
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 329

The Fodder Plant Seed (Scotland) Regulations 2005

PART II

MARKETING

[^{F1}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.

[
^{F2}(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 [F3, 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

[F4“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

- F1** Reg. 9B inserted (30.6.2009) by The Seed (Scotland) (Amendments for Conservation Varieties) Regulations 2009 (S.S.I. 2009/223), regs. 1, **25**
- F2** 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)**
- F3** 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)
- F4** 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)**

Changes to legislation:

There are currently no known outstanding effects for the The Fodder Plant Seed (Scotland) Regulations 2005, Section 9B.