

2007 No. 305

SEEDS

The Vegetable Seeds Amendment (Scotland) Regulations 2007

Made 5th June 2007

Laid before the Scottish Parliament 7th June 2007

Coming into force 1st July 2007

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 16(1), (1A), (2) and (3) and 36 of the Plant Varieties and Seeds Act 1964(a) and of all other powers enabling them to do so.

In accordance with section 16(1) of that Act, they have consulted with representatives of such interests as appear to them to be concerned.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Vegetable Seeds Amendment (Scotland) Regulations 2007 and come into force on 1st July 2007.

(2) These Regulations extend to Scotland only.

Amendments to the Vegetable Seeds Regulations 1993

2. The Vegetable Seeds Regulations 1993(b) are amended by regulations 3 to 9.

Amendment to regulation 3

3. In regulation 3 (interpretation), in the definition of “small package” for “or broad bean” substitute “, broad bean, sweet corn or popcorn”.

Amendment to regulation 9

4. After regulation 9(12) (labelling of packages) insert—

“(12A) Where the kind or variety of seed is indicated on a label or marking it must be in Roman characters and the kind of seed may be designated by common name only or by common name and Latin name.”.

(a) 1964 c.14; section 16 was amended by the European Communities Act 1972 (c.68), section 4(1) and Schedule 4, paragraph 5(1) and (2). See section 38(1) for the definition of “the Minister”. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.I. 1993/2008 as relevantly amended by S.I. 1996/1452, 1997/616, 1999/1863, S.S.I. 2000/250 and S.I. 2001/3510.

Amendment to regulation 9A

5. After regulation 9A(8) (labelling of packages – breeder’s confirmation) insert–

“(8A) Where the kind or variety of seed is indicated on a label or marking it must be in Roman characters and the kind of seed may be designated by common name only or by common name and Latin name.”.

Amendment to Schedule 1

6. For Schedule 1 (kinds of seeds to which the Regulations apply) substitute Schedule 1 as set out in the Schedule to these Regulations.

Amendment to Schedule 4

7. In Schedule 4, Part II, paragraph 2(a) (minimum standards for seeds), in the appropriate alphabetical place in the table insert the following entries–

<i>Kind</i>	<i>Minimum analytical purity (% by weight)</i>	<i>Maximum content of seeds of other plant species (% by weight)</i>	<i>Minimum germination (% of pure seeds or pellets)</i>
Sweet corn or popcorn	98	0.1	85

Amendment to Schedule 5

8. In Schedule 5–

(a) in Part I, paragraph 11(a) (dynamic spear sampler), for the table substitute–

“Dimensions (mm)

	<i>Point</i> <i>(a)</i>	<i>Shoulder</i> <i>(b)</i>	<i>Boss</i> <i>(c)</i>	<i>Aperture Length</i> <i>(d)</i>	<i>Aperture Width</i> <i>(e)</i>	<i>Bore</i> <i>(f)</i>	<i>Outside Diameter</i> <i>(g)</i>
For sampling– all kinds other than asparagus, beans, beet, cucumber, gherkin, marrow, melon, peas, popcorn, spinach, sweet corn	42	7	8	20	8	10	12
all kinds other than beans, marrow, peas, popcorn, sweet corn	85	12	10	33	11	13	15

	<i>Point</i> <i>(a)</i>	<i>Shoulder</i> <i>(b)</i>	<i>Boss</i> <i>(c)</i>	<i>Aperture Length</i> <i>(d)</i>	<i>Aperture Width</i> <i>(e)</i>	<i>Bore</i> <i>(f)</i>	<i>Outside Diameter</i> <i>(g)</i>
all kinds other than peas and broad beans	82	12	13	40	15	17	19
peas and broad beans	78	15	15	40	18	20	22

”; and

- (b) in Part II (maximum weight of a seed lot and minimum weight of a submitted sample), in the appropriate alphabetical place in the table insert the following entries–

<i>Kind</i>	<i>Maximum lot weight (tonnes)</i>	<i>Minimum submitted sample weight (g)</i>
Sweet corn or popcorn	20	1,000

Amendment to Schedule 6

9. In Schedule 6 for the Schedule heading substitute “LABELS AND MARKING”.

RICHARD LOCHHEAD
A member of the Scottish Executive

St Andrew’s House,
Edinburgh
5th June 2007

SCHEDULE

Regulation 6

“SCHEDULE 1

Regulation 4(1)

KINDS OF SEED TO WHICH THESE REGULATIONS APPLY

<i>Latin Name</i>	<i>Common Name</i>
Allium cepa L. (Cepa group)	Onion Echalion
Allium porrum L.	Leek
Apium graveolens L.	Celery Celeriac
Asparagus officinalis L.	Asparagus
Beta vulgaris L.	Beetroot including Cheltenham beet Spinach beet or Chard
Brassica oleracea L.	Curly kale Cauliflower Sprouting broccoli or Calabrese Brussels sprouts Savoy cabbage White cabbage Red cabbage Kohlrabi
Brassica rapa L.	Chinese cabbage Turnip
Cichorium endivia L.	Curled-leaved endive Plain-leaved endive
Cichorium intybus L.	Witloof chicory Large-leaved chicory or Italian chicory Industrial chicory
Cucumis melo L.	Melon
Cucumis sativus L.	Cucumber Gherkin
Cucurbita maxima Duchesne	Gourd
Cucurbita pepo L.	Marrow or Courgette
Daucus carota L.	Carrot Fodder carrot
Lactuca sativa L.	Lettuce
Lycopersicon esculentum Mill	Tomato
Petroselinum crispum (Mill.) Nyman ex A. W. Hill	Parsley
Phaseolus coccineus L.	Runner bean
Phaseolus vulgaris L.	Dwarf French bean Climbing French bean
Pisum sativum L. (partim)	Wrinkled pea Round pea Sugar pea
Raphanus sativus L.	Radish Black radish
Spinacia oleracea L.	Spinach

<i>Latin Name</i>	<i>Common Name</i>
Vicia faba L. (partim)	Broad bean
Zea mays L. (partim)	Sweet corn Popcorn

”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Scotland only, come into force on 1st July 2007. They amend the Vegetable Seeds Regulations 1993 (“the principal Regulations”) in order to update the list of genera and species of plants to which those Regulations apply (regulation 6 and the Schedule). This implements Articles 2 and 3 of Commission Directive 2006/124/EC (O.J. No. L 339, 6.12.2006, p.12), which amended the list of species in Council Directive 2002/55/EC (O.J. No. L 193, 20.7.2002, p.33) on the marketing of vegetable seed. The main change is to extend the principal Regulations to *Zea Mays* L. (sweet corn and popcorn). Additionally, certain botanical names in Schedule 1 to the principal Regulations are changed.

The definition of “small package” in regulation 3 of the principal Regulations is amended as a result of the inclusion of sweet corn and popcorn and other such consequential amendments are made to Schedules 4 and 5 (regulations 3, 7 and 8).

Amendments are made to regulations 9 and 9A of, and Schedule 6 to, the principal Regulations to provide that on labelling and markings the kind of seed must be shown by common name (regulations 4, 5 and 9). The Latin name, in addition, is optional.

No Regulatory Impact Assessment has been prepared in respect of these Regulations as they have no impact on costs to business.

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