
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 59

**EXITING THE EUROPEAN UNION
SEEDS**

**The Seed and Propagating Material (EU Exit)
(Scotland) (Amendment) Regulations 2019**

Made - - - - 19th February 2019
Laid before the Scottish
Parliament - - - - 21st February 2019
Coming into force in accordance with regulation 1(1)

The Scottish Ministers make these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 ^{M1}, paragraph 1(1) and (3) of schedule 2 and paragraph 21(b) of schedule 7 of the European Union (Withdrawal) Act 2018 ^{M2}, and all other powers enabling them to do so.

Marginal Citations

- M1** 1972 c.68. Section 2(2) was amended by paragraph 15(3) of schedule 8 of the [Scotland Act 1998 \(c.46\)](#) (“the 1998 Act”) (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)(a) of the 2006 Act and by section 3(3) and Part 1 of the schedule of the [European Union \(Amendment\) Act 2008 \(c.7\)](#). The functions conferred upon the Minister of the Crown under section 2(2), insofar as exercisable 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 Part 2 of these Regulations.
- M2** 2018 c.16.

PART 1

INTRODUCTION

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 and come into force as follows—

Status: Point in time view as at 28/03/2019. This version of this

Instrument contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019. (See end of Document for details)

- (a) as regards this Part and Part 2, on 28 March 2019,
- (b) as regards Part 3, on exit day.
- (2) These Regulations extend to Scotland only.

Commencement Information

II Reg. 1 in force at 28.3.2019, see **reg. 1(1)(a)**

PART 2

AMENDMENTS MADE UNDER SECTION 2(2) OF THE EUROPEAN COMMUNITIES ACT 1972

The Vegetable Seeds Regulations 1993

- 2.—(1) The Vegetable Seeds Regulations 1993^{M3} are amended as follows.
- (2) In regulation 3 (interpretation)—
- (a) in paragraph (1)—
 - (i) in the definition of “Commission Directive 2009/145”, at the end insert “, as amended by Commission Implementing Directive 2013/45/EU^{M4}”,
 - (ii) after the definition of “Conservation Variety” insert—

““Directive 2001/18/EC” means Directive 2001/18/EC of the European Parliament and of the Council on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC^{M5}, as last amended by Directive (EU) 2015/412^{M6},”
 - (iii) for the definition of “genetically modified” substitute—

““genetically modified” has the same meaning as it has for the purposes of Directive 2001/18/EC;”
 - (iv) omit the definition of “Member State”,
 - (b) in each of paragraphs (3A), (3B) and (3C)^{M7}—
 - (i) for “a Member State” in each place where it occurs, substitute “ an EEA state ”,
 - (ii) for “that Member State” in each place where it occurs, substitute “ that EEA state ”.
- (3) For regulation 4(2) (seeds to which the regulations apply) substitute—
- “(2) These Regulations do not apply to seed intended for export to a country which is not an EEA state (other than regulation 6C (certification and labelling for export)).”.
- (4) In regulation 5 (marketing of seeds)—
- (a) for “a Member State” in each place where it occurs, substitute “ an EEA state ”,
 - (b) in paragraph (3), for “the Fodder Plant Seeds Regulations 1993” substitute “ the Fodder Plant Seed (Scotland) Regulations 2005^{M8} ”,
 - (c) in paragraph (13), for “that Member State” substitute “ that EEA state ”,
 - (d) in paragraph (14), for “Member States” substitute “ EEA states ”.
- (5) In regulation 6A(1)(c) (breeder's confirmations)^{M9}, for “Member State” substitute “ EEA state ”.

(6) After regulation 6A, insert—

“Importation from outside the European Union

6B. Seed imported from outside the European Union must be labelled with a label approved by the Organisation for Economic Cooperation and Development for the varietal certification on the control of seed moving in international trade.

Certification and labelling for export

6C.—(1) The Scottish Ministers may certify the quality of any seed intended for export.

(2) Following certification in accordance with paragraph (1), any seed exported must be labelled with a label approved by the Organisation for Economic Cooperation and Development for the varietal certification on the control of seed moving in international trade.”.

(7) In schedule 4 (requirements for Basic Seed, Certified Seed, Certified Seed of a Conservation Variety, Standard Seed, Standard Seed of a Conservation Variety and Standard Seed of an Amateur Variety), in Part I (Basic Seed and Certified Seed), in paragraph 2(b) (varietal identity and varietal purity), for “Member State” substitute “ EEA state ”.

(8) In schedule 6 (labels and marking)—

(a) in Part I(A)(a) (official label for a Package of Pre-basic Seed: prescribed contents), in point 1, for “Member State” substitute “ EEA state ”,

(b) in Part I(B)(a) (official label for a Package of Basic Seed or for a Package (Other than a Small Package) of Certified Seed: prescribed contents), in point 2, for “Member State” substitute “ EEA state ”.

Commencement Information

I2 [Reg. 2](#) in force at 28.3.2019, see [reg. 1\(1\)\(a\)](#)

Marginal Citations

M3 [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](#), [S.S.I. 2013/326](#) and [S.S.I. 2016/434](#).

M4 OJ L 213, 8.8.2013, p.20. The definition was inserted by [S.S.I. 2010/425](#).

M5 OJ L 106, 17.04.2001, p.1. The definition was inserted by [S.S.I. 2010/425](#).

M6 OJ L 68, 13.3.2015, p.1.

M7 Paragraphs (3A) to (3C) were inserted by [S.S.I. 2000/250](#).

M8 [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.I. 2011/1043](#), [S.S.I. 2012/5](#), [S.S.I. 2013/326](#), [S.S.I. 2016/68](#), [S.S.I. 2016/434](#) and [S.S.I. 2017/384](#).

M9 [Regulation 6A](#) was inserted by [S.I. 1999/1863](#).

The Oil and Fibre Plant Seed (Scotland) Regulations 2004

3.—(1) The Oil and Fibre Plant Seed (Scotland) Regulations 2004^{M10} are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) at the end of the definition of “the 2004 Commission Decision” insert “ , as amended by Commission Implementing Decision (EU) 2016/320^{M11} ”,

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- (b) in the definition of “the 2001 Deliberate Release Directive”, for the words from “amended by” to the end substitute “ last amended by Directive (EU) 2015/412 ^{M12} ”,
 - (c) in the definition of “EEA State”, at the end insert “ , and for the purposes of these Regulations includes Switzerland ”,
 - (d) in the definition of “Equivalence Decision”, for the words from “amended by” to the end substitute “ last amended by Decision (EU) 2018/1674 ^{M13} ”,
 - (e) in the definition of “the Food and Feed Regulation”, at the end insert “ , as last amended by Regulation (EC) No 298/2008 of the European Parliament and of the Council ^{M14} ”,
 - (f) in the definition of “third country”, omit “or Switzerland”.
- (3) In regulation 5(2) (seed to which the Regulations apply), after “EEA State” insert “ (other than regulation 13A (certification and labelling for export)) ”.
- (4) After regulation 6 (marketing of seed) insert—

“Importation from outside the European Union

6A. Seed imported from outside the European Union must be labelled with a label approved by the Organisation for Economic Cooperation and Development for the varietal certification on the control of seed moving in international trade.”.

- (5) In regulation 8A(10) (exception for test and trial seed) ^{M15}, after “Member State” insert “ or, as the case may be, Switzerland ”.
- (6) After regulation 13 (requirement for homogeneity) insert—

“Certification and labelling for export

13A.—(1) The Scottish Ministers may certify the quality of any seed intended for export.

(2) Following certification in accordance with paragraph (1), any seed exported must be labelled with a label approved by the Organisation for Economic Cooperation and Development for the varietal certification on the control of seed moving in international trade.”.

Commencement Information

I3 Reg. 3 in force at 28.3.2019, see **reg. 1(1)(a)**

Marginal Citations

M10 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, S.S.I. 2010/219, S.I. 2011/1043, S.S.I. 2016/68 and S.S.I. 2016/434.

M11 OJ L 60, 5.3.2016, p.88. The definition was inserted by S.S.I. 2007/224.

M12 OJ L 68, 13.3.2015, p.1.

M13 OJ L 284, 12.11.2018, p.31.

M14 OJ L 97, 9.4.2008, p.64.

M15 Regulation 8A was inserted by S.S.I. 2007/224.

