
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 5

**The Fodder Plant Seed (Scotland)
Amendment Regulations 2012**

New regulation 8A

4. After regulation 8 (mixtures) insert—

“Preservation mixtures

8A.—(1) Regulation 6(1)(b) does not apply to the marketing of a preservation mixture if the producer of that mixture has obtained an authorisation in accordance with this regulation.

(2) A producer established in Scotland may apply to the Scottish Ministers for an authorisation to market a directly harvested or a crop-grown preservation mixture.

(3) An application under paragraph (2) shall be made to the Scottish Ministers in writing and shall contain such information as the Scottish Ministers may require.

(4) The Scottish Ministers may grant an authorisation to market a preservation mixture if—

- (a) the seed has been collected in its source area at a collection site which has not been sown in the 40 years prior to the date of application by the producer under paragraph (2);
- (b) the source area is located in the region of origin;
- (c) in the case of a directly harvested preservation mixture, a visual inspection has been carried out by the Scottish Ministers at the collection site during the period of growth of the seed, together with an examination, and the inspection and the examination have shown that the directly harvested preservation mixture complies with the requirements in Schedule 4B;
- (d) in the case of a crop-grown preservation mixture, an official examination has shown that—
 - (i) the crop-grown preservation mixture complies with the requirements in Schedule 4B; and
 - (ii) the constituents of the mixture which comprise fodder plant seed comply with the requirements for Commercial Seed in Part II of Schedule 4 or comply with those requirements except in so far as those requirements relate to standards of percentage of germination; and
- (e) in a case where the preservation mixture contains a Conservation variety, the conservation variety complies with the provisions in Commission Directive 2008/62.

(5) An authorisation may be made subject to such conditions as the Scottish Ministers think are necessary.

(6) An authorisation must include the information specified in paragraph 3 of Schedule 3.

(7) An authorisation shall last for a period of one year or such shorter period as the Scottish Ministers may specify.

(8) A producer proposing to apply for authorisation to market a preservation mixture must notify the Scottish Ministers of the quantity of seed for which that person intends to apply for authorisation under paragraph (2) before the beginning of each production season together with—

- (a) the location of the collection site;
- (b) the size (in hectares) of the collection site; and
- (c) in the case of a crop-grown preservation mixture, also the location and size of the multiplication site.

(9) For the purposes of Article 8 (quantitative restriction) of Commission Directive 2010/60, the Scottish Ministers may specify the maximum amount of seed of a preservation mixture which may be marketed in any given growing season and specify different maxima for different persons or classes of person.

(10) A preservation mixture may only be marketed in its region of origin.

(11) In this regulation, in paragraph 3 of Schedule 3 and in paragraph 8A of Schedule 6, “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 3 of Commission Directive 2010/60.”.