop from which the seed lot is obtained or within such other time as the Scottish Ministers may allow.

(2) Where an application for the issue of an official certificate is made to the Scottish Ministers in accordance with paragraph (1) the Scottish Ministers shall, subject to paragraph (3), deal with the application in accordance with the provisions of Part I of Schedule 2 [<sup>F130</sup>or, in the case of a Conservation Variety, Part 1 of Schedule 4A].

(3) Where a breeder applies to the Scottish Ministers for the issue of an official certificate in accordance with paragraph (1), in respect of a seed lot which already has a breeder's confirmation, after the variety of the seed in that seed lot has been accepted on to a [<sup>F131</sup>GB Variety List or an NI Variety List], or if the seed in the seed lot is a component of a hybrid variety, after the hybrid variety has been accepted on to a [<sup>F131</sup>GB Variety List or an NI Variety List], the Scottish Ministers shall issue an official certificate in respect of that seed lot provided they are satisfied that—

- (a) the seed is the seed in respect of which the breeder's confirmation was issued;
- (b) the breeder's confirmation has not been withdrawn pursuant to regulation 20(3);
- (c) the provisions of regulation 21 have been complied with; and
- (d) there is no reason why the breeder's confirmation should be withdrawn pursuant to regulation 20(3).

(4) An official certificate which has been issued by the Scottish Ministers may be withdrawn by them in respect of either the whole of a seed lot or any part of a seed lot if—

- (a) the results of an official examination of the sample taken from the seed lot in respect of which the official certificate has been issued are deemed to be null and void in accordance with regulation 15(2);
- (b) on the basis of information received by them, the Scottish Ministers are satisfied that the crop from which the seed in the seed lot was harvested did not meet the conditions laid down in Part I of Schedule 4 [<sup>F132</sup>or, in the case of seed of a Conservation Variety, Part III of Schedule 4A];
- (c) on the basis of information received by them, the Scottish Ministers are satisfied that the seed in the seed lot, or part of the seed lot—
  - (i) did not meet the conditions laid down in Part II of Schedule 4 [<sup>F133</sup>or, in the case of a Conservation Variety, Part IV of Schedule 4A] at the time the seed was tested for seed certification purposes, which includes the purpose of issuing a breeder's confirmation; or



(ii) although it met the conditions in Part II of Schedule 4 [<sup>F133</sup>or, in the case of a Conservation Variety, Part IV of Schedule 4A] at the time of such testing no longer meets them; or

(d) the licensed seed sampler who sampled the seed lot or the licensed crop inspector <sup>F134</sup>... who inspected the crop, did so in breach of any of the terms of the licensed seed sampler's, or licensed crop inspector's <sup>F135</sup>... licence,

and any seed from which an official certificate has been so withdrawn shall be deemed not to have been officially certified.

(5) The Scottish Ministers may withdraw the official certificate in respect of a seed lot, or any part of a seed lot, by giving notice to—

- (a) the person who made an application in respect of the seed lot under paragraph (1); or
- (b) any person marketing, or who has marketed, any of the seed.

(6) Where, in accordance with paragraph (5), the official certificate in respect of a seed lot, or part of a seed lot, is withdrawn under paragraph (4), the Scottish Ministers may notify—

- (a) the person who made an application under paragraph (1) in respect of the seed lot;
- (b) any person marketing, or who has marketed, any of the seed; and
- (c) any person who has purchased, or been supplied with, any of the seed,

that the official certificate in respect of the seed lot, or part of a seed lot, as the case may be, has been withdrawn.

(7) Where the official certificate in respect of a seed lot, or part of a seed lot, is withdrawn under paragraph (4), any seller of the seed shall, as soon as practicable and in any case not later than 7 days after being informed of it, notify the purchaser, in writing, that the official certificate has been withdrawn and that the seed is deemed not to have been officially certified.

#### Textual Amendments

- F129** Words in [reg. 14\(1\)](#) substituted (30.6.2009) by [The Seed \(Scotland\) \(Amendments for Conservation Varieties\) Regulations 2009 \(S.S.I. 2009/223\)](#), regs. 1, **26(a)**
- F130** Words in [reg. 14\(2\)](#) inserted (30.6.2009) by [The Seed \(Scotland\) \(Amendments for Conservation Varieties\) Regulations 2009 \(S.S.I. 2009/223\)](#), regs. 1, **26(b)**
- F131** Words in [reg. 14\(3\)](#) substituted (31.12.2020) by [S.S.I. 2019/59](#), **reg. 14(15)(a)** (as substituted 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)(b), **15(14)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F132** Words in [reg. 14\(4\)\(b\)](#) inserted (30.6.2009) by [The Seed \(Scotland\) \(Amendments for Conservation Varieties\) Regulations 2009 \(S.S.I. 2009/223\)](#), regs. 1, **26(c)(i)**
- F133** Words in [reg. 14\(4\)\(c\)](#) inserted (30.6.2009) by [The Seed \(Scotland\) \(Amendments for Conservation Varieties\) Regulations 2009 \(S.S.I. 2009/223\)](#), regs. 1, **26(c)(ii)**
- F134** Words in [reg. 14\(4\)\(d\)](#) omitted (31.12.2020) by [S.S.I. 2019/59](#), **reg. 14(15)(b)(i)** (as substituted 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)(b), **15(14)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F135** Words in [reg. 14\(4\)\(d\)](#) omitted (31.12.2020) by [S.S.I. 2019/59](#), **reg. 14(15)(b)(ii)** (as substituted 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)(b), **15(14)**); 2020 c. 1, **Sch. 5 para. 1(1)**

#### Commencement Information

- I13** Reg. 14 in force at 1.7.2005, see [reg. 1\(1\)](#)

## Sampling

15.—(1) A sample of seed taken for the purposes of an official examination shall be taken—

- (a) (i) by a [<sup>F136</sup>International Authority]; or
- (ii) by a licensed seed sampler in accordance with the terms of the licensed seed sampler's licence;
- (b) in accordance with the methods specified in Part I of Schedule 5; and
- (c) from a homogeneous seed lot.

[<sup>F137</sup>(1A) A sample of seed of a Conservation Variety [<sup>F138</sup>and of a directly harvested preservation mixture] taken for the purposes of checking compliance with these Regulations shall comply with paragraph (1)(b) and (c) and Part II of Schedule 5.]