The Cereal Seed (Scotland) Regulations 2005

- 4.—(1) The Cereal Seed (Scotland) Regulations 2005 ^{M16} are amended as follows.
- (2) In regulation 2(1) (interpretation)—
 - (a) at the end of the definition of “the 2004 Commission Decision”, insert “ , as amended by Commission Implementing Decision (EU) 2016/320 ^{M17} ”,

- (b) in the definition of “the 2001 Deliberate Release Directive”, for the words from “amended by” to the end substitute “ last amended by Directive (EU) 2015/412 ^{M18} ”,
 - (c) in the definition of “EEA State”, at the end insert “ , and for the purposes of these Regulations includes Switzerland ”,
 - (d) in the definition of “Equivalence Decision”, for the words from “amended by” to the end substitute “ last amended by Decision (EU) 2018/1674 ^{M19} ”,
 - (e) in the definition of “the Food and Feed Regulation”, at the end insert “ , as last amended by Regulation (EC) No 298/2008 of the European Parliament and of the Council ^{M20} ”,
 - (f) in the definition of “third country”, omit “or Switzerland”.
- (3) In regulation 5(2) (seed to which the Regulations apply), after “EEA State” insert “ (other than regulation 13A (certification and labelling for export)) ”.
- (4) After regulation 6 (marketing of seed) insert—

“Importation from outside the European Union

6A. Seed imported from outside the European Union must be labelled with a label approved by the Organisation for Economic Cooperation and Development for the varietal certification on the control of seed moving in international trade.”.

- (5) In regulation 9A(10) (exception for test and trial seed) ^{M21}, after “Member States” insert “ or, as the case may be, Switzerland ”.
- (6) After regulation 13 (requirement for homogeneity) insert—

“Certification and labelling for export

13A.—(1) The Scottish Ministers may certify the quality of any seed intended for export.

(2) Following certification in accordance with paragraph (1), any seed exported must be labelled with a label approved by the Organisation for Economic Cooperation and Development for the varietal certification on the control of seed moving in international trade.”.

Commencement Information

I4 Reg. 4 in force at 28.3.2019, see **reg. 1(1)(a)**

Marginal Citations

M16 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, S.S.I. 2010/219, S.I. 2011/1043, S.S.I. 2016/68 and S.S.I. 2016/434.

M17 OJ L 60, 5.3.2016, p.88. The definition was inserted by S.S.I. 2007/224.

M18 OJ L 68, 13.3.2015, p.1.

M19 OJ L 284, 12.11.2018, p.31.

M20 OJ L 97, 9.4.2008, p.64.

M21 Regulation 9A was inserted by S.S.I. 2007/224.

The Fodder Plant Seed (Scotland) Regulations 2005

- 5.—**(1) The Fodder Plant Seed (Scotland) Regulations 2005 ^{M22} are amended as follows.
- (2) In regulation 2(1) (interpretation)—
- (a) at the end of the definition of “the 2004 Commission Decision”, insert “ , as amended by Commission Implementing Decision (EU) 2016/320 ^{M23} ”,

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- (b) in the definition of “the 2001 Deliberate Release Directive”, for the words from “amended by” to the end, substitute “ last amended by Directive (EU) 2015/412 ^{M24} ”,
 - (c) in the definition of “EEA State”, at the end insert “ , and for the purposes of these Regulations includes Switzerland ”,
 - (d) in the definition of “Equivalence Decision”, for the words from “amended by” to the end substitute “ last amended by Decision (EU) 2018/1674 ^{M25} ”,
 - (e) in the definition of “the Food and Feed Regulation”, at the end insert “ , as last amended by Regulation (EC) No 298/2008 of the European Parliament and of the Council ^{M26}; ”,
 - (f) in the definition of “third country”, omit “or Switzerland”.
- (3) In regulation 5(2) (seed to which the Regulations apply), after “EEA State” insert “ (other than regulation 13A (certification and labelling for export)) ”.
- (4) After regulation 6 (marketing of seed) insert—

“Importation from outside the European Union

6A. Seed imported from outside the European Union must be labelled with a label approved by the Organisation for Economic Cooperation and Development for the varietal certification on the control of seed moving in international trade.”.

- (5) In regulation 9A(10) (exception for test and trial seed) ^{M27}, after “Member State” insert “ or, as the case may be, Switzerland ”.
- (6) After regulation 13 (requirement for homogeneity) insert—

“Certification and labelling for export

13A.—(1) The Scottish Ministers may certify the quality of any seed intended for export.

(2) Following certification in accordance with paragraph (1), any seed exported must be labelled with a label approved by the Organisation for Economic Cooperation and Development for the varietal certification on the control of seed moving in international trade.”.

- (7) In schedule 6, in paragraph 10 (label for a small EC A or small EC B package of Mixtures), after “Member State” in each place where it occurs insert “ or Switzerland ”.

Commencement Information

I5 Reg. 5 in force at 28.3.2019, see **reg. 1(1)(a)**

Marginal Citations

M22 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.I. 2011/1043, S.S.I. 2012/5, S.S.I. 2013/326, S.S.I. 2016/68, S.S.I. 2016/434 and S.S.I. 2017/384.

M23 OJ L 60, 5.3.2016, p.88. The definition was inserted by S.S.I. 2007/224.

M24 OJ L 68, 13.3.2015, p.1.

M25 OJ L 284, 12.11.2018, p.31.

M26 OJ L 97, 9.4.2008, p.64.

M27 Regulation 9A was inserted by S.S.I. 2007/224.

The Beet Seed (Scotland) (No. 2) Regulations 2010

- 6.—(1) The Beet Seed (Scotland) (No. 2) Regulations 2010 ^{M28} are amended as follows.

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- (2) In regulation 2(1) (interpretation)—
- (a) at the end of the definition of “the 2004 Commission Decision”, insert “, as amended by Commission Implementing Decision (EU) 2016/320 ^{M29}”,
 - (b) at the end of the definition of “the 2001 Deliberate Release Directive” insert “, as last amended by Directive (EU) 2015/412 ^{M30}”,
 - (c) after the definition of “early movement seed” insert—
““EEA state” for the purposes of these Regulations includes Switzerland,”
 - (d) in the definition of “Equivalence Decision”, insert at the end “, as last amended by Decision (EU) 2018/1674 ^{M31}”,
 - (e) in the definition of “third country”, omit “or Switzerland”.
- (3) In regulation 4(2) (seed to which the Regulations apply), after “European Union” insert “(other than regulation 14A (certification and labelling for export))”.
- (4) After regulation 6 (marketing of seed) insert—

“Importation from outside the European Union

6A. Seed imported from outside the European Union must be labelled with a label approved by the Organisation for Economic Cooperation and Development for the varietal certification on the control of seed moving in international trade.”.

- (5) After regulation 14 (marketing of unpacked seed) insert—

“Certification and labelling for export

14A.—(1) The Scottish Ministers may certify the quality of any seed intended for export.

(2) Following certification in accordance with paragraph (1), any seed exported must be labelled with a label approved by the Organisation for Economic Cooperation and Development for the varietal certification on the control of seed moving in international trade.”.

Commencement Information

I6 [Reg. 6](#) in force at 28.3.2019, see [reg. 1\(1\)\(a\)](#)

Marginal Citations

M28 [S.S.I. 2010/148](#), amended by [S.S.I. 2011/413](#), [S.I. 2011/1043](#), [S.S.I. 2016/68](#) and [S.S.I. 2016/434](#).

M29 OJ L 60, 5.3.2016, p.88.

M30 OJ L 68, 13.3.2015, p.1.

M31 OJ L 284, 12.11.2018, p.31.

The Seed Potatoes (Scotland) Regulations 2015

7.—(1) The Seed Potatoes (Scotland) Regulations 2015 ^{M32} are amended as follows.

(2) In regulation 10 (labelling of seed potatoes)—

- (a) in paragraph (1), after “package or container of seed potatoes” insert “ produced in Scotland ”,

(b) after paragraph (1) insert—

“(1A) Subject to regulation 13, no person may market a package or container of seed potatoes produced outside Scotland unless—

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- (a) there is attached to the outside of the package or container an official label; and
- (b) in the case where the label particulars are not indelibly printed on the package or container or on a wear and tear resistant or adhesive label attached to it, it contains an official document.”.

Commencement Information

I7 [Reg. 7](#) in force at 28.3.2019, see [reg. 1\(1\)\(a\)](#)

Marginal Citations

M32 [S.S.I. 2015/395](#), amended by [S.S.I. 2016/68](#), [S.S.I. 2016/434](#) and [S.S.I. 2018/391](#).

