
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Beet Seed (Scotland) Regulations 2010 (S.S.I. 2010/67) in order to correct a number of drafting errors. These Regulations, which extend to Scotland only, consolidate, with amendments, the provisions of the Beet Seeds Regulations 1993 (S.I. 1993/2006) as relevantly amended by the Beet Seeds (Amendment) Regulations 1999 (S.I. 1999/1861) and the Beet Seeds (Amendment) (Scotland) Regulations 2000 (S.S.I. 2000/246).

The Regulations implement the provisions of Council Directive 2002/54/EEC on the marketing of beet seed as amended. The Regulations also implement the provisions of Commission Directive 2008/62/EC providing for certain derogations for acceptance of agricultural landraces and varieties which are naturally adapted to the local and regional conditions and threatened by genetic erosion and for marketing of seed and seed potatoes of those landraces and varieties.

The Regulations apply to the certification and marketing of beet seed of the species specified in Schedule 1 to these Regulations (regulation 4 and Schedule 1). The Regulations include provisions which prohibit the marketing of beet seed in Scotland unless it is seed of a listed variety which has been officially certified or Breeder's Seed (regulation 6(1)). The prohibition does not apply in the case of seed—

- (a) which has not yet been fully certified (seed as grown) if it is marketed for processing (regulation 6(2));
- (b) the marketing of which is authorised by general licence under regulation 7; or
- (c) where authorisation has been granted for scientific purposes or selection work or for the purposes of tests and trials (regulations 8 and 9).

The Regulations make provision for the marketing of seed of a Conservation Variety (regulation 10). Seed of a Conservation Variety may only be marketed where the following are complied with-

- (a) it is included in the UK National List of plant varieties of agricultural plant species, as a Conservation Variety;
- (b) it descends from seed produced according to well defined practices for maintenance of the variety;
- (c) the seed has been harvested from a crop that has been produced in the region of origin for the variety or additional region and meets normal requirements for crops in respect of minimum varietal identity and purity;
- (d) the seed must satisfy certain requirements as are laid down in Schedule 4 (regulation 10(5));
- (e) seed of a Conservation Variety must be marketed in its region of origin and producers of seed of a Conservation Variety must supply the Scottish Ministers with details in writing as to the size in hectares and the location of the area to be used to produce the seed;
- (f) Conservation Varieties are subject to quantitative restrictions and accordingly these Regulations permit Scottish Ministers to specify the maximum amount of seed of a Conservation Variety which may be marketed in any growing season. Scottish Ministers may authorise in writing the marketing of seed of a Conservation Variety not exceeding the amount specified in the authorisation; and

Status: This is the original version (as it was originally made).

- (g) 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.

The Regulations include provisions about the standards to be met by beet seed before it will be officially certified by the Scottish Ministers (regulation 15, Schedule 1 and Schedule 2). There are provisions allowing the marketing of seed which does not attain the relevant germination standards (regulation 11) and for marketing seed before it is shown to meet the relevant germination standards (regulation 12).

The Regulations make provision for breeder's confirmations for seed which is not yet accepted onto a UK National List or the Common Catalogue but which otherwise meets the requirements for Pre-Basic Seed or Basic Seed (regulation 16 and Schedules 1, 2 and 4) and for upgrading a breeder's confirmation to an official certificate (regulation 15(3)).

The Regulations lay down requirements relating to seed sampling (regulation 17 and Schedule 5) and the packaging and sealing of packages of seed (regulations 14 and 18) and the labelling of packages of such seed (regulations 14 and 19 and Schedule 6).

The Regulations introduce the power to require an additional sample of seed for the purposes of European tests and trials (regulation 20).

The Regulations provide that particulars given to a purchaser by a seller of seed to which the Regulations apply will constitute a statutory warranty so far as they relate to certain information about the seed being sold (regulation 21). The Regulations introduce provisions about service of notices (regulation 22) and permit electronic communications to be used in certain circumstances (regulation 23).

The Regulations amend the Seeds (Fees) (Scotland) Regulations 2007 ([S.S.I. 2007/536](#)) to allow fees to be charged for procedures carried out in relation to the Regulations (regulation 24).

The Regulations revoke the Beet Seeds Regulations 1993 as amended. General licences made under the 1993 Regulations will be replaced by general licences made under these Regulations (regulation 25). The Regulations also revoke the Beet Seed (Scotland) Regulations 2010 ([S.S.I. 2010/67](#)).

Contravention of these Regulations is a criminal offence (section 16(7) of the Plant Varieties and Seeds Act 1964).

A copy of the 'Instructions for Seed Samplers Licensed in Scotland' guidance document in respect of sampling and a copy of the Scottish Ministers' requirements in respect of previous cropping, crop conditions for field examinations and moisture testing can be obtained from the Chief Officer at the Official Seed Testing Station, SASA, Roddinglaw Road, Edinburgh, EH12 9FJ.

No Regulatory Impact Assessment has been prepared for this instrument as it has no impact on the cost of business.