(2) If a sample from a seed lot submitted or taken for the purpose of an official examination—

- (a) is found not to have been taken in accordance with paragraph (1);
- (b) is taken from a seed lot which, subject to paragraph 24 of Part II of Schedule 5, does not comply with paragraph 23 of Part II of Schedule 5;
- (c) is not a submitted sample; or
- (d) is otherwise found not to have been taken in accordance with the seeds regulations,

no, or no further, official examination of that sample shall be made under these Regulations, and any findings or results obtained in the course of any official examination of that sample, or from inspecting plants grown in a plot which has been sown with seed from that sample, shall be deemed to be null and void and shall be disregarded.

(3) For the avoidance of doubt, the provisions of this regulation apply for the purpose of issuing a breeder's confirmation, as they do for the purpose of issuing an official certificate.

### Textual Amendments

**F136** Words in reg. 15(1)(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), **14(16)** (as amended by S.S.I. 2020/445, regs. 1(1)(b), **15(15)**); 2020 c. 1, **Sch. 5 para. 1(1)**

**F137** Reg. 15(1A) inserted (30.6.2009) by The Seed (Scotland) (Amendments for Conservation Varieties) Regulations 2009 (S.S.I. 2009/223), regs. 1, **27(a)**

**F138** Words in reg. 15(1A) inserted (10.2.2012) by The Fodder Plant Seed (Scotland) Amendment Regulations 2012 (S.S.I. 2012/5), regs. 1, **5**

### Commencement Information

**I14** Reg. 15 in force at 1.7.2005, see **reg. 1(1)**

## PART IV

### PACKAGING AND LABELLING REQUIREMENTS FOR FULLY CERTIFIED SEED

#### Sealing of packages of fully certified seed

16.—(1) Subject to regulations 18 and 19, no person shall market in accordance with [<sup>F139</sup>regulation 6(1), 8, 8A, 9A, 9B, 11 or 12] a package (other than a small <sup>F140</sup>... A or a small <sup>F140</sup>... B package sealed in accordance with paragraph (4)) of Pre-basic Seed, Basic Seed, [<sup>F141</sup>Seed

of a Certified Generation, seed of an Conservation Variety, Commercial Seed], a mixture of seeds to which regulation 8 applies, [<sup>F142</sup>seeds of a preservation mixture,][<sup>F143</sup>test and trial seed,] lower germination seed or early movement seed unless, subject to paragraph (2), it has been–

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

sealed in Scotland by the Scottish Ministers or by <sup>F144</sup>... a licensed seed sampler using a non-reusable sealing system or some other sealing system that includes the use of an official label or the affixing of an official seal, in such a manner that the package cannot be opened without damaging the sealing system or without leaving evidence of tampering on the official label or package; or

[<sup>F145</sup>(b) sealed in any other part of the United Kingdom in accordance with the applicable requirements in the relevant part of the United Kingdom.]

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

- (a) paragraph (1)(a) shall apply as if the words “not later than at the time of sampling” were omitted; and
- (b) subject to sub-paragraph (a), the package of seed shall be sealed in accordance with paragraph (1)(a) within 7 days of the issue of the official certificate.

(3) If a package of seed which has been sealed in accordance with paragraph (1) is opened it may not be marketed in accordance with [<sup>F146</sup>regulation 6(1), 8, 8A, 9A, 9B, 11 or 12] unless it is resealed or further resealed–

- (a) in Scotland by the Scottish Ministers or by <sup>F147</sup>... a licensed seed sampler using a non-reusable sealing system or some other sealing system that includes the use of an official label or the affixing of an official seal, in such a manner that the package cannot be opened without damaging the sealing system or without leaving evidence of tampering on the official label or package; or

[<sup>F148</sup>(b) in any other part of the United Kingdom in accordance with the applicable requirements in the relevant part of the United Kingdom.]

(4) No person shall market in accordance with [<sup>F149</sup>regulation 6(1), 8, 9A, 9B, 11 or 12] a small <sup>F150</sup>... A or a small <sup>F150</sup>... B package of Pre-basic Seed, Basic Seed, [<sup>F151</sup>Seed of a Certified Generation, seed of a Conservation Variety, Commercial Seed], lower germination seed or early movement seed, unless it has been, or in the case of seed which is wholly or partly repackaged, the original package has been, sealed by the Scottish Ministers or by <sup>F152</sup>... a licensed seed sampler [<sup>F153</sup>or by a person licensed or registered in any part of the United Kingdom as a professional seed operator under regulation 4(1)(a) of the Seed (Licensing and Enforcement etc.) (Scotland) Regulations 2016 or provisions equivalent to that regulation], not later than at the time of sampling in the United Kingdom with a sealing device in such a manner that the package cannot be opened without damaging the sealing system or without leaving evidence of tampering on the label or package.

(5) If a small <sup>F154</sup>... A or a small <sup>F154</sup>... B package of seed which has been sealed in accordance with paragraph (4) is opened, it may not be marketed in accordance with [<sup>F149</sup>regulation 6(1), 8, 9A, 9B, 11 or 12] unless it is resealed or further resealed by the Scottish Ministers or by <sup>F152</sup>... a licensed seed sampler [<sup>F155</sup>or by a person licensed or registered in any part of the United Kingdom as professional seed operator under regulation 4(1)(a) of the Seed (Licensing and Enforcement etc.) (Scotland) Regulations 2016 or provisions equivalent to that regulation], with a sealing device, in such a manner that the package cannot be opened without damaging the sealing system or without leaving evidence of tampering on the label or package.

(6) No person shall market in accordance with regulation 6(1) a package of Breeder's Seed unless it is marketed in a package which has been sealed with a sealing device in such a manner that the package cannot be opened without damaging the sealing system or without leaving evidence of tampering on the label or package.

(7) If a package of Breeder's Seed which has been sealed in accordance with paragraph (6) is opened it may not be marketed in accordance with regulation 6(1) unless it is resealed or further resealed with a sealing device in such a manner that the package cannot be opened without damaging the sealing system or without leaving evidence of tampering on the label or package.