The Marketing of Fruit Plant and Propagating Material (Scotland) Regulations 2017

8.—(1) The Marketing of Fruit Plant and Propagating Material (Scotland) Regulations 2017 ^{M33} are amended as follows.

(2) In regulation 2(1) (interpretation)—

- (a) at the end of the definition of “plant variety rights”, insert “ or domestic legislation in countries or territories, other than those forming part of the United Kingdom, that affords plant variety protection in accordance with UPOV ”,
- (b) after the definition of “supplier's document” insert—

““UPOV” means the International Union for the Protection of New Varieties of Plants, being an intergovernmental organisation established by the International Convention for the Protection of New Varieties of Plants ^{M34}.”.

(3) In schedule 4 (registration of varieties), in paragraph 1 (interpretation), omit the definition of “UPOV”.

Commencement Information

I8 [Reg. 8](#) in force at 28.3.2019, see [reg. 1\(1\)\(a\)](#)

Marginal Citations

M33 [S.S.I. 2017/177](#).

M34 UPOV is located at 34, chemin des Colombettes, CH-1211 Genève 20, Switzerland.

VALID FROM 31/12/2020

PART 3

AMENDMENT OF SECONDARY LEGISLATION RELATING TO WITHDRAWAL FROM THE EUROPEAN UNION

The Vegetable Seeds Regulations 1993

9.—(1) The Vegetable Seeds Regulations 1993 ^{M35} are amended as follows.

(2) In regulation 3 (interpretation)—

(a) in paragraph (1)—

(i) at the end of the definition of “additional region”^{M36}, insert “, with Article 13.1 of that Directive being read as if for the reference to “Member States” in each place where it occurs there were substituted “ the Scottish Ministers ”,

[^{F1}(ia) in the definition of “Amateur Variety”, for “the National List” substitute “a GB Variety List or an NI Variety List”,]

[^{F2}(ii) in the definition of “breeder”, in sub-paragraph (a), for the words “the National List or the Common Catalogue” substitute “a GB Variety List, an NI Variety List or an equivalent list in a country granted equivalence”,]

[^{F3}(iia) omit the definition of “Common Catalogue”,

(iib) in the definition of “Conservation Variety”, for “the National List” substitute “a GB Variety List or an NI Variety List”,]

(iii) after the definition of “Conservation Variety”^{M37} insert—

[^{F4}“country granted equivalence” means a country that has been—

(a) granted equivalence under the Equivalence Decision; or

(b) assessed by Scottish Ministers as producing the species of seed referred to in regulation 4 under conditions equivalent to those required by these Regulations;]

“Crown Dependency” means any of the Channel Islands or the Isle of Man;

[^{F5}“DAERA” means the Department of Agriculture, Environment and Rural Affairs in Northern Ireland;”],

[^{F6}(iia) after the definition of “the EU Plant Health Regulation” insert—

““the Food and Feed Regulation” means Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed;”],

[^{F7}(iv) after the definition of “genetically modified” insert—

““the GMO Regulations” means—

(a) in relation to Scotland, the Genetically Modified Organisms (Deliberate Release) (Scotland) Regulations 2002 ^{M38};

(b) in relation to England, the Genetically Modified Organisms (Deliberate Release) Regulations 2002 ^{M39};

(c) in relation to Wales, the Genetically Modified Organisms (Deliberate Release) (Wales) Regulations 2002 ^{M40};

(d) in relation to Northern Ireland, the Genetically Modified Organisms (Deliberate Release) Regulations (Northern Ireland) 2003 ^{M41};

“GB Authority” means the Scottish Ministers, the Secretary of State or the National Assembly for Wales;

“GB quarantine pest” has the meaning given in Article 4 (definition of GB quarantine pests) of the EU Plant Health Regulation;

“GB Variety List” is a list of plant varieties prepared and published by the Secretary of State in accordance with the provisions of the Seeds (National Lists of Varieties) Regulations 2001;

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“International Authority” means a GB Authority, the NI Authority or the competent seed certification authority of a country other than the United Kingdom, and “by an International Authority” means—

- (a) by or on behalf of a GB Authority;
- (b) by or on behalf of the NI Authority; or
- (c) by or on behalf of the competent seed certification authority of a country other than the United Kingdom;”]

[^{F8}(v) in the definition of “maintainer”, for “a National List or in the Common Catalogue” and “the National List or the Common Catalogue” where they occur substitute “a GB Variety List, an NI Variety List or an equivalent list in a country granted equivalence”];

[^{F9}(vi) in the definition of “maintenance”, for “a National List of the Common Catalogue” substitute “a GB Variety List or an NI Variety List”,

(via) omit the definition of “National List”,

(vib) before the definition of “official certificate” insert—

““NI Authority” means DAERA;

“NI Variety List” means a list of plant varieties prepared and published by DAERA in accordance with legislation having equivalent effect in Northern Ireland to the Seeds (National Lists of Varieties) Regulations 2001”];

[^{F10}(vii) in the definition of “official post control”—

(aa) in the words before sub-paragraph (a), for “European” substitute “International”,

(bb) in sub-paragraph (a), for the words “a European” in both places they occur substitute “an International”,

(cc) omit sub-paragraph (b),

(viiia) for the definition of “protected zone quarantine pest” substitute—

““PFA quarantine pest” has the meaning given in Article 32 (recognition of GB pest free areas), paragraph 1 of the EU Plant Health Regulation;”]

[^{F11}(viii) in the definition of “region of origin”—

(aa) for “the United Kingdom” substitute “Great Britain”,

(bb) at the end insert—

“, with Article 8.1 of that Directive being read as if—

(a) in the first sub-paragraph—

(i) for “a Member State accepts”, there were substituted “the Scottish Ministers accept”,

(ii) for “it shall”, there were substituted “they must”,

(iii) for “It shall”, there were substituted “The Scottish Ministers must”,

(iv) for “Member States”, there were substituted “Scottish Ministers”,

(b) the second sub-paragraph was omitted;”]

[^{F12}(ix) in the definition of “RNQP”, for “Union” in each place it occurs substitute “GB”,

(x) omit the definition of “Union quarantine pest”];

- [^{F13}(b) in paragraphs (3A), (3B) and (3C)—
- (i) in each sub-paragraph (a), for “an EEA state” substitute “a country”,
 - (ii) in each sub-paragraph (b) and (c), for “EEA state” substitute “country”.]
- (3) For regulation 4(2) (seeds to which the regulations apply) ^{M42} substitute—
- “(2) These Regulations do not apply to seed intended for export outside [^{F14}Great Britain] (other than regulation 6C (certification and labelling for export)).”.
- (4) ^{M43}In regulation 5 (marketing of seeds) —
- [^{F15}(a) in paragraph (1)—
- (i) in the words before sub-paragraph (a)—
 - (aa) for “a National List or the Common Catalogue” substitute “a GB Variety List or an NI Variety List”,
 - (bb) for “the Common Catalogue” substitute “a GB Variety List or an NI Variety List”,
 - (ii) in sub-paragraph (b)—
 - (aa) in the words before head (i), for “an EEA State” substitute “a country”,
 - (bb) in head (ii), for “an EEA State” substitute “a country other than the United Kingdom”,
 - (iii) in sub-paragraph (bb), for “an EEA state” substitute “a country”,
 - (iv) in sub-paragraph (c), for “elsewhere than in an EEA state” substitute “outside the United Kingdom”.]
- (b) for paragraphs (2D) and (2E) ^{M44} substitute—
- “(2D) The conditions referred to in paragraph (2C) are that the marketing and release of the genetically modified material by the applicant has been authorised—
- (a) before the day on which [^{F16}IP completion] day falls, under Part C of Directive [2001/18/EC](#),
 - (b) under the Food and Feed Regulation, or
 - (c) under the GMO Regulations.”,
- (c) for paragraph (4) substitute—
- “(4) The Scottish Ministers may, by a general licence, authorise a temporary experiment (the duration of which must not exceed 7 years) seeking improved alternatives to provisions of these Regulations and organised in accordance with regulations made under section 16(5) of the Act.”,
- [^{F17}(d) in paragraph (4A)—
- (i) omit “, by reason only of article 3(1)(a) of Council [Directive 70/457/EEC](#)”,
 - (ii) for “a National List” substitute “a GB Variety List or an NI Variety List”,]
- (e) in paragraph (5), for “from a country other than an EEA state” substitute “ from outside the United Kingdom ”,
- [^{F18}(f) in paragraph (9A), for “an EEA state” substitute “a country”.]
- (g) in paragraph (9B) ^{M45}, for “other than in an EEA state” substitute “ outside the United Kingdom ”,
 - (h) in paragraph (10)—
 - (i) for “other than an EEA state”, substitute “ outside the United Kingdom ”,

