
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 68

The Seed (Licensing and Enforcement
etc.) (Scotland) Regulations 2016

PART I
GENERAL

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Seed (Licensing and Enforcement etc.) (Scotland) Regulations 2016 and come into force on 1st July 2016.

(2) These Regulations extend to Scotland only.

Interpretation

2.—(1) In these Regulations—

“the 2006 Regulations” means the Seed (Registration, Licensing and Enforcement) (Scotland) Regulations 2006⁽¹⁾;

“the Act” means the Plant Varieties and Seeds Act 1964;

“Analyst in Charge” means a seed analyst who the Scottish Ministers are satisfied has—

- (a) passed an appropriate examination relating to laboratory management; and
- (b) been appointed as the Analyst in Charge of a licensed seed testing station and who is responsible for carrying out the functions specified in regulation 9;

“authorised officer” means an officer authorised by the Scottish Ministers for the purposes of Part II of the Act and these Regulations;

“conservation variety” has the meaning given to it by regulation 2(1) of the Seeds (National Lists of Varieties) Regulations 2001⁽²⁾;

“licence holder” means a licensed crop inspector, a licensed professional seed operator, a licensed seed sampler or a licensed seed testing station;

“licensed crop inspector” means, except in relation to regulation 23(7), a person who has been granted a licence under regulation 4(1)(a) to carry out crop inspections and “crop inspector’s licence” is to be construed accordingly;

“licensed professional seed operator” means a person who has been granted a licence under regulation 4(1)(a) to carry out the functions of a seed merchant, a seed processor or, as the case may be, a seed packer or any combination of those functions and “professional seed operator’s licence” is to be construed accordingly;

(1) S.S.I. 2006/313, amended by S.S.I. 2007/536 and S.I. 2011/1043 and revoked subject to savings by regulation 23.

(2) S.I. 2001/3510, as relevantly amended by S.I. 2011/464.

“licensed seed sampler” means, except in relation to regulation 23(7), a person who has been granted a licence under regulation 4(1)(a) to carry out functions in relation to seed sampling and “seed sampler’s licence” is to be construed accordingly;

“licensed seed testing station” means, except in relation to regulation 23(7), a laboratory in respect of which a licence has been granted under regulation 4(1)(a) to carry out statutory seed testing and “seed testing station licence” is to be construed accordingly;

“official sample” means a sample obtained—

- (a) by an authorised officer or a licensed seed sampler for the purposes of the Seed Marketing Regulations; or
- (b) by an authorised officer under section 25(5) of the Act;

“Official Seed Testing Station” means the Official Seed Testing Station for Scotland maintained under section 24(1) of the Act;

“prescribed minimum weight” means the minimum acceptable weight of a sample of seed submitted to the Official Seed Testing Station as prescribed in the Seed Marketing Regulations;

“preservation mixture” has the same meaning as it has for the purposes of the Fodder Plant Seed (Scotland) Regulations 2005(3);

“professional seed operator” means a seed merchant, a seed packer or a seed processor;

“responsible person” means a person nominated under regulation 3(3) by an applicant for a professional seed operator’s licence or a seed testing station licence as the point of contact for all communications relating to the licence;

“seed” means seed of any species to which the Seed Marketing Regulations apply;

“seed analyst” means a person who the Scottish Ministers are satisfied has completed an appropriate training course and passed an appropriate examination relating to seed testing in respect of seed of the species being tested, or to be tested, by that person;

“the Seed Marketing Directives” means—

- (a) Council [Directive 66/401/EEC](#) on the marketing of fodder plant seed(4);
- (b) Council [Directive 66/402/EEC](#) on the marketing of cereal seed(5);
- (c) Council [Directive 2002/54/EC](#) on the marketing of beet seed(6);
- (d) Council [Directive 2002/55/EC](#) on the marketing of vegetable seed(7); and
- (e) Council [Directive 2002/57/EC](#) on the marketing of seed of oil and fibre plants(8);

“the Seed Marketing Regulations” means—

- (a) in relation to vegetable seed, the Vegetable Seeds Regulations 1993(9);
- (b) in relation to oil and fibre plant seed, the Oil and Fibre Plant Seed (Scotland) Regulations 2004(10);

(3) S.S.I. 2005/329, 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, S.S.I. 2012/5 and S.S.I. 2013/326.