### Textual Amendments

- F139** Words in reg. 16(1) substituted (10.2.2012) by The Fodder Plant Seed (Scotland) Amendment Regulations 2012 (S.S.I. 2012/5), regs. 1, **6(a)(i)**
- F140** Word in reg. 16(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), **14(17)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F141** Words in reg. 16(1) substituted (30.6.2009) by The Seed (Scotland) (Amendments for Conservation Varieties) Regulations 2009 (S.S.I. 2009/223), regs. 1, **28(b)**
- F142** Words in reg. 16(1) inserted (10.2.2012) by The Fodder Plant Seed (Scotland) Amendment Regulations 2012 (S.S.I. 2012/5), regs. 1, **6(a)(ii)**
- F143** Words in reg. 16(1) inserted (1.4.2007) by The Seed (Scotland) (Amendments for Tests and Trials etc.) Regulations 2007 (S.S.I. 2007/224), regs. 1, **17(b)**
- F144** Words in reg. 16(1)(a) omitted (1.4.2007) by virtue of The Seed (Scotland) (Amendments for Tests and Trials etc.) Regulations 2007 (S.S.I. 2007/224), regs. 1, **17(c)**
- F145** Reg. 16(1)(b) substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(17)(a)(ii)** (as substituted 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)(b), **15(16)(a)**)
- F146** Words in reg. 16(3) substituted (10.2.2012) by The Fodder Plant Seed (Scotland) Amendment Regulations 2012 (S.S.I. 2012/5), regs. 1, **6(b)**
- F147** Words in reg. 16(3)(a) omitted (1.4.2007) by virtue of The Seed (Scotland) (Amendments for Tests and Trials etc.) Regulations 2007 (S.S.I. 2007/224), regs. 1, **17(c)**
- F148** Reg. 16(3)(b) substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(17)(b)** (as substituted 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)(b), **15(16)(b)**)
- F149** Words in reg. 16(4)(5) substituted (30.6.2009) by The Seed (Scotland) (Amendments for Conservation Varieties) Regulations 2009 (S.S.I. 2009/223), regs. 1, **28(a)**
- F150** Word in reg. 16(4) 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), **14(17)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F151** Words in reg. 16(4) substituted (30.6.2009) by The Seed (Scotland) (Amendments for Conservation Varieties) Regulations 2009 (S.S.I. 2009/223), regs. 1, **28(c)**
- F152** Words in reg. 16(4)(5) omitted (1.4.2007) by virtue of The Seed (Scotland) (Amendments for Tests and Trials etc.) Regulations 2007 (S.S.I. 2007/224), regs. 1, **17(c)**
- F153** Words in reg. 16(4) substituted (1.7.2016) by The Seed (Licensing and Enforcement etc.) (Scotland) Regulations 2016 (S.S.I. 2016/68), reg. 1(1), **sch. 3 para. 3(3)(a)**
- F154** Word in reg. 16(5) 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), **14(17)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F155** Words in reg. 16(5) substituted (1.7.2016) by The Seed (Licensing and Enforcement etc.) (Scotland) Regulations 2016 (S.S.I. 2016/68), reg. 1(1), **sch. 3 para. 3(3)(b)**

### Commencement Information

**I15** Reg. 16 in force at 1.7.2005, see [reg. 1\(1\)](#)

### Labelling of packages of fully certified seed

17.—(1) Subject to regulations 18 and 19, no person shall market in accordance with [<sup>F156</sup>regulation 6(1), 8, 8A, 9A, 9B, 11 or 12] any Pre-basic Seed, Basic Seed, Seed of a Certified Generation, Commercial Seed, a mixture of seeds to which regulation 8 applies, [<sup>F157</sup>a preservation mixture,]<sup>F158</sup>test and trial seed, seed of a Conservation Variety, lower germination seed] or early movement seed, except in a package which, not later than at the time of sealing, is labelled, inscribed or otherwise dealt with in accordance with this regulation.

(2) In the case of a package of seed in respect of which the Scottish Ministers have issued an official certificate under regulation 14(3) or in respect of which the Scottish Ministers have issued an official certificate re-grading the seed to a different category or level—

- (a) paragraph (1) shall apply as if the words “not later than at the time of sealing” were omitted; and
- (b) subject to sub-paragraph (a), the package of seed shall be re-labelled in accordance with this regulation within 7 days of the issue of the official certificate.

(3) In the case of seed of a variety which has been genetically modified, any label, document, printing or stamp, whether official or otherwise, affixed to or accompanying a seed lot or any part of a seed lot in accordance with the provisions of this regulation, and any particulars given under regulation 18 or 19, shall clearly indicate that the variety has been genetically modified.

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

[<sup>F159</sup>(4A) A package of a seed of a Conservation Variety shall—

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

[<sup>F160</sup>(b) where seed is sealed in any part of the United Kingdom other than Scotland, be labelled in accordance with the requirements for labelling applicable to a Conservation Variety in the relevant part of the United Kingdom.]

(5) Subject to paragraph (10), a package (other than a small <sup>F161</sup>... A or a small <sup>F161</sup>... B package sealed in the United Kingdom in accordance with regulation 16(4)) of Pre-basic Seed, Basic Seed, Seed of a Certified Generation, Commercial Seed, a mixture of seeds to which regulation 8 applies, [<sup>F162</sup>seeds of a preservation mixture,]<sup>F163</sup>test and trial seed,] lower germination seed or early movement seed—

- (a) which is sealed in Scotland shall have affixed on the outside an official label—
  - (i) which has not previously been used;
  - (ii) containing, as appropriate to the category of seed and the seed itself, particulars of the matters specified, and being of at least the size and of the colour also specified, in the relevant paragraph of Part II of Schedule 6; and