Status: Point in time view as at 28/03/2019. This version of this

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Changes to legislation: There are currently no known outstanding effects for the The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019. (See end of Document for details)

- (ii) for “produced in an EEA state”, substitute “ produced in the United Kingdom ”,
- [^{F19}(i) in paragraph (11), for “a National List or the Common Catalogue” substitute “a GB Variety List or an NI Variety List”,]
- [^{F20}(j) in paragraph (13) for “an EEA state” substitute “a country”,]
- (k) paragraph (14) is omitted.
- (5) In regulation 5A (Conservation Varieties) ^{M46}, after paragraph (6) insert—
- “6A) For the purposes of paragraph (6), Article 15 of Commission Directive 2009/145 is to be read as if—
- (a) “Each Member State shall ensure that,” were omitted,
- (b) for “does not exceed”, there were substituted “ may not exceed ”.”.
- [^{F21}(6) In regulation 6A(1)(c) (breeder’s confirmations), for the words “the National List” to the end substitute “a GB Variety List or an NI Variety List”.]
- [^{F22}(7) In regulation 6B (importation from outside the European Union)—
- (a) in the heading, for “outside the European Union” substitute “a country granted equivalence”,
- (b) for “outside the European Union” substitute “a country granted equivalence”.]
- (8) In regulation 9 (labelling of packages)—
- (a) paragraph (10) is omitted,
- (b) in paragraph (12), for “one of the official languages of the [^{F23}European Union]” substitute “ English but may also be given in other languages ”.
- (9) In regulation 9A(8) (labelling of packages – breeder's confirmation) ^{M47}, for “one of the official languages of the [^{F24}European Union]” substitute “ English but may also be given in other languages ”.
- (10) After regulation 11 (civil liabilities of sellers of seeds) insert—
- “Certification in a Crown Dependency [^{F25}or a country granted equivalence]**
- 11A.** Any seed certified and labelled in a Crown Dependency [^{F25}or a country granted equivalence] under legislation recognised by the Scottish Ministers to have equivalent effect to these Regulations may be marketed in Scotland.
- Transitional provision for official labels and supplier's labels on [^{F26}IP completion] day**
- 11B.** A label pre-printed before [^{F26}IP completion] day which at the date on which it was printed was an official label or a supplier's label for the purposes of these Regulations, is to be treated as an official label or, as the case may be, a supplier's label for packages of Basic Seed, Certified Seed, Standard Seed, Seed of a Conservation Variety or Standard Seed of an Amateur Variety or, as the case may be, small packages of Certified Seed or Standard Seed, for the purposes of any use of that label before the end of the period of [^{F27}twelve months] beginning with the day after the day on which [^{F26}IP completion] day falls.”.
- [^{F28}(11) In schedule 4 (requirements for Basic Seed, Certified Seed, Certified Seed of a Conservation Variety, Standard Seed, Standard Seed of a Conservation Variety and Standard Seed of an Amateur Variety)—
- (a) in Part I (Basic Seed and Certified Seed)—

- (i) in paragraph 2 (varietal identity and varietal purity)—
 - (aa) in sub-paragraph (a), for “the National List or the Common Catalogue” substitute “a GB Variety List or an NI Variety List”,
 - (bb) in sub-paragraph (b), for the words “the National List” until the end substitute “a GB Variety List or an NI Variety List.”,
- (ii) in paragraph 4 (crop health)—
 - (aa) for “Union” substitute “GB”,
 - (bb) for “protected zone” substitute “PFA”,
- (b) in Part II (basic seed, certified seed and standard seed conditions relating to the seeds), in paragraph 3(b)—
 - (i) for “Union” substitute “GB”,
 - (ii) for “protected zone” substitute “PFA”.]
- (12) ^{M48}In schedule 6 (labels and marking) —
 - (a) in Part I(A)(a) (official label for a Package of Pre-basic Seed: prescribed contents), in point 1, for “EEA state or their mark” substitute “ country or country initials ”,
 - (b) in Part I(B)(a) (official label for a Package of Basic Seed or for a Package (Other than a Small Package) of Certified Seed: prescribed contents)—
 - (i) in point 1, for “EC” substitute “ [F29GB] ”,
 - (ii) in point 2, for “EEA state or their mark” substitute “ country or country initials ”,
 - [F30(iii) in point 11(a), for “a National List or the Common Catalogue” substitute “a GB Variety List or an NI Variety List”,]
 - [F31(ba) in Part I(C)(b) (official label for a Package of Seed not Finally Certified: information required for the document), in point 5, for “UK” in each place it occurs substitute “GB”,]
 - (c) in Part II(A)(a) (supplier's label for a Package of Standard Seed, other than a Small Package: prescribed contents), in point 1, for “EC” substitute “ [F32GB] ”,
 - (d) in Part III(A)(a) (supplier's label for a Small Package of Certified Seed: prescribed contents), in point 1, for “EC” substitute “ [F33GB] ”,
 - (e) in Part III(B)(a) (supplier's label for a Small Package of Standard Seed: prescribed contents), in point 1, for “EC” substitute “ [F34GB] ”,
 - [F35(ea) in Part IV (information in respect of seeds imported from third countries in packages more than 2 kilograms in Net weight), in the heading, for “third countries” substitute “countries outside the United Kingdom”,]
 - (f) in Part VI (supplier's label for a package of seed of a Conservation Variety) ^{M49}, in sub-paragraph (a), for “EU” substitute “ [F36GB] ”,
 - (g) in Part VII (supplier's label for a package of Standard Seed of an Amateur Variety) ^{M50}, in sub-paragraph (a), for “EU” substitute “ [F37GB] ”.

Textual Amendments

- F1** Reg. 9(2)(a)(ia) inserted (31.12.2020 immediately before IP completion day) by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **10(2)(a)(i)**

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Changes to legislation: There are currently no known outstanding effects for the The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019. (See end of Document for details)

- F2** Reg. 9(2)(a)(ii) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **10(2)(a)(ii)**
- F3** Reg. 9(2)(a)(iia)(iib) inserted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **10(2)(a)(iii)**
- F4** Words in reg. 9(2)(a)(iii) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **10(2)(a)(iv)(aa)**
- F5** Words in reg. 9(2)(a)(iii) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **10(2)(a)(iv)(bb)**
- F6** Reg. 9(2)(a)(iia) inserted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **10(2)(a)(v)**
- F7** Reg. 9(2)(a)(iv) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **10(2)(a)(vi)**
- F8** Reg. 9(2)(a)(v) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **10(2)(a)(vii)**
- F9** Reg. 9(2)(a)(vi)(vib) substituted for reg. 9(2)(a)(vi) (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **10(2)(a)(viii)**
- F10** Reg. 9(2)(a)(vii)(viia) substituted for reg. 9(2)(a)(vii) (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **10(2)(a)(ix)**
- F11** Reg. 9(2)(a)(viii) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **10(2)(a)(x)**
- F12** Reg. 9(2)(a)(ix)(x) substituted for reg. 9(2)(a)(ix) (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **10(2)(a)(xi)**
- F13** Reg. 9(2)(b) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **10(2)(b)**
- F14** Words in reg. 9(3) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **10(3)**
- F15** Reg. 9(4)(a) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **10(4)(a)**
- F16** Words in reg. 9(4)(b) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **10(4)(b)**
- F17** Reg. 9(4)(d) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **10(4)(c)**
- F18** Reg. 9(4)(f) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **10(4)(d)**

- F19** Reg. 9(4)(i) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **10(4)(e)**
- F20** Reg. 9(4)(j) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **10(4)(f)**
- F21** Reg. 9(6) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **10(5)**
- F22** Reg. 9(7) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **10(6)**
- F23** Words in reg. 9(8)(b) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **10(7)**
- F24** Words in reg. 9(9) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **10(8)**
- F25** Words in reg. 9(10) inserted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **10(9)(a)**
- F26** Words in reg. 9(10) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **10(9)(b)(i)**
- F27** Words in reg. 9(10) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **10(9)(b)(ii)**
- F28** Reg. 9(11) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **10(10)**
- F29** Word in reg. 9(12)(b)(i) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **10(11)(a)(i)**
- F30** Reg. 9(12)(b)(iii) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **10(11)(a)(ii)**
- F31** Reg. 9(12)(ba) inserted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **10(11)(b)**
- F32** Word in reg. 9(12)(c) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **10(11)(c)**
- F33** Word in reg. 9(12)(d) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **10(11)(c)**
- F34** Word in reg. 9(12)(e) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **10(11)(c)**
- F35** Reg. 9(12)(ea) inserted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **10(11)(d)**