(4) OJ L 125, 11.7.1966, p.2298 as last amended by Commission Implementing [Directive 2012/37/EU](#) (OJ L 325, 23.11.2012, p.13).

(5) OJ L 125, 11.7.1966, p.2309 as last amended by Commission Implementing Directive (EU) 2015/1955 (OJ L 284, 30.10.2015, p.142).

(6) OJ L 193, 20.7.2002, p.12 as last amended by Council [Directive 2004/117/EC](#) (OJ L 14, 18.1.2005, p.18).

(7) OJ L 193, 20.7.2002, p.33 as last amended by Commission Implementing [Directive 2013/45/EU](#) (OJ L 213, 8.8.2013, p.20).

(8) OJ L 193, 20.7.2002, p.74 as last amended by Commission Implementing Directive 2016/11 (OJ L 3, 6.1.2016, p.48).

(9) S.I. 1993/2008, amended 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, S.S.I. 2010/425, S.I. 2011/1043 and S.S.I. 2013/326.

(10) S.S.I. 2004/317, amended by S.S.I. 2006/313, S.S.I. 2007/224, S.S.I. 2007/536, S.S.I. 2009/223 and S.S.I. 2010/219.

- (c) in relation to cereal seed, the Cereal Seed (Scotland) Regulations 2005(11);
- (d) in relation to fodder plant seed, the Fodder Plant Seed (Scotland) Regulations 2005(12);
and
- (e) in relation to beet seed, the Beet Seed (Scotland) (No. 2) Regulations 2010(13);

“seed merchant” means a person who carries on a business which includes marketing seed (including seed of a conservation variety or a preservation mixture) except where that marketing is only of one or more of the following types—

- (a) marketing of small packages of seed, small EC A packages of seed or small EC B packages of seed;
- (b) marketing of unpacketed seed;
- (c) marketing by a producer of small quantities of seed for scientific purposes or selection work in compliance with an authorisation permitting such marketing granted under the Seed Marketing Regulations;
- (d) marketing by a producer of seed for test and trial purposes in compliance with an authorisation permitting such marketing granted under the Seed Marketing Regulations;
or
- (e) marketing of seed harvested from a crop that has been shown to meet the relevant crop standards in the Seed Marketing Regulations which is for processing, provided the identity of the seed is ensured;

“seed packer” means a person who carries on a business which includes re-packing, re-sealing or re-labelling seed, including seed of a conservation variety or a preservation mixture;

“seed processor” means a person who carries on a business which includes—

- (a) packing, sealing or labelling seed (including the labelling or marking of Standard Seed of vegetables and seed of a conservation variety), small packages of seed, small EC A packages of seed or small EC B packages of seed;
- (b) preparing mixtures of seeds permitted by the Seed Marketing Regulations; or
- (c) cleaning, treating or otherwise processing seed intended for marketing;

“seeds regulations” means regulations made under section 16 of the Act;

“statutory seed testing” means seed testing carried out for the purposes of seeds regulations;
and

“the Tribunal” means the Plant Varieties and Seeds Tribunal continued under section 42 of the Plant Varieties Act 1997(14).

(2) Expressions in these Regulations which are not defined in paragraph (1) and which appear in the Seed Marketing Regulations have the same meaning in these Regulations as they have in the Seed Marketing Regulations.

(11) S.S.I. 2005/328, 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 and S.S.I. 2010/219.

(12) S.S.I. 2005/329, 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, S.S.I. 2012/5 and S.S.I. 2013/326.

(13) S.S.I. 2010/148, amended by S.S.I. 2011/413.

(14) 1997 c.66.