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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 223**

**The Seed (Scotland) (Amendments for  
Conservation Varieties) Regulations 2009**

**PART 2**

**AMENDMENTS TO THE CEREAL SEED  
(SCOTLAND) REGULATIONS 2005**

**Insertion of new regulation 9B**

5. After regulation 9A (exception for test and trial seed)(1), insert—

**“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 in 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.

(9) No person shall market more than the maximum amount of seed of a Conservation Variety applicable to that person as specified under paragraph (7).

(10) Any person marketing seed of a Conservation Variety must supply the 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; and

“region of origin” means the region forming a part or the whole of the United Kingdom identified by the Scottish Ministers for the purposes of Article 8.1 of Commission Directive 2008/62.”