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Changes to legislation: There are currently no known outstanding effects for the The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019. (See end of Document for details)

- F36** Word in reg. 9(12)(f) substituted (31.12.2020 immediately before IP completion day) by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **10(11)(c)**
- F37** Word in reg. 9(12)(g) substituted (31.12.2020 immediately before IP completion day) by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **10(11)(c)**

Commencement Information

- I9** Reg. 9 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)\(b\)](#)

Marginal Citations

- M35** [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](#), [S.S.I. 2013/326](#) and [S.S.I. 2016/434](#), and Part 2 of this instrument.
- M36** That definition was inserted by [S.S.I. 2010/425](#).
- M37** That definition was inserted by [S.S.I. 2010/425](#).
- M38** [S.S.I. 2002/541](#), amended by [S.S.I. 2004/439](#), [S.I. 2005/2759](#), [S.I. 2011/1043](#); [S.S.I. 2015/100](#) and [S.S.I. 2019/XXX](#).
- M39** [S.I. 2002/2443](#), as amended by [S.I. 2004/2411](#), [S.I. 2005/2759](#), [S.I. 2009/1892](#) and [S.I. 2018/575](#).
- M40** [S.I. 2002/3188](#) (W. 304), amended by [S.I. 2005/2759](#) and [S.I. 2013/755](#) (W. 90).
- M41** [S.R. 2003 No. 167](#).
- M42** [Regulation 4\(2\)](#) is substituted by Part 2 of this instrument.
- M43** [Regulation 5](#) is amended by Part 2 of this instrument.
- M44** Paragraphs (2D) and (2E) were inserted by [S.S.I. 2000/250](#).
- M45** Paragraph (9B) was inserted by [S.S.I. 2000/250](#).
- M46** [Regulation 5A](#) was inserted by [S.S.I. 2010/425](#).
- M47** [Regulation 9A](#) was inserted by [S.I. 1999/1863](#).
- M48** [Schedule 6](#) is amended by Part 2 of this instrument.
- M49** Part VI was inserted by [S.S.I. 2010/425](#).
- M50** Part VII was inserted by [S.S.I. 2010/425](#).

The Marketing of Vegetable Plant Material Regulations 1995

10.—(1) The Marketing of Vegetable Plant Material Regulations 1995 ^{M51} is amended as follows.

(2) In regulation 3(2)(a) (plant material to which these Regulations apply), for “European Union” substitute “United Kingdom”.

- [^{F38}(2A) In regulation 4A (plant material from outside the European Union: authorisation)—
- (a) in the heading, for “European Union” substitute “United Kingdom”,
- (b) in paragraph (1), for “European Union” substitute “United Kingdom”.]

- [^{F39}(3) In regulation 5 (quality requirements for plant material)—
- (a) in paragraph (1)(d)—
- (i) for “Union” substitute “GB”,
- (ii) for “protected zone” substitute “PFA”,
- (b) in paragraph (2)—
- (i) after the definition of “the EU Plant Health Regulation” insert—

““GB quarantine pest” has the meaning given in Article 4 (definition of GB quarantine pests) of the EU Plant Health Regulation,”

- (ii) in the definition of “protected zone quarantine pest”—
 - (aa) for “protected zone” substitute “PFA”,
 - (bb) for “protected zones” substitute “GB pest free areas”,
- (iii) in the definition of “RNQP”—
 - (aa) for “Union” in each place it occurs substitute “GB”,
 - (bb) for “Regulation, and” substitute “Regulation.”.]

^{F40}(4)

(5) In regulation 11(2) (powers of inspectors), omit “representatives of the European Commission and”.

(6) In schedule 2 (content of supplier's document)—

- (a) in Part A (information to appear on a supplier's document)—
 - (i) in paragraph 1, for “EC” substitute “ UK ”,
 - (ii) omit paragraph 2,
 - (iii) in paragraph 3, insert at the end “ and its abbreviated country code ”,
- (b) in Part B (information to accompany a plant passport which constitutes a supplier's document)—
 - (i) in paragraph 1, for “EC” substitute “ UK ”,
 - (ii) in paragraph 2, insert at the end “ and its abbreviated country code ”.

Textual Amendments

F38 Reg. 10(2A) inserted (31.12.2020 immediately before IP completion day) by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **11(2)**

F39 Reg. 10(3) substituted (31.12.2020 immediately before IP completion day) by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **11(3)**

F40 Reg. 10(4) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **11(4)**

Commencement Information

I10 Reg. 10 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)\(b\)](#)

Marginal Citations

M51 [S.I. 1995/2652](#), as relevantly amended by [S.S.I. 2007/133](#), [S.I. 2011/1043](#), [S.S.I. 2014/111](#) and [S.S.I. 2018/391](#).

The Marketing of Ornamental Plant Propagating Material Regulations 1999

11.—(1) The Marketing of Ornamental Plant Propagating Material Regulations 1999 ^{M52} are amended as follows.

(2) In regulation 2(1) (interpretation)—

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Changes to legislation: There are currently no known outstanding effects for the The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019. (See end of Document for details)

- (a) omit the definitions of “Directive 98/56/EC”, ^{F41} ... “Regulation 2100/94” and “third country”,
 - (b) after the definition of “propagation” insert—
 - ““responsible official body” means—
 - (a) in relation to propagating material produced in Scotland, the Scottish Ministers,
 - (b) in relation to propagating material produced in a country or territory outside Scotland, the body responsible for the quality of that material in that country or territory;”,
 - (c) in the definition of “supplier”—
 - (i) for “from third countries”, substitute “ into the United Kingdom ”,
 - (ii) after that definition omit “and”.
- (3) In regulation 3(2)(a) (marketing requirements and exceptions), for “to third countries” substitute “ from the United Kingdom ”.
- [^{F42}(3A) In regulation 4 (quality requirements for propagating material)—
- (a) in paragraph (1)(d)—
 - (i) for “Union” substitute “GB”,
 - (ii) for “protected zone” substitute “PFA”,
 - (b) in paragraph (2)—
 - (i) after the definition of “the EU Plant Health Regulation” insert—
 - ““GB quarantine pest” has the meaning given in Article 4 (definition of GB quarantine pests) of the EU Plant Health Regulation,”,
 - (ii) for the definition of “protected zone quarantine pest” substitute—
 - ““PFA quarantine pest” has the meaning given in Article 32 (recognition of GB pest free areas), paragraph 1 of the EU Plant Health Regulation,”,
 - (iii) in the definition of “RNQP”, for “Union” in each place it occurs substitute “GB”,
 - (iv) omit the definition of “Union quarantine pest”.]

^{F43}(4)

^{F44}(5)

(6) In regulation 11(1) (description of propagating material)—

[^{F45}(a) in sub-paragraph (a), for “Community plant variety rights pursuant to Regulation 2100/94 or national” substitute “UK”,]

 - (b) in sub-paragraph (c)(iii), for the words from “Community plant variety rights” to the end substitute “plant breeders' right in respect of the variety under the Plant Varieties Act 1997 ^{M53}”.

(7) In regulation 12 (propagating material produced in third countries)—

 - (a) in the heading, for “in third countries” substitute “ outside the United Kingdom ”,
 - (b) in paragraph (1)—
 - (i) for “from a third country” substitute “ [^{F46}produced in a country outside of the United Kingdom] ”,
 - (ii) for “Directive 98/56/EC” substitute “ these Regulations ”,
 - (c) in each of paragraphs (2) and (4)—

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Changes to legislation: There are currently no known outstanding effects for the The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019. (See end of Document for details)

- (i) insert at the beginning, “ Subject to paragraph (5), ”,
- (ii) omit “from a third country”,
- (d) after paragraph (4) insert—
 - “(5) Paragraphs (2) and (4) do not apply to suppliers importing propagating material produced—
 - ^{F47}(a)
 - (b) in the Channel Islands or the Isle of Man.”.
- (8) In schedule 1 (information to appear on a supplier's label or other document)—
 - (a) in paragraph 1, for “EC” substitute “ UK ”,
 - (b) omit paragraph 2,
 - (c) in paragraph 3, at the end insert “ and its abbreviated country code ”,
 - (d) in paragraph 10, for “from a third country” substitute “ into the United Kingdom ”.

