
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 67

The Beet Seed (Scotland) Regulations 2010

PART II

MARKETING

Marketing of officially certified lower germination seed

11.—(1) Notwithstanding regulation 6(1) and the requirement in Schedule 1 that Pre-Basic Seed and Basic Seed shall attain the minimum standards of germination specified for Basic Seed in Schedule 4 or Annex I of the Beet Seed Directive, any person may, subject to paragraphs (2) and (3) and regulation 19 and the other provisions of these Regulations, market seed—

- (a) in respect of which an official certificate certifying that the seed is of the relevant category of seed has been issued in accordance with Part I of Schedule 2, although it attains a lower percentage of germination than that specified in Part II of Schedule 4 in relation to Basic Seed by virtue of the exception in paragraph 2(1)(c) of Schedule 2; or
- (b) which has been certified as satisfying the conditions for the relevant category of seed by a European Authority other than the Scottish Ministers although the seed attains a lower germination than that specified in Annex I(B) of the Beet Seed Directive in relation to Basic Seed, by virtue of Article 5(a) (marketing of lower germination seed) of the Beet Seed Directive; or
- (c) which the person marketing the seed knows does not satisfy the minimum standards of germination specified for Basic Seed—
 - (i) in the case of seed which has been officially certified as being Pre-Basic Seed or Basic Seed, in Part II of Schedule 4, irrespective of the findings of the Scottish Ministers; and
 - (ii) in the case of seed which has been fully certified as being Pre-Basic Seed or Basic Seed by a European Authority other than the Scottish Ministers, in Annex I(B) of the Beet Seed Directive, irrespective of the findings of the relevant European Authority.

(2) Paragraph (1) shall not apply unless the person marketing the seed guarantees a specific minimum percentage of germination of the seed.

(3) Paragraph (1) shall not apply to seed which has been imported from a country other than an EEA State unless it has been produced directly from Pre-Basic Seed or Basic Seed produced in an EEA State.