- (iii) which shall be either an adhesive label or a label secured to the package by a sealing system approved by the Scottish Ministers and shall be affixed, in either case, by the Scottish Ministers or by <sup>F164</sup>... a licensed seed sampler; and
- [<sup>F165</sup>(b) which is sealed in any part of the United Kingdom other than Scotland will satisfy the applicable requirements in the relevant part of the United Kingdom].
- (6) If in accordance with regulation 11 a person markets any lower germination seed, that person shall ensure—
- (a) that the official label or the particulars printed or stamped on the package in accordance with paragraph (10), contains a statement that the minimum percentage of germination of the seed is less than the minimum percentage of germination for Basic Seed; and
  - (b) that there is a label affixed to the outside of the package containing a statement of the specific minimum percentage of germination of the seed guaranteed by the person marketing the seed in accordance with regulation 11(2) together with the name and address of the seller and the reference number of the seed lot.
- (7) If in accordance with regulation 12 a person markets any early movement seed, that person shall ensure that there is a label affixed to the outside of the package containing—
- (a) a statement that the seed is being sold before the official examination of the germination of that seed lot has been concluded; and
  - (b) a statement of the specific minimum percentage of germination guaranteed by the person marketing the seed in accordance with regulation 12(2)(c), together with the name and address of the seller and the reference number of the seed lot.
- (8) Subject to paragraph (9), a package (other than a small <sup>F166</sup>... A or a small <sup>F166</sup>... B package sealed in the United Kingdom in accordance with regulation 16(4)) of Pre-basic Seed, Basic Seed, Seed of a Certified Generation, Commercial Seed, a mixture of seeds to which regulation 8 applies, [<sup>F167</sup>seeds of a preservation mixture,][<sup>F168</sup>test and trial seed,] lower germination seed or early movement seed—
- (a) which is sealed in Scotland shall contain an official inner label which shall be of the same colour as, and in addition to, the official label affixed to the outside of the package in accordance with paragraph (5) and shall contain particulars of the matters specified in the items numbered—
    - (i) in the case of Pre-basic Seed and lower germination seed to which paragraph 4 of Part II of Schedule 6 is relevant, paragraph 4(a)(iii) to (v) of Part II of Schedule 6;
    - (ii) in the case of Basic Seed, Seed of a Certified Generation, or lower germination seed to which paragraph 5 of Part II of Schedule 6 is relevant, paragraph 5(a)(iv) to (vi) of Part II of Schedule 6;
    - (iii) in the case of Commercial Seed, paragraph 6(a)(iv) to (vi) of Part II of Schedule 6; <sup>F169</sup>...
    - (iv) in the case of a mixture of seeds to which regulation 8 applies, paragraph 7(a)(i) and (iv) of Part II of Schedule 6; and
 

[ in the case of a preservation mixture to which regulation 8A applies, paragraph 8A <sup>F170</sup>(v) of Part II of Schedule 6; and]
  - [<sup>F171</sup>(b) which is sealed in any other part of the United Kingdom, must contain an official document in accordance with the applicable requirements for official documents and, as the case may be, for labelling of packages of mixtures of seeds, in the relevant part of the United Kingdom.]

(9) The official inner label or document referred to in paragraph (8) shall not be required if the particulars specified in paragraphs (3), (8) and (13) are printed indelibly on the outside of the package or if the official label is an adhesive or a tear resistant label.

(10) Notwithstanding paragraphs (5) and (6)(a), but subject to paragraphs (6)(b) and (7), a package (other than a small <sup>F172</sup>... A or a small <sup>F172</sup>... B package sealed in the United Kingdom in accordance with regulation 16(4) of Pre-basic Seed, Basic Seed, Seed of a Certified Generation, Commercial Seed, a mixture of seeds to which regulation 8 applies, [<sup>F173</sup>seeds of a preservation mixture,][<sup>F168</sup>test and trial seed,] lower germination seed or early movement seed may be marketed if—

[<sup>F174</sup>(a) for packages sealed in—

- (i) Scotland, the appropriate particulars of the matters specified in Part II of Schedule 6 and paragraphs (3), (6)(a), (12) and (13), are printed or stamped indelibly on the package in a panel of at least the size and of the colour so specified;
- (ii) any other part of the United Kingdom, the appropriate particulars of the matters specified in accordance with the applicable requirements in the relevant part of the United Kingdom, are printed or stamped indelibly on the package in a panel of at least the size and of the colour so specified; and]

(b) the requirements of paragraphs 13 to 16 of Part VI of Schedule 6 are satisfied, in the case of a package sealed in Scotland; and

[<sup>F175</sup>(c) the requirements of paragraph 17 of Part VI of Schedule 6 are satisfied in the case of a package sealed in any other part of the United Kingdom.]

(11) A small <sup>F176</sup>... A or a small <sup>F176</sup>... B package sealed in the United Kingdom shall have affixed on the outside a label containing, as appropriate to the category of the seed and the seed itself, particulars of the matters specified in paragraphs (3), (12) and (13) and the relevant paragraph of Part III of Schedule 6, and being of the colour specified in the relevant paragraph of Part II of Schedule 6, except that subject to paragraphs (6) and (7)—

- (a) if such particulars are printed indelibly on the outside of the package in a panel of the colour so specified, the label shall not be required; and
- (b) if the packaging material is transparent the label may be placed inside the package provided it can be read through the packaging.

(12) Subject to paragraph (10) or (11), if a package of seed has been resealed in accordance with regulation 16(3) or 21(4) this fact shall be stated on the official label required under paragraph (5) or the label required under paragraph (11), as the case may be, together with the month and year of resealing and the name of the authority responsible for the resealing.

(13) If any seed has been subjected to any chemical treatment this fact and the nature of the treatment or the proprietary name of the chemical used in the treatment shall be stated either—

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

and also, except where the information prescribed by this paragraph is given on an adhesive or tear resistant label, either on the outside of the package or on a document enclosed inside the package.



(14) The particulars and information given in accordance with this regulation shall be given in <sup>[F177]</sup>English but may also be given in other languages].

(15) Subject to the provisions of the Act and of these Regulations, no person shall, in the course of the marketing or the preparation for marketing of any seed by that person or by any other person, wilfully reproduce, remove, alter, deface, conceal or misuse in any way any label affixed to, contained in or marked on any package of seed or which is to be so affixed, contained or marked, except as may occur in the course of opening the package for the purposes of regulation 17(2)(b).]