Textual Amendments

- F41** Words in reg. 11(2)(a) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **12(2)**
- F42** Reg. 11(3A) inserted (31.12.2020 immediately before IP completion day) by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **12(3)**
- F43** Reg. 11(4) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **12(4)**
- F44** Reg. 11(5) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **12(4)**
- F45** Reg. 11(6)(a) substituted (31.12.2020 immediately before IP completion day) by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **12(5)**
- F46** Words in reg. 11(7)(b)(i) substituted (31.12.2020 immediately before IP completion day) by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **12(6)(a)**
- F47** Words in reg. 11(7)(d) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **12(6)(b)**

Commencement Information

- I11** Reg. 11 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(1\)\(b\)](#)

Marginal Citations

- M52** [S.I. 1999/1801](#), as relevantly amended by [S.I. 2011/1043](#) and [S.S.I. 2018/284](#).
- M53** [1997 c.66](#).

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Changes to legislation: There are currently no known outstanding effects for the The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019. (See end of Document for details)

The Oil and Fibre Plant Seed (Scotland) Regulations 2004

12.—(1) The Oil and Fibre Plant Seed (Scotland) Regulations 2004^{M54} are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) omit the definition of “Annex V(C) document”,

[^{F48}(b) in the definition of “blended seed lot”—

(i) omit “or Annex I (crop conditions) of the Oil and Fibre Plant Seed Directive”,

(ii) for “National Authority” substitute “GB Authority or the NI Authority”];

[^{F49}(c) in the definition of “breeder”—

(i) in sub-paragraph (a), for “UK National List or the Common Catalogue” substitute “GB Variety List, an NI Variety List or the equivalent list in a country granted equivalence”,

(ii) in sub-paragraph (b), for “UK National List or in the Common Catalogue” and “UK National List or Common Catalogue” substitute “GB Variety List, NI Variety List or equivalent list in a country granted equivalence”];

[^{F50}(d) in the definition of “bulked seed lot”—

(i) in sub-paragraph (a)(iii), omit “or Annex I (crop conditions) of the Oil and Fibre Plant Seed Directive”,

(ii) in sub-paragraph (b), for “National Authority” substitute “GB Authority or the NI Authority”];

[^{F51}(e) omit the definitions of “Common Catalogue” and “the Common Catalogue Directive”,

(ea) in the definition of “Conservation Variety”, for “UK National List” substitute “GB Variety List or an NI Variety List”];

[^{F52}(f) in the definition of “control plot”, for “European Authority” in both places it occurs substitute “GB Authority or the NI Authority”];

(g) after the definition of “control plot” insert—

[^{F53}“country granted equivalence” means a country that has been—

(a) granted equivalence under the Equivalence Decision; or

(b) assessed by Scottish Ministers as producing the species of seed referred to in regulation 5 under conditions equivalent to those required by these Regulations;]

“Crown Dependency” means any of the Channel Islands or the Isle of Man;”;

[^{F54}(ga) for the definition of “Department of Agriculture and Rural Development” substitute—

““DAERA” means the Department of Agriculture, Environment and Rural Affairs in Northern Ireland;”];

[^{F55}(h) omit the definition of “EEA State”];

[^{F56}(i) omit the definitions of “European Authority” and “by a European Authority”];

[^{F57}(j)

[^{F58}(k) in the definition of “fully certified”—

(i) in sub-paragraph (b), for “European” substitute “International”,

(ii) in the text after sub-paragraph (b), for the words “in Annexes I” to the end substitute “schedule 4;”];

- [^{F59}(l) after the definition of “genetically modified” insert—
- “the GMO Regulations” means—
- (a) in relation to Scotland, the Genetically Modified Organisms (Deliberate Release) (Scotland) Regulations 2002 ^{M55};
 - (b) in relation to England, the Genetically Modified Organisms (Deliberate Release) Regulations 2002 ^{M56};
 - (c) in relation to Wales, the Genetically Modified Organisms (Deliberate Release) (Wales) Regulations 2002 ^{M57};
 - (d) in relation to Northern Ireland, the Genetically Modified Organisms (Deliberate Release) Regulations (Northern Ireland) 2003 ^{M58};
- “GB Authority” means the Scottish Ministers, the Secretary of State or the National Assembly for Wales;
- “GB quarantine pest” has the meaning given in Article 4 (definition of GB quarantine pests) of the EU Plant Health Regulation;
- “GB Variety List” is a list of plant varieties prepared and published by the Secretary of State in accordance with the provisions of the Seeds (National Lists of Varieties) Regulations 2001;”;
- (la) after the definition of “inbred line” insert—
- “International Authority” means a GB Authority, the NI Authority or the competent seed certification authority of a country other than the United Kingdom, and “by an International Authority” means—
- (a) by or on behalf of a GB Authority;
 - (b) by or on behalf of the NI Authority; or
 - (c) by or on behalf of the competent seed certification authority of a country other than the United Kingdom;”;
- (lb) in the definitions of “licensed crop inspector”, “licensed seed sampler” and “licensed seed testing station”, for sub-paragraph (b) substitute—
- “(b) granted under provisions equivalent to that regulation by—
- (i) a GB Authority other than the Scottish Ministers; or
 - (ii) the NI Authority;”]

[^{F60}(m) omit the definition of “licensed EC crop inspector”,

 - (n) omit the definition of “National Authority”,
 - (o) before the definition of “official certificate” insert—

“NI Authority” means DAERA;

“NI Variety List” means a list of plant varieties prepared and published by DAERA in accordance with legislation having equivalent effect in Northern Ireland to the Seeds (National Lists of Varieties) Regulations 2001;”;

(p) in the definition of “official field inspection”—

 - (i) in sub-paragraph (i), for “European Authority” substitute “a GB Authority or the NI Authority or an International Authority”,
 - (ii) in sub-paragraph (ii), omit the words “or a licensed EC crop inspector”,

(q) in the definition of “official label” for “a European Authority” substitute “an International Authority”,

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- (r) in the definition of “official post control”, for “the relevant European Authority” substitute “an International Authority”,
- (s) in the definition of “official post control the results of which have been satisfactory”—
 - (i) for “the relevant European Authority” substitute “an International Authority”,
 - (ii) for sub-paragraph (a)(ii) substitute—
 - “(ii) in the case of a GB Authority other than the Scottish Ministers, Parts I and II of schedule 4;”,
- (t) after the definition of “Oil and Fibre Plant Seed Directive” insert—
 - ““PFA quarantine pest” has the meaning given in Article 32 (recognition of GB pest free areas), paragraph 1 of the EU Plant Health Regulation;”,
- (u) omit the definition of “protected zone quarantine pest”,
- (v) for the definition of “registered or licensed number” substitute—
 - ““registered or licensed number” means the number issued to a person who holds a licence granted under regulation 4(1)(a) of the Seed (Licensing and Enforcement etc.) (Scotland) Regulations 2016 or to a person licensed or registered under provisions equivalent to that regulation by—
 - (a) a GB Authority other than the Scottish Ministers; or
 - (b) the NI Authority;”,
- (w) in the definition of “RNQP”, for “Union” in each place it occurs substitute “GB”,
- (x) for the definition of “third country” substitute—
 - ““third country” means any country or territory other than the British Islands;”,
- (y) omit the definition of “Union quarantine pest”.]
- (3) In regulation 3 (definitions of seed categories)—
 - [^{F61}(a) in the definition of “Pre-basic Seed”, for paragraph (c) substitute—
 - “(c) has been—
 - (i) officially certified, or confirmed by the Scottish Ministers by means of a breeder’s confirmation, as satisfying the conditions specified in paragraphs (a) or (b) and the requirements for Basic Seed specified in schedule 4; or
 - (ii) certified by a GB Authority, other than the Scottish Ministers, or the NI Authority as satisfying the conditions specified in paragraphs (a) or (b) and the applicable requirements for Basic Seed in the relevant part of the United Kingdom;”,]
 - [^{F62}(b) in the definition of “Basic Seed”, for paragraph (d) substitute—
 - “(d) has been—
 - (i) officially certified, or confirmed by the Scottish Ministers by means of a breeder’s confirmation, as satisfying the conditions specified in paragraphs (a), (b) or (c) and the requirements for Basic Seed specified in schedule 4; or
 - (ii) certified by a GB Authority, other than the Scottish Ministers, or the NI Authority as satisfying the conditions specified in paragraphs (a), (b) or (c) and the applicable requirements for Basic Seed in the relevant part of the United Kingdom;”,]
 - [^{F63}(c) in the definition of “Certified Seed”, for paragraph (c) substitute—

