
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 313

The Seed (Registration, Licensing and Enforcement) (Scotland) Regulations 2006

PART I
GENERAL

Citation , commencement and extent

1.—(1) These Regulations may be cited as the Seed (Registration, Licensing and Enforcement) (Scotland) Regulations 2006 and shall come into force on 1st July 2006.

(2) These Regulations extend to Scotland only.

Interpretation

2.—(1) In these Regulations—

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

“Analyst in Charge” means a seed analyst who has—

- (a) passed an examination relating to laboratory management organised by, or on behalf of, the Scottish Ministers, the Secretary of State, the National Assembly for Wales or the Department of Agriculture and Rural Development; and
- (b) been appointed as the Analyst in Charge of a licensed seed testing station;

“applicant for certification” means a person who has applied for an official certificate under the Seed Marketing Regulations;

“authorised officer” means an officer authorised for the purposes of these Regulations by the Scottish Ministers, the Secretary of State, the National Assembly for Wales or the Department of Agriculture and Rural Development;

“the Department of Agriculture and Rural Development” means the Department of Agriculture and Rural Development in Northern Ireland;

“early movement” means the marketing of seed under the Seed Marketing Regulations prior to completion of the official germination test;

“licensed crop inspector” means a person who has been granted a licence under regulation 11(1) and “crop inspector’s licence” shall be construed accordingly;

“licensed seed sampler” means a person who has been granted a licence under regulation 18(1) and “seed sampler’s licence” shall be construed accordingly;

“licensed seed testing station” means a laboratory in respect of which a licence has been granted under regulation 25(1) and “seed testing station licence” shall be construed accordingly;

“official sample” means a sample obtained—

(a) by an authorised officer or a licensed seed sampler in connection with the purposes of the Seed Marketing Regulations; or

(b) by an authorised officer under section 25(5) of the Act;

“Official Seed Testing Station” means the Official Seed Testing Station for Scotland maintained under section 24(1) of the Act;

“Person in Charge” means a person designated as the point of contact within a licensed seed testing station for all communications relating to compliance with seeds regulations and nominated under regulation 24(2)(a);

“prescribed minimum weight” means the minimum acceptable weight of a sample of seed submitted to the Official Seed Testing Station as prescribed in the Seed Marketing Regulations;

“registered person” means a person registered under regulation 5 and “registration” shall be construed accordingly;

“responsible person” means, in relation to a body corporate or partnership which is a registered person, a person designated as the point of contact for all communications relating to compliance with seeds regulations and nominated under regulation 4(2)(b);

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

“seed” means seed of any species to which the Seed Marketing Regulations apply;

“seed analyst” means a person who has completed a training course and passed an examination relating to seed testing in respect of seed of the species being tested, or to be tested, by that person organised by or on behalf of the Scottish Ministers, the Secretary of State, the National Assembly for Wales or the Department of Agriculture and Rural Development;

“the Seed Marketing Directives” means—

- (a) Council Directive [2002/54/EC](#) as amended on the marketing of beet seed(1);
- (b) Council Directive [66/402/EEC](#) as amended on the marketing of cereal seed(2);
- (c) Council Directive [66/401/EEC](#) as amended on the marketing of fodder plant seed(3);
- (d) Council Directive [2002/57/EC](#) as amended on the marketing of oil and fibre plant seed(4); and
- (e) Council Directive [2002/55/EC](#) as amended on the marketing of vegetable seed(5);

“the Seed Marketing Regulations” means—

- (a) in relation to beet seed, the Beet Seeds Regulations 1993(6);
- (b) in relation to cereal seed, the Cereal Seed (Scotland) Regulations 2005(7);
- (c) in relation to fodder plant seed, the Fodder Plant Seed (Scotland) Regulations 2005(8);
- (d) in relation to oil and fibre plant seed, the Oil and Fibre Plant Seed (Scotland) Regulations 2004(9); and

(1) O.J. No. L 93, 20.7.2002, p.12 as amended by Council Directive [2003/61/EC](#) of 18 June 2003 (O.J. No. L 165, 3.7.2003, p.23).

(2) O.J. No. L 125, 11.7.1966, p.2309 as last amended by Council Directive [2003/61/EC](#) of 18 June 2003 (O.J. No. L 165, 3.7.2003, p.23).

(3) O.J. No. L 125, 11.7.1966, p.2298 as last amended by Commission Directive [2004/55/EC](#) of 20 April 2004 (O.J. No. L 114, 21.4.2004, p.18).

(4) O.J. No. L 193, 20.7.2002, p.74 as last amended by Council Directive [2003/61/EC](#) of 18 June 2003 (O.J. No. L 165, 3.7.2003, p.23).

(5) O.J. No. L 193, 20.7.2002, p.33 as last amended by Regulation (EC) [1829/2003](#) of the European Parliament and of the Council of 22 September 2003 (O.J. No. L 268, 18.10.2003, p.1).

(6) S.I.1993/2006 as amended by S.I. 1999/1861 and S.S.I. 2000/246.

(7) S.S.I. 2005/328 as amended by regulation 44 of these Regulations.

(8) S.S.I. 2005/329 as amended by regulation 44 of these Regulations.

(9) S.S.I. 2004/317 as amended by regulation 44 of these Regulations.

- (e) in relation to vegetable seed, the Vegetable Seeds Regulations 1993⁽¹⁰⁾;
- “seed merchant” means a person who carries on a business which includes marketing seed except where that marketing is only of one or more of the following types—
- (a) marketing of small packages of seed, small EC A packages of seed or small EC B packages of seed;
 - (b) marketing of unpacketed seed;
 - (c) marketing by a producer of small quantities of seed for scientific purposes or selection work in compliance with an authorisation permitting such marketing granted under the Seed Marketing Regulations;
 - (d) marketing by a producer of seed for test and trial purposes in compliance with an authorisation permitting such marketing granted under the Seed Marketing Regulations; or
 - (e) marketing of seed harvested from a crop that has been shown to meet the relevant crop standards in the Seed Marketing Regulations which is for processing, provided the identity of the seed is ensured;

“seed packer” means a person who carries on a business which includes re-packing, re-sealing or re-labelling seed;

“seed processor” means a person who carries on a business which includes—

- (a) packing, sealing or labelling seed (including the labelling or marking of Standard Seed of vegetables), small packages of seed, small EC A packages of seed or small EC B packages of seed;
- (b) preparing mixtures of seeds permitted by the Seed Marketing Regulations; or
- (c) cleaning, treating or otherwise processing seed intended for marketing;

“seeds regulations” means regulations made under section 16 of the Act;

“statutory seed testing” means seed testing carried out for the purposes of seeds regulations; and

“the Tribunal” means the Plant Varieties and Seeds Tribunal continued under section 42 of the Plant Varieties Act 1997⁽¹¹⁾.

(2) Expressions in these Regulations which are not defined in paragraph (1) and which appear in the Seed Marketing Regulations have the same meaning in these Regulations as they have in the Seed Marketing Regulations.

(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;
- (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; and
- (c) any reference to a Community instrument is a reference to that instrument and any amendment of such an instrument in force on the day these Regulations are made.

⁽¹⁰⁾ S.I. 1993/2008 as amended by S.I. 1999/1863 and S.S.I. 2000/250.

⁽¹¹⁾ 1997 c. 66.