### Textual Amendments

- F156** Words in reg. 17(1) substituted (10.2.2012) by The Fodder Plant Seed (Scotland) Amendment Regulations 2012 (S.S.I. 2012/5), regs. 1, **7(a)(i)**
- F157** Words in reg. 17(1) inserted (10.2.2012) by The Fodder Plant Seed (Scotland) Amendment Regulations 2012 (S.S.I. 2012/5), regs. 1, **7(a)(ii)**
- F158** Words in reg. 17(1) substituted (30.6.2009) by The Seed (Scotland) (Amendments for Conservation Varieties) Regulations 2009 (S.S.I. 2009/223), regs. 1, **29(a)(ii)**
- F159** Reg. 17(4A) inserted (30.6.2009) by The Seed (Scotland) (Amendments for Conservation Varieties) Regulations 2009 (S.S.I. 2009/223), regs. 1, **29(b)**
- F160** Reg. 17(4A)(b) substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(18)(a)** (as substituted 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)(b), **15(17)(a)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F161** Word in reg. 17(5) omitted (31.12.2020) by S.S.I. 2019/59, **reg. 14(18)(b)(i)** (as substituted 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)(b), **15(17)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F162** Words in reg. 17(5) inserted (10.2.2012) by The Fodder Plant Seed (Scotland) Amendment Regulations 2012 (S.S.I. 2012/5), regs. 1, **7(b)(i)**
- F163** Words in reg. 17(1)(5) inserted (1.4.2007) by The Seed (Scotland) (Amendments for Tests and Trials etc.) Regulations 2007 (S.S.I. 2007/224), regs. 1, **18(b)**
- F164** Words in reg. 17(5)(a)(iii) omitted (1.4.2007) by virtue of The Seed (Scotland) (Amendments for Tests and Trials etc.) Regulations 2007 (S.S.I. 2007/224), regs. 1, **18(c)**
- F165** Reg. 17(5)(b) substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(18)(b)(ii)** (as substituted 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)(b), **15(17)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F166** Word in reg. 17(8) omitted (31.12.2020) by S.S.I. 2019/59, **reg. 14(18)(c)(i)** (as substituted 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)(b), **15(17)(c)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F167** Words in reg. 17(8) inserted (10.2.2012) by The Fodder Plant Seed (Scotland) Amendment Regulations 2012 (S.S.I. 2012/5), regs. 1, **7(c)(i)**
- F168** Words in reg. 17(8)(10) inserted (1.4.2007) by The Seed (Scotland) (Amendments for Tests and Trials etc.) Regulations 2007 (S.S.I. 2007/224), regs. 1, **18(b)**
- F169** Word in reg. 17(8)(a)(iii) deleted (10.2.2012) by The Fodder Plant Seed (Scotland) Amendment Regulations 2012 (S.S.I. 2012/5), regs. 1, **7(c)(ii)(aa)**
- F170** Reg. 17(8)(a)(v) inserted (10.2.2012) by The Fodder Plant Seed (Scotland) Amendment Regulations 2012 (S.S.I. 2012/5), regs. 1, **7(c)(ii)(bb)**
- F171** Reg. 17(8)(b) substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(18)(c)(ii)** (as substituted 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)(b), **15(17)(c)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F172** Word in reg. 17(10) omitted (31.12.2020) by S.S.I. 2019/59, **reg. 14(18)(d)(i)** (as substituted 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)(b), **15(17)(d)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F173** Words in reg. 17(10) inserted (10.2.2012) by The Fodder Plant Seed (Scotland) Amendment Regulations 2012 (S.S.I. 2012/5), regs. 1, **7(d)(i)**



- F174** Reg. 17(10)(a) substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(18)(d)(ii)** (as substituted 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)(b), **15(17)(d)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F175** Reg. 17(10)(c) substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(19)(d)(iii)** (as substituted 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)(b), **15(17)(d)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F176** Word in reg. 17(11) 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), **14(18)(e)**; 2020 c. 1, Sch. 5 para. 1(1)
- F177** Words in reg. 17(14) substituted (31.12.2020) by The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59), regs. 1(1)(b), **14(18)(f)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Commencement Information

- I16** Reg. 17 in force at 1.7.2005, see **reg. 1(1)**

### Marketing of unpacketed seed

**18.** <sup>F178</sup> ... A person may sell any seed otherwise than in a package which is sealed, labelled, inscribed or otherwise dealt with in accordance with regulations 16 and 17 where—

- (a) (i) in relation to species other than field peas and field beans the seed is sold in a quantity not exceeding 2 kilograms to the final consumer;
- (ii) in relation to field peas and field beans the seed is sold in a quantity not exceeding 3 kilograms to the final consumer;
- (iii) in relation to mixtures the seed is sold in a quantity not exceeding 7 kilograms to the final consumer; and
- (b) the seed is taken, in the presence of the final consumer, from a container on which there is clearly and visibly marked, or near which there is clearly and visibly displayed, a statement containing particulars of the matters specified in paragraph 11 of Part IV of Schedule 6.

#### Textual Amendments

- F178** Words in **reg. 18** omitted (1.4.2007) by virtue of **The Seed (Scotland) (Amendments for Tests and Trials etc.) Regulations 2007** (S.S.I. 2007/224), regs. 1, **19**

#### Commencement Information

- I17** Reg. 18 in force at 1.7.2005, see **reg. 1(1)**

### Marketing of Excepted Seed Marketed in Bulk

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

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

### Commencement Information

**I18** Reg. 19 in force at 1.7.2005, see [reg. 1\(1\)](#)

## PART V

### PROCEDURES FOR ISSUING BREEDER'S CONFIRMATIONS

#### Breeder's confirmations

**20.**—(1) An application for the issue of a breeder's confirmation for Pre-basic Seed or Basic Seed in respect of a seed lot—

- (a) shall be made in writing by the breeder to the Scottish Ministers in such form and manner, and shall include such information, records, illustrations, material and seed, as the Scottish Ministers may require; and
- (b) shall be made not later than 31st December in the year following the year of harvest of the crop from which the seed lot is obtained or within such other time as the Scottish Ministers may allow; and
- (c) shall be made only—
  - (i) for seed of a variety for which an application has been made to have that variety accepted on to a <sup>F179</sup>GB Variety List or an NI Variety List; or]
  - (ii) for seed of a component of a hybrid variety for which an application has been made to have that hybrid variety accepted on to a <sup>F180</sup>GB Variety List or an NI Variety List.]

(2) Where an application for the issue of a breeder's confirmation is made to the Scottish Ministers in accordance with paragraph (1) the Scottish Ministers shall deal with the application in accordance with the provisions of Part II of Schedule 2.