- “(c) has been—
- (i) officially certified as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Certified Seed specified in schedule 4; or
 - (ii) certified by a GB Authority, other than the Scottish Ministers, or the NI Authority as satisfying the conditions specified in paragraphs (a) and (b) and the applicable requirements for Certified Seed in the relevant part of the United Kingdom;”]

[^{F64}(d) in the definition of “Certified Seed of the First Generation”, for paragraph (c) substitute—

- “(c) has been—
- (i) officially certified as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Certified Seed of the First Generation specified in schedule 4; or
 - (ii) certified by a GB Authority, other than the Scottish Ministers, or the NI Authority as satisfying the conditions specified in paragraphs (a) and (b) and the applicable requirements for Certified Seed of the First Generation in the relevant part of the United Kingdom;”]

[^{F65}(e) in the definition of “Certified Seed of the Second Generation”—

- (i) for paragraph (a)(iii) substitute—
- “(iii) has been—
- (aa) officially certified as satisfying the conditions specified in sub-paragraphs (i) and (ii) and the requirements for Certified Seed of the Second Generation specified in schedule 4; or
 - (bb) certified by a GB Authority, other than the Scottish Ministers, or the NI Authority as satisfying the conditions specified in sub-paragraphs (i) and (ii) and the applicable requirements for Certified Seed of the Second Generation in the relevant part of the United Kingdom;”,

(ii) for paragraph (b)(iii) substitute—

- “(iii) has been—
- (aa) officially certified as satisfying the conditions specified in sub-paragraphs (i) and (ii) and the requirements for Certified Seed of the Second Generation specified in schedule 4; or
 - (bb) certified by a GB Authority, other than the Scottish Ministers, or the NI Authority as satisfying the conditions specified in sub-paragraphs (i) and (ii) and the applicable requirements for Certified Seed of the Second Generation in the relevant part of the United Kingdom;”]

[^{F66}(f) in the definition of “Certified Seed of the Third Generation”, for paragraph (c) substitute—

- “(c) has been—
- (i) officially certified as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Certified Seed of the Third Generation specified in schedule 4; or

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(ii) certified by a GB Authority, other than the Scottish Ministers, or the NI Authority as satisfying the conditions specified in paragraphs (a) and (b) and the applicable requirements for Certified Seed of the Third Generation in the relevant part of the United Kingdom;”.]

[^{F67}(g) for sub-paragraph (g) substitute—

“(g) in the definition of “Commercial Seed”, for paragraph (b) substitute—

“(b) has been—

(i) officially certified as satisfying the conditions specified in paragraph (a) and the requirements for Commercial Seed specified in schedule 4; or

(ii) certified by a GB Authority, other than the Scottish Ministers, or the NI Authority as satisfying the conditions specified in paragraph (a) and the applicable requirements for Commercial Seed in the relevant part of the United Kingdom;”.]

(4) For regulation 5(2) (seed to which the Regulations apply) ^{M59}, substitute—

“(2) These Regulations do not apply to seed intended for export outside the United Kingdom (other than regulation 13A (certification and labelling for export)).”.

(5) In regulation 6 (marketing of seed)—

[^{F68}(a) in paragraph (1)(b)(ii), for the words “UK National List or the Common Catalogue” substitute “GB Variety List or an NI Variety List”,

(aa) in paragraph (2)(b)(i), omit “or Annex I (crop conditions) of the Oil and Fibre Plant Seed Directive”,

(ab) in paragraph (3), for “a European” substitute “an International”.]

(b) in paragraph (5), for “a country which is not an EEA State” substitute “ outside the United Kingdom ”,

^{F69}(c)

[^{F70}(6) In regulation 6A (importation from outside the European Union)—

(a) in the heading, for “outside the European Union” substitute “a country granted equivalence”,

(b) for “outside the European Union” substitute “a country granted equivalence”.]

(7) In regulation 8 (exception for scientific purposes or selection work)—

(a) for paragraph (1)(b), substitute—

[^{F71}(b) an authorisation has been granted to the producer, in respect of small quantities of seed for scientific purposes or selection work in accordance with the applicable requirements in the relevant part of the United Kingdom, by—

(i) a GB Authority other than the Scottish Ministers; or

(ii) the NI Authority.”],

(b) for paragraph (4), substitute—

“(4) The Scottish Ministers may only grant an authorisation under this regulation in respect of a genetically modified variety if the marketing and release of the genetically modified material by the applicant has been authorised—

(a) before the day on which [^{F72}IP completion] day falls, under Part C of the 2001 Deliberate Release Directive,

(b) under the Food and Feed Regulation, or

- (c) under the GMO Regulations.”.
- (8) ^{M60}In regulation 8A (exception for test and trial seed) —
- (a) for paragraph (1) substitute—
- “(1) Regulation 6(1)(b) does not apply to the marketing by a producer of seed for test and trial purposes in accordance with—
- (a) a tests and trials authorisation; or
- [^{F73}(b) an authorisation which has been granted to the producer, in accordance with the applicable requirements in the relevant part of the United Kingdom, by—
- (i) a GB Authority other than the Scottish Ministers; or
- (ii) the NI Authority.”],
- [^{F74}(b) in paragraph (4)—
- (i) for sub-paragraph (a) substitute—
- “(a) the seed is of a variety for which an application has been made by the applicant, which has not been withdrawn or finally determined, under—
- (i) regulation 4(1)(a) (applications in relation to National Lists of the Seeds (National Lists of Varieties) Regulations 2001 for acceptance on to a GB Variety List; or
- (ii) the relevant provision of legislation in Northern Ireland having equivalent effect to the Seeds (National Lists of Varieties) Regulations 2001 for acceptance on to an NI Variety List;”,
- (ii) for sub-paragraph (b) substitute—
- “(b) in the case of seed of a genetically modified variety, the marketing and release of the genetically modified material by the applicant has been authorised—
- (i) before the day on which IP Completion day falls, under Part C of the 2001 Deliberate Release Directive;
- (ii) under the Food and Feed Regulation; or
- (iii) under the GMO Regulations;”,]
- (c) in paragraph (6), for “that permitted by Article 7 of the 2004 Commission Decision” substitute “ the greater of 0.1% of the annual number of seeds used in the United Kingdom and such quantity as the Scottish Ministers consider is sufficient to sow 10 hectares ”,
- [^{F75}(d) in paragraph (9), for “National List” to the end substitute “GB Variety List or an NI Variety List.”,]
- [^{F76}(e) in paragraph (10), for “name of the Member State” to the end substitute “location of the trials within the United Kingdom.”.]
- (9) ^{M61}In regulation 8B (exception for conservation varieties) —
- (a) after paragraph (8), insert—
- “(8A) For the purposes of paragraph (8), Article 14 of Commission Directive 2008/62 is to be read as if—
- (a) in the first paragraph—
- (i) “Each Member State shall ensure that,” was omitted,
- (ii) for “does not exceed”, there were substituted “ may not exceed ”,

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- (iii) for “that Member State”, there were substituted “ [F77Great Britain] ”,
- (b) in the second paragraph—
- (i) for “each Member State”, there were substituted “ [F77Great Britain] ”,
- (ii) for “the Member State” in both places where it occurs, there were substituted “ [F77Great Britain] ”.
- (b) in paragraph (11)—
- (i) in the definition of “additional region”, insert at the end “, with Article 11(1) of Commission Directive 2008/62 being read as if for the reference to “ Member States ” in each place where it occurs and “the Member States” there were substituted “ the Scottish Ministers ”,
- [F78(ii) for the definition of “region of origin” substitute—
- ““region of origin” means the region forming a part or the whole of Great Britain identified by the Scottish Ministers for the purposes of Article 8.1 of Commission Directive 2008/62, with Article 8.1 of Commission Directive 2008/62 being read as if—
- (a) in the first sub-paragraph—
- (i) for “a Member State accepts”, there were substituted “the Scottish Ministers accept”;
- (ii) for “it shall”, there were substituted “they must”;
- (iii) for “It shall”, there were substituted “The Scottish Ministers must”;
- (iv) for “Member States”, there were substituted “Scottish Ministers”;
- (b) the second sub-paragraph was omitted.”.]
- (10) In regulation 9 (varietal associations)—
- (a) for paragraph (1)(b)(ii) substitute—
- “(ii) have been mechanically combined in proportions notified by the person responsible for the maintenance of the pollinator-dependent hybrid and pollinator within the varietal association, to
- [F79(aa) a GB Authority other than the Scottish Ministers; or
- (bb) the NI Authority.”],
- [F80(b) in paragraph (6), in the definition of “varietal association”, for “UK National List or the Common Catalogue” substitute “GB Variety List or an NI Variety List”.]
- (11) For regulation 10(2) (general exemptions) substitute—
- [F81“(2) The Scottish Ministers may exercise the power under paragraph (1)—
- (a) for the purposes of a temporary experiment seeking improved alternatives to provisions of these Regulations and organised in accordance with regulations made under section 16(5) of the Act; or
- (b) to the extent that the provisions of the general licence are—
- (i) necessary in order to overcome any temporary difficulties in the supply of basic or certified seed—

