

SCHEDULE 2

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

OFFICIAL CERTIFICATES AND BREEDER'S CONFIRMATIONS

PART I

OFFICIAL CERTIFICATES

Applications for seed harvested in the United Kingdom

1. On receipt of an application made in accordance with regulation 14(1)^{F1}... for the issue of an official certificate in respect of a seed lot as Pre-basic Seed, Basic Seed, Seed of a Certified Generation or Commercial Seed, the Scottish Ministers shall, subject to paragraphs 2 and 3, issue in respect of such a seed lot an official certificate containing the particulars specified in paragraph 1 of Schedule 3.

Textual Amendments

F1 Words in [sch. 2 para. 1](#) omitted (31.12.2020) by virtue of [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **14(23)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

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

When applications will be refused

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

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

except that—

- (i) paragraphs 2(1)(a) and (b) shall not apply in relation to an application for the issue of an official certificate in respect of Commercial Seed; and

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Changes to legislation: There are currently no known outstanding effects for the The Fodder Plant Seed (Scotland) Regulations 2005, SCHEDULE 2. (See end of Document for details)

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

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

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

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

Commencement Information

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

When applications may be refused

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

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

Commencement Information

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

^{F2}Applications for seed harvested outside the United Kingdom

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

(2) An official certificate may only be issued under sub-paragraph (1) if—

- (a) the seed has been—
 - (i) produced directly from—
 - (aa) fully certified Basic Seed or Certified Seed of the First Generation, or
 - (bb) seed certified in the United Kingdom, a Crown Dependency (provided the seed has been produced under legislation recognised by the Scottish Ministers to have equivalent effect to these Regulations) or a country

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

Textual Amendments

- F2** Sch. 2 para. 4 substituted (31.12.2020) by S.S.I. 2019/59, **reg. 14(23)(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(20)(a)**); 2020 c. 1, **Sch. 5 para. 1(1)**

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Fodder Plant Seed (Scotland) Regulations 2005, SCHEDULE 2. (See end of Document for details)

PART II

BREEDER'S CONFIRMATIONS

Applications

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

Commencement Information

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

When applications will be refused

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

- (a) an application has been made to the Scottish Ministers in writing in such form and manner and at such time as the Scottish Ministers may require, and has been accompanied by such information, material, records, illustrations and other documents as they may require, in respect of—
 - (i) the seed lot or seed lots to be used for the production of the crop or crops from which is to be or has been obtained the seed lot in respect of which the application for a breeder's confirmation has been made; and
 - (ii) the crop or crops from which the seed lot is to be or has been obtained;
- (b) an official examination of the crop or crops from which was obtained the seed lot in respect of which the application for a breeder's confirmation has been made has shown that the crop or crops meet the standards specified in Part I of Schedule 4 appropriate to the category referred to in the application; and
- (c) an official examination of a sample taken from the seed lot has shown that the seed lot meets the standards specified in Part II of Schedule 4 appropriate to the relevant category of seed referred to in the application except that a breeder's confirmation can be issued for Pre-basic Seed or Basic Seed in respect of seed which attains a lower percentage of germination than that specified in paragraph 13 of Part II of Schedule 4.

Commencement Information

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

When applications may be refused

7. The Scottish Ministers may refuse to issue a breeder's confirmation in respect of a seed lot if it appears to them that—

- (a) a sample taken from the seed lot for the purpose of an official examination to ascertain whether the seed lot meets the appropriate standards specified in Part II of Schedule 4 has not been taken in accordance with regulation 15(1);

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- (b) an official examination of a control plot sown with a sample of the seed lot sown in the field shows that the crop does not meet the appropriate standards specified in Part I of Schedule 4;
- (c) there has been a breach of seeds regulations in relation to the seed lot in respect of which application for a breeder's confirmation has been made; or
- (d) the breeder applying for the breeder's confirmation in respect of the seed lot notifies them that the application to have the relevant variety or hybrid variety accepted on to a [^{F3}GB Variety List or an NI Variety List] has been withdrawn or refused.

Textual Amendments

- F3** Words in [sch. 2 para. 7\(d\)](#) substituted (31.12.2020) by [S.S.I. 2019/59, reg. 14\(23\)\(c\)](#) (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\(20\)\(b\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Commencement Information

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

Status:

Point in time view as at 31/12/2020.

Changes to legislation:

There are currently no known outstanding effects for the The Fodder Plant Seed (Scotland) Regulations 2005, SCHEDULE 2.