(3) A breeder's confirmation which has been issued by the Scottish Ministers may be withdrawn by them in respect of either the whole of a seed lot or any part of a seed lot if—

- (a) the results of an official examination of the sample taken from the seed lot in respect of which the breeder's confirmation has been issued are declared null and void in accordance with regulation 15(2);
- (b) on the basis of information received by them, the Scottish Ministers are satisfied that the crop from which the seed in the seed lot was harvested did not meet the conditions specified in Part I of Schedule 4; or
- (c) on the basis of information received by them, the Scottish Ministers are satisfied that the seed in the seed lot, or part of the seed lot—
  - (i) did not meet the conditions laid down in Part II of Schedule 4 at the time the seed was tested for breeder's confirmation purposes; or
  - (ii) although it met the conditions in Part II of Schedule 4 at the time of such testing no longer meets them,

and any seed from which a breeder's confirmation has been so withdrawn shall be deemed not to have had a breeder's confirmation.

(4) The Scottish Ministers may withdraw the breeder's confirmation in respect of a seed lot, or any part of a seed lot, by giving notice to the person who made an application in respect of the seed lot under paragraph (1).

(5) The breeder applying for the breeder's confirmation shall notify the Scottish Ministers if the application to have the relevant variety or hybrid variety accepted on to a [F181GB Variety List or an NI Variety List] referred to in paragraph (1)(c) is withdrawn or refused.

(6) If the application to have the relevant variety or hybrid variety accepted on to a [F181GB Variety List or an NI Variety List] referred to in paragraph (1)(c) is refused, the breeder applying for the breeder's confirmation shall notify the Scottish Ministers if the refusal is the subject of appeal proceedings and shall further notify the Scottish Ministers of the final outcome of those proceedings.

#### Textual Amendments

**F179** Words in reg. 20(1)(c)(i) substituted (31.12.2020) by S.S.I. 2019/59, reg. 14(19)(a)(i) (as substituted 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)(b), 15(18)(a)); 2020 c. 1, Sch. 5 para. 1(1)

**F180** Words in reg. 20(1)(c)(ii) substituted (31.12.2020) by S.S.I. 2019/59, reg. 14(19)(a)(ii) (as substituted 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)(b), 15(18)(a)); 2020 c. 1, Sch. 5 para. 1(1)

**F181** Words in reg. 20(5)(6) substituted (31.12.2020) by S.S.I. 2019/59, reg. 14(19)(b) (as substituted 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)(b), 15(18)(b)); 2020 c. 1, Sch. 5 para. 1(1)

#### Commencement Information

**I19** Reg. 20 in force at 1.7.2005, see reg. 1(1)

## PART VI

### PACKAGING AND LABELLING REQUIREMENTS RELATING TO BREEDER'S CONFIRMATION

#### Sealing of packages of seed in relation to breeder's confirmation

**21.—(1)** No person shall have in their possession any package of seed in respect of which a breeder's confirmation for Pre-basic Seed or Basic Seed has been applied for or issued unless it has been sealed in accordance with this regulation by the Scottish Ministers or by <sup>F182</sup>... a licensed seed sampler using a non reusable sealing system or some other sealing system that includes the use of an official label or the affixing of an official seal, in such manner that the package cannot be opened without damaging the sealing system or without leaving evidence of tampering on the official label or package.

(2) Sealing under paragraph (1) shall take place not later than at the time of sampling or, in the case of seed which is wholly or partly repackaged, the sealing of the original package shall take place no later than that time.

(3) Subject to paragraph (4), no person shall open a package of seed which has been sealed in accordance with paragraph (1) or resealed in accordance with paragraph (4) except—

- (a) for the purpose of sowing all the seed;
- (b) where—
  - (i) some of the seed is sown immediately after the package is opened;

- (ii) the rest of the seed remains in the package after the seed is sown in accordance with sub-paragraph (b)(i); and
  - (iii) the package is resealed immediately after the seed is sown in accordance with sub-paragraph (b)(i); or
  - (c) for the purpose of re-packaging and resealing all of the seed.
- (4) If a package of seed which has been sealed in accordance with paragraph (1), or resealed in accordance with this paragraph, is opened, whether in accordance with paragraph (3) or otherwise, neither it nor any other package containing any of that seed may be sealed, resealed or further resealed, as the case may be, except by the Scottish Ministers or by <sup>F182</sup>... a licensed seed sampler.
- (5) If the details on any label required by regulation 22 cease to be correct as a consequence of any action of the kind described in paragraph (3) the label shall be replaced by the Scottish Ministers or by <sup>F182</sup>... a licensed seed sampler at the time the package is resealed under paragraph (4).

#### Textual Amendments

**F182** Words in [reg. 21\(1\)\(4\)\(5\)](#) omitted (1.4.2007) by virtue of [The Seed \(Scotland\) \(Amendments for Tests and Trials etc.\) Regulations 2007 \(S.S.I. 2007/224\)](#), [regs. 1, 20](#)

#### Commencement Information

**I20** Reg. 21 in force at 1.7.2005, see [reg. 1\(1\)](#)

### Labelling of packages of seed in relation to breeder's confirmation

**22.**—(1) No person shall have in their possession any package of seed in respect of which a breeder's confirmation has been applied for unless it has been, not later than at the time of sealing under regulation 21, labelled, inscribed or otherwise dealt with in accordance with this regulation.

(2) In the case of a package of seed in respect of which the Scottish Ministers have issued a breeder's confirmation regrading the seed to a different category or level—

- (a) paragraph (1) shall apply as if the words “not later than at the time of sealing” were omitted; and
- (b) subject to sub paragraph (a), the package of seed shall be re-labelled in accordance with this regulation within 7 days of the issue of that breeder's confirmation.

(3) In the case of seed of a variety which has been genetically modified, any label, document, printing or stamp, whether official or otherwise, affixed to or accompanying a seed lot or any part of a seed lot in accordance with the provisions of this regulation, shall clearly indicate that the variety has been genetically modified.

(4) Packages of seed in respect of which a breeder's confirmation has been applied for shall have affixed on the outside an official label—

- (a) containing, as appropriate to the category of seed and the seed itself, particulars of the matters specified, and being of at least the size and of the colour also specified, in the relevant paragraph of Part II of Schedule 6; and
- (b) which shall be—
  - (i) either an adhesive label or a label secured to the package by a sealing device approved by the Scottish Ministers;
  - (ii) affixed, in either case, by the Scottish Ministers or by <sup>F183</sup>... a licensed seed sampler; and
  - (iii) over stamped “not certified”.

