

**2013 No. 326**

**SEEDS**

**The Seed (Scotland) (Miscellaneous Amendments) Regulations  
2013**

*Made* - - - - *13th November 2013*

*Laid before the Scottish Parliament* *15th November 2013*

*Coming into force* - - *16th December 2013*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a), sections 16(1), (1A), (3) and 36 of the Plant Varieties and Seeds Act 1964(b) and all other powers enabling them to do so.

In accordance with section 16(1) of the Plant Varieties and Seeds Act 1964 Act they have consulted with representatives of such interests as appear to them to be concerned.

**PART 1  
GENERAL**

**Citation and commencement**

1.—(1) These Regulations may be cited as the Seed (Scotland) (Miscellaneous Amendments) Regulations 2013 and come into force on 16th December 2013.

(2) These Regulations extend to Scotland only.

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- (a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46) (“the 1998 Act”), Schedule 8, paragraph 15(3) (which was amended by section 27(4) of the Legislative and Regulatory Reform Act 2006 (c.51) (“the 2006 Act”). Section 2(2) was also amended by section 27(1) of the 2006 Act and by the European Union (Amendment) Act 2008 (c.7), Schedule, Part 1. The functions conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. The powers in section 2(2) are exercised in relation to regulation 5 of these Regulations.
- (b) 1964 c.14 (“the 1964 Act”). Section 16(1) was amended by the European Communities Act 1972 (c.68) (“the 1972 Act”), section 4(1) and Schedule 4, paragraph 5(1) and (2). Section 16(1A) was inserted by the 1972 Act, section 4(1) and Schedule 4, paragraph 5(1) and (2). Section 16(3) was amended by S.I. 1977/1112. See section 38(1) of the 1964 Act 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).

## PART 2

### AMENDMENT OF THE VEGETABLE SEEDS REGULATIONS 1993

#### Amendment of the Vegetable Seeds Regulations 1993

2.—(1) The Vegetable Seeds Regulations 1993(a) are amended in accordance with paragraph (2).

(2) In Schedule 1 (kinds of seed to which these Regulations apply), for “*Lycopersicon esculentum* Mill” substitute “*Solanum lycopersicum* L.”.

## PART 3

### AMENDMENT OF THE FODDER PLANT SEED (SCOTLAND) REGULATIONS 2005

#### Amendment of the Fodder Plant Seed (Scotland) Regulations 2005

3. The Fodder Plant Seed (Scotland) Regulations 2005(b) are amended in accordance with regulations 4 to 7.

#### Amendment of regulation 2

4. In regulation 2(1) (interpretation), for the definition of “the Fodder Plant Seed Directive” substitute—

““the Fodder Plant Seed Directive” means Council Directive 66/401/EEC on the marketing of fodder plant seed(c);”.

#### Amendment of Schedule 5

5. In Part II of Schedule 5 (maximum weight of a seed lot and minimum weight of a submitted sample)—

- (a) in paragraph 23 (maximum weight of a seed lot), after “paragraphs” insert “23A,”;
- (b) after paragraph 23 insert—

#### “Increase to maximum weight of a seed lot of grasses

23A.—(1) Any person registered by the Scottish Ministers under regulation 5(1) (registrations) of the Seed (Registration, Licensing and Enforcement) (Scotland) Regulations 2006(d) or by another National Authority under any equivalent provision extending to any other part of the United Kingdom may apply to the Scottish Ministers for approval to increase to 25 tonnes the maximum weight of a seed lot of any of the grasses set out in column 1 of the table in paragraph 26.

(2) An application under sub-paragraph (1) shall contain such information as the Scottish Ministers may require.

(3) The Scottish Ministers shall not approve an application under sub-paragraph (1) unless they are satisfied that the applicant has complied with the guidance booklet titled

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(a) S.I. 1993/2008; as amended in relation to Scotland by S.I. 1996/1452, S.I. 1997/616, S.I. 1999/1863, S.S.I. 2000/250, S.I. 2001/3510, S.S.I. 2007/305, S.S.I. 2010/219 and S.S.I. 2010/425.

(b) S.S.I. 2005/329; as amended by S.S.I. 2006/313, S.S.I. 2006/448, S.S.I. 2007/224, S.S.I. 2007/536, S.S.I. 2009/223, S.S.I. 2009/330, S.S.I. 2010/219 and S.S.I. 2012/5.

(c) OJ L25, 11.7.1966, p.2298, as last amended by Commission Implementing Directive 2012/37/EU (OJ L 325, 23.11.2012, p.13).

(d) S.S.I. 2006/313 to which there are amendments not relevant to these Regulations.

“Scottish Government Guide to Large Herbage Seed Lot Approval and Check Sampling Programme 2013(a)” produced by the Scottish Ministers.

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

(5) The Scottish Ministers may revoke an approval under sub-paragraph (4) where they are satisfied that there has been a breach of any condition to which the approval is subject.”; and

(c) for paragraph 24 (margin by which seed lots can exceed maximum weight) substitute—

**“Margin by which seed lots can exceed maximum weight**

**24.**—(1) Subject to sub-paragraph (2), a seed lot may exceed the maximum weight for a seed lot set out in column 2 of the table in paragraph 26 by not more than 5%.

(2) Where a person referred to in paragraph 23A(1) has approval to increase the maximum weight of a seed lot of grasses to 25 tonnes, the weight of such a seed lot may exceed 25 tonnes by not more than 5%.”.

**Amendment to Schedule 6**

**6.** In Schedule 6, in Part II (labels), in paragraph 8A(2)(b), after “relevant” insert “;”.

**Revocations**

**7.** Schedule 9 (definition of the Fodder Plant Seed Directive) is revoked.

*RICHARD LOCHHEAD*  
A member of the Scottish Government

St Andrew’s House,  
Edinburgh  
13th November 2013

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(a) The guidance booklet is published on the Science and Advice for Scottish Agriculture website (sasa.gov.uk).  
(b) Regulation 8A was inserted by S.S.I. 2012/5.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations implement Commission Implementing Directive 2013/45/EU (OJ L 213, 8.8.2013, p.20). They amend the Vegetable Seeds Regulations 1993 in order to change the botanical name of tomato in Schedule 1 to those Regulations.

These Regulations also implement Commission Implementing Directive 2012/37/EU (OJ L 325, 23.11.2012, p.13). They amend the Fodder Plant Seed (Scotland) Regulations 2005 (“the 2005 Regulations”) in order to permit the increase of the maximum weight of a seed lot of certain fodder plant species.

Regulation 5 amends Part II of Schedule 5 to the 2005 Regulations to provide a procedure whereby a registered person may apply to the Scottish Ministers for approval to increase the maximum weight of a seed lot for grasses to 25 tonnes. In terms of the new paragraph 23A, the Scottish Ministers may approve such an application if the applicant has complied with the relevant guidance. The maximum weight of a seed lot remains subject to a margin by which it may be exceeded by virtue of paragraph 24 of Part II of Schedule 5 to the 2005 Regulations.

Regulation 6 amends regulation 8A of the 2005 Regulations to correct a minor typographical error.

Regulation 4 amends the definition of “the Fodder Plant Seed Directive” in regulation 2 of the 2005 Regulations to narrate the most recent amendment to that Directive.

Regulation 7 revokes Schedule 9 to the 2005 Regulations. Schedule 9 is no longer required as a result of the amendment to the definition of “the Fodder Plant Seed Directive” by regulation 4.

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

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