- (aa) by permitting the marketing of seed of a category subject to less stringent requirements, or of seed of a variety not included in a GB Variety List or an NI Variety List;
 - (bb) for a specified period; and
 - (cc) in quantities necessary to resolve the supply difficulties; or
 - (ii) permitted by Commission Regulation 217/2006 or an authorisation granted thereunder.
- (2A) The duration of a temporary experiment referred to in paragraph (2)(a) must not exceed 7 years.
- (2B) When seed is marketed in accordance with paragraph (2)(b)(i), the following labelling requirements apply—
- (a) for a category of seed of any given variety, the official label must be that provided for the corresponding category;
 - (b) for seed of varieties not included in a GB Variety List or an NI Variety List the official label must be that provided for commercial seed;
 - (c) the label must always state that the seed in question is of a category satisfying less stringent requirements.”].
- (12) In regulation 11 (marketing of officially certified lower germination seed)—
- (a) in paragraph (1)—
 - (i) in the words before sub-paragraph (a), omit “or Annex II (seed conditions) of the Oil and Fibre Plant Seed Directive”,
 - (ii) for sub-paragraph (b) substitute—
 - “(b) which has been certified as satisfying the conditions for the relevant category of seed although it attains a lower percentage of germination than that specified in paragraph 13 of Part II of Schedule 4 in relation to Basic Seed—
 - [^{F82}(i) by a GB Authority other than the Scottish Ministers, in accordance with the applicable requirements in the relevant part of Great Britain; or
 - (ii) by the NI Authority, in accordance with the applicable requirements in Northern Ireland; or,”],
 - (iii) for sub-paragraph (c)(ii) substitute—
 - “(ii) in the case of seed which has been fully certified as being Pre-basic Seed or Basic Seed—
 - [^{F83}(aa) by a GB Authority other than the Scottish Ministers, in the applicable requirements in the relevant part of Great Britain, irrespective of the findings of the GB Authority; or
 - (bb) by the NI Authority, in the applicable requirements in Northern Ireland, irrespective of the findings of the NI Authority.”],
 - [^{F84}(b) in paragraph (3), for the words “the United Kingdom” to the end substitute “Great Britain from a country granted equivalence.”.]
- (13) In regulation 12 (marketing of early movement seed)—
- [^{F85}(a) in paragraph (1)—
 - (i) in sub-paragraph (a), for the words “UK National List or the Common Catalogue” substitute “GB Variety List or an NI Variety List”,

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- (ii) for sub-paragraph (b) substitute—
- “(b) (i) any seed lot has, in order to make seed rapidly available, been certified by—
- (aa) a GB Authority other than the Scottish Ministers; or
- (bb) the NI Authority; and
- (ii) the provisional germination report on the seed has been presented by the producer to the Scottish Ministers,”]
- (b) in paragraph (3)—
- [^{F86}(i) for “European Authority other than the Scottish Ministers” substitute “GB Authority, other than the Scottish Ministers, or the NI Authority”,]
- (ii) omit “or Annex II (seed conditions) of the Oil and Fibre Plant Seed Directive”,
- [^{F87}(c) in paragraph (5), for the words “the United Kingdom” to the end substitute “Great Britain from a country granted equivalence.”.]
- (14) In regulation 14 (applications for official certificates)—
- [^{F88}(a) in paragraph (3), for “UK National List (or an equivalent list in another EEA State)” in both places where it occurs, substitute “GB Variety List or an NI Variety List”,
- (b) in paragraph (4)(d) omit—
- (i) “or licensed EC crop inspector”, and
- (ii) “, or licensed EC crop inspector’s,”.]
- ^{F88}(c)
- (15) In regulation 15(1) (sampling), for “European Authority” substitute “[^{F89}International] Authority”.
- (16) In regulation 16 (sealing of packages of fully certified seed)—
- [^{F90}(a) for sub-paragraph (1)(b) substitute—
- “ (b) sealed in any other part of the United Kingdom in accordance with the applicable requirements in the relevant part of the United Kingdom.”.]
- [^{F91}(b) for paragraph (3)(b) substitute—
- “ (b) in any other part of the United Kingdom in accordance with the applicable requirements in the relevant part of the United Kingdom.”.]
- (17) In regulation 17 (labelling of packages of fully certified seed)—
- [^{F92}(a) for paragraph (4A)(b) substitute—
- “ (b) where seed is sealed in any part of the United Kingdom other than Scotland, be labelled in accordance with the requirements for labelling applicable to a Conservation Variety in the relevant part of the United Kingdom.”.]
- [^{F93}(b) for paragraph (5)(b) substitute—
- “ (b) which is sealed in any part of the United Kingdom other than Scotland will satisfy the applicable requirements in the relevant part of the United Kingdom,”.]
- [^{F94}(c) for paragraph (8)(b) substitute—
- “ (b) which is sealed in any other part of the United Kingdom, must contain an official document in accordance with the applicable requirements for official documents and, as the case may be, for labelling of packages of mixtures of seeds, in the relevant part of the United Kingdom.”.]

[^{F95}(d) in paragraph (10)—

(i) for sub-paragraph (a) substitute—

“(a) for packages sealed in—

(i) Scotland, the appropriate particulars of the matters specified in Part II of Schedule 6 and paragraphs (3), (12) and (13), are printed or stamped indelibly on the package in a panel of at least the size and of the colour so specified;

(ii) any other part of the United Kingdom, the appropriate particulars of the matters specified in accordance with the applicable requirements in the relevant part of the United Kingdom, are printed or stamped indelibly on the package in a panel of at least the size and of the colour so specified; and”

(ii) for sub-paragraph (c) substitute—

“(c) the requirements of paragraph 17 of Part VI of Schedule 6 are satisfied in the case of a package sealed in any other part of the United Kingdom.”

(e) in paragraph (14), for “one of the official languages of the European Union” substitute “English but may, in addition, be given in other languages”.]

[^{F96}(18) In regulation 19(1)(c) (breeder’s confirmations)—

(a) in head (i), for the words “UK National List” to the end substitute “GB Variety List or an NI Variety List”

(b) in head (ii), for the words “UK National List” to the end substitute “GB Variety List or an NI Variety List”.]

(19) In regulation 21(10) (labelling of packages of seed in relation to breeder's confirmation), for “one of the official languages of the European Union” substitute “ English but may also be given in other languages ”.

(20) Regulation 22 (comparative tests and trials) is omitted.

(21) After regulation 25 (written and electronic communication) insert—

“Certification in a Crown Dependency [^{F97}or a country granted equivalence]

25A. Any seed certified and labelled in a Crown Dependency [^{F97}or a country granted equivalence] under legislation recognised by the Scottish Ministers to have equivalent effect to these Regulations may be marketed in Scotland.

Transitional provision for official labels on [^{F98}IP completion] day

25B. A label pre-printed before [^{F98}IP completion] day which at the date on which it was printed was an official label for the purposes of these Regulations is to be treated as an official label for a package of Basic Seed, Seed of a Certified Generation, Commercial Seed, seed of a Conservation Variety or a varietal association of seed, for the purposes of any use of that label before the end of the period of [^{F99}twelve months] beginning with the day after the day on which [^{F98}IP completion] day falls.”.

(22) In schedule 2 (official certificates and breeder's confirmations), in Part I (official certificates)—

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- (a) in paragraph (1) (applications for seed harvested in the United Kingdom), omit “but not made in pursuance of Article 19 (certification of seed from other EEA States or equivalent third countries) of the Oil and Fibre Plant Seed Directive”,
- [