(5) If in accordance with paragraphs 5 and 6(c) of Part II of Schedule 2 a breeder's confirmation has been issued in respect of seed of a lower percentage of germination than that specified for Basic Seed in Part II of Schedule 4—

- (a) the official label, or the particulars printed or stamped on the package in accordance with paragraph (6), shall contain a statement that the minimum percentage of germination of the seed is less than the minimum percentage of germination for Basic Seed; and
- (b) where possession of the package is transferred to another person, the transferor shall—
  - (i) guarantee a specific minimum percentage of germination of the seed; and
  - (ii) affix a label to the outside of the package containing a statement of the specific minimum percentage of germination of the seed guaranteed by the person transferring possession of the seed together with the name and address of the transferor and the reference number of the seed lot.

(6) Notwithstanding paragraphs (3) to (5)(a) and (10), but subject to paragraph (5)(b), a package of seed need not be labelled if—

- (a) the appropriate particulars of the matters specified in the relevant paragraph of Part II of Schedule 6 and paragraphs (3), (5)(a), (9) and (10) are printed or stamped indelibly on the package in a panel of at least the size and of the colour so specified and over stamped “not certified”; and
- (b) the requirements of paragraphs 13 to 16 of Part VI of Schedule 6 are satisfied.

(7) Subject to paragraph (8), a package of seed for which a breeder's confirmation has been issued shall contain an official inner label which shall be of the same colour as, and in addition to, the official label affixed to the outside of the package in accordance with paragraph (4) and shall contain particulars of the matters specified in the items numbered—

- (a) in the case of Pre-basic Seed and lower germination seed to which paragraph 4 of Part II of Schedule 6 is relevant, paragraph 4(a)(iii) to (v) of Part II of Schedule 6; and
- (b) in the case of Basic Seed and lower germination seed to which paragraph 5 of Part II of Schedule 6 is relevant, paragraph 5(a)(iv) of Part II of Schedule 6.

(8) The official inner label referred to in paragraph (7) shall not be required if the particulars specified in paragraphs (3), (7) and (10) are printed indelibly on the outside of the package or if the official label is an adhesive or tear resistant label.

(9) If a package of seed has been resealed in accordance with regulation 21(4) this fact shall be stated on the official label required in terms of paragraph (4), and if an official certificate is issued in respect of the seed, on the official label required in terms of regulation 17(12), together with the month and year of resealing and the name of the authority responsible for the resealing.

(10) If any seed has been subjected to any chemical treatment this fact and the nature of the treatment and the proprietary name of the chemical used in the treatment shall be stated either—

- (a) on a separate label on the package; or
- (b) on the label referred to in paragraph (4) or the printing or stamp referred to in paragraph (6),

and also, except where the information prescribed by this paragraph is given on an adhesive or tear resistant label, either on the outside of the package or as a document enclosed inside the package.

(11) The particulars and information given in accordance with this regulation shall be given in [<sup>F184</sup>English but may also be given in other languages].

(12) For the purposes of this regulation, references in Schedule 6 to the “certifying authority” shall, in the case of a breeder's confirmation, be taken to be references to that authority as issuer of the breeder's confirmation.

(13) Subject to the provisions of the Act and of these Regulations, no person shall wilfully reproduce, remove, alter, deface, conceal or misuse in any way any label affixed to, contained in or marked on any package of seed or which is to be so affixed, contained or marked, except as may occur in the course of opening the package for the purposes of paragraph (2)(b) or regulations 17(2)(b) or 21(3).

#### Textual Amendments

- F183** Words in [reg. 22\(4\)\(b\)\(ii\)](#) omitted (1.4.2007) by virtue of [The Seed \(Scotland\) \(Amendments for Tests and Trials etc.\) Regulations 2007 \(S.S.I. 2007/224\)](#), [regs. 1, 21](#)
- F184** Words in [reg. 22\(11\)](#) substituted (31.12.2020) by [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), [regs. 1\(1\)\(b\), 14\(20\)](#); 2020 c. 1, Sch. 5 para. 1(1)

#### Commencement Information

- I21** Reg. 22 in force at 1.7.2005, see [reg. 1\(1\)](#)

## PART VII

### MISCELLANEOUS

#### Comparative tests and trials

<sup>F185</sup>**23.** . . . . .

#### Textual Amendments

- F185** [Reg. 23](#) 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\(1\)\(b\), 14\(21\)](#); 2020 c. 1, Sch. 5 para. 1(1)

#### Civil liabilities of sellers of seed

**24.—(1)** The particulars given to a purchaser by the seller of seed to which these Regulations apply, whether given in pursuance of these Regulations expressly or by implication arising from the description under which the seed is sold, shall constitute a statutory warranty for the purpose of section 17 of the Act in so far as they relate to the category of the seed, the percentage germination of the seed, the percentage analytical purity of the seed, the content of seed of other plant species, the varietal identity and the varietal purity of the seed or, in the case of a mixture of seed permitted by regulation 8 [<sup>F186</sup>or 8A], of each of its constituents to which these Regulations apply.

(2) Section 17(2) of the Act shall apply to any particulars given to a purchaser by the seller of seed, being particulars given or implied as in paragraph (1), in so far as they relate to the percentage germination, the percentage analytical purity, or the content of seed of other plant species and there are hereby prescribed in respect of such matters the limits of variation set out in Schedule 7.

(3) Section 17(3) of the Act shall apply to any particulars given to a purchaser by the seller of the seed, being particulars given or implied as in paragraph (1), in so far as they relate to the percentage germination, the percentage analytical purity or the content of seed of other plant species.

(4) A purchaser who intends to obtain a test of seed for the purposes of section 17(3) of the Act shall, not more than 10 days after delivery to that purchaser of the seed, give to the seller written notice of the purchaser's intention and thereupon the seller may indicate a day (not being more than

21 days after delivery of the seed to the purchaser) and a reasonable time on that day at which a sample of the seed may be taken in the presence of the seller or the seller's representative and the purchaser shall afford to the seller reasonable facilities for that purpose.

(5) On the day and at the time appointed by the seller in accordance with paragraph (4) or, if the seller fails to appoint such a day and time, on a day not more than 28 days after delivery of the seed to the purchaser, the purchaser or the purchaser's representative may, and if the seller or the seller's representative is present shall, take a sample from the relevant seed lot or part of a seed lot sold to the purchaser, which sample shall be at least twice the minimum weight prescribed in paragraph 26 of Part II of Schedule 5.

(6) A sample taken in accordance with the requirements of paragraph (5) shall be taken, and divided by the purchaser or the purchaser's representative into two parts in accordance with the methods specified in Part I of Schedule 5, each part being of at least the minimum weight prescribed in paragraph 26 of Part II of Schedule 5, of which one part shall be sent to the Chief Officer of the Official Seed Testing Station for Scotland for the purpose of being tested and the other part delivered or tendered to the seller or the seller's representative or, if the seller or the seller's representative was not present when the sample was taken, sent to the seller by post.

#### Textual Amendments

**F186** Words in [reg. 24\(1\)](#) inserted (10.2.2012) by [The Fodder Plant Seed \(Scotland\) Amendment Regulations 2012 \(S.S.I. 2012/5\)](#), regs. 1, 8

#### Commencement Information

**I22** Reg. 24 in force at 1.7.2005, see [reg. 1\(1\)](#)

### Service of notices

**25.—(1)** Any notice required by virtue of these Regulations to be given to any person by the Scottish Ministers may be given by them—

- (a) by delivering it to that person or by leaving it at that person's proper address or by sending it by post to that person at that address;
- (b) if the person is a body corporate other than a limited liability partnership, by giving it in accordance with sub-paragraph (a) to the secretary of the body;
- (c) if the person is a limited liability partnership, by giving it in accordance with sub-paragraph (a) to a member of the partnership; or
- (d) if the person is a partnership, by giving it in accordance with sub-paragraph (a) to a partner or a person having control of the management of the partnership business.

(2) For the purposes of this regulation and section 7 (service of documents by post) of the Interpretation Act 1978(6) in its application to this regulation, the proper address of any person to whom a notice is to be given shall be that person's last known address, except that—

<sup>F187</sup>(a) in the case of a professional seed operator, a crop inspector or a seed sampler licensed under regulation 4(1)(a) of the Seed (Licensing and Enforcement etc.) (Scotland) Regulations 2016, it is the address which could be made available by the Scottish Ministers under regulation 10 of those Regulations; and]

- (b) in other cases it shall be—
  - (i) in the case of a body corporate (other than a limited liability partnership) or its secretary, the address of the registered or principal office of the body;



- (ii) in the case of a limited liability partnership or a member of the partnership, the address of the registered or principal office of the partnership; and
- (iii) in the case of a partnership or a partner or a person having the control or management of a partnership business, the address of the principal office of the partnership.

(3) Paragraph (4) applies if a person to be given a notice under these Regulations by the Scottish Ministers has specified to them an address within the United Kingdom other than that person's proper address (as determined under paragraph (2)) as the one at which that person or someone on that person's behalf will accept notices of that description.

(4) In relation to that notice, that address shall be treated as that person's proper address for the purposes of this regulation and section 7 (service of documents by post) of the Interpretation Act 1978 in its application to this regulation, instead of that determined under paragraph (2).

#### Textual Amendments

**F187** Reg. 25(2)(a) 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. 3\(4\)](#)

#### Commencement Information

**I23** Reg. 25 in force at 1.7.2005, see [reg. 1\(1\)](#)

### Written and electronic communication

**26.—(1)** All applications, approvals, authorisations, notices, notifications and statements to which these Regulations apply shall be made in writing.

(2) "Writing" in paragraph (1) includes an electronic communication as defined in the Electronic Communications Act 2000(7), which has been recorded and is consequently capable of being reproduced, provided that—

- (a) any document of the type referred to in paragraph (1) shall only be sent to the Scottish Ministers by an electronic communication if the Scottish Ministers have represented that electronic communication is a means by which persons can send such a document to them; and
- (b) notifications required to be sent by the Scottish Ministers to any person shall only be made by an electronic communication if the intended recipient has used the same form of electronic communication in communicating with the Scottish Ministers for the purpose of these Regulations or has otherwise represented that that form of electronic communication is a means by which the Scottish Ministers can communicate with them.

#### Commencement Information

**I24** Reg. 26 in force at 1.7.2005, see [reg. 1\(1\)](#)

### <sup>F188</sup>Certification in a Crown Dependency or a country granted equivalence

**26A.** Any seed certified and labelled in a Crown Dependency or a country granted equivalence under legislation recognised by the Scottish Ministers to have equivalent effect to these Regulations may be marketed in Scotland.



**Textual Amendments**

**F188** Regs. 26A, 26B inserted (31.12.2020) by [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **14(22)** (as amended by S.S.I. 2020/445, regs. 1(1)(b), **15(19)**); 2020 c. 1, **Sch. 5 para. 1(1)**

**Transitional provision for official or producer's labels on IP completion day**

**26B.** A label pre-printed before IP completion day which at the date on which it was printed was an official label or a producer's label for the purposes of these Regulations is to be treated as an official label or, as the case may be, a producer's label for a package of Basic Seed, Seed of a Certified Generation, Commercial Seed, seed of a Conservation Variety, seed of a preservation mixture or, as the case may be, a small A package or a small B package of Pre-basic Seed, Basic Seed, Seed of a Certified Generation or Commercial Seed, for the purposes of any use of that label before the end of the period of twelve months beginning with the day after the day on which IP completion day falls.]

**Textual Amendments**

**F188** Regs. 26A, 26B inserted (31.12.2020) by [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **14(22)** (as amended by S.S.I. 2020/445, regs. 1(1)(b), **15(19)**); 2020 c. 1, **Sch. 5 para. 1(1)**

**Amendment to the Seeds (Fees) (Scotland) Regulations 2002**

<sup>F189</sup>**27.** . . . . .

**Textual Amendments**

**F189** Reg. 27 revoked (1.1.2008) by [The Seeds \(Fees\) \(Scotland\) Regulations 2007 \(S.S.I. 2007/536\)](#), reg. 1, **sch. 3**

**Revocations and supplementary provisions**

**28.**—(1) Subject to paragraph (2), the Regulations set out in column 1 of Schedule 8 are revoked to the extent specified in the corresponding entry in relation to those Regulations in column 3 of Schedule 8.

(2) Section 17 (repeal and re-enactment) of the Interpretation Act 1978 shall not apply in relation to general licences granted under the Fodder Plant Seeds Regulations 1993.

**Commencement Information**

**I25** Reg. 28 in force at 1.7.2005, see [reg. 1\(1\)](#)

**Changes to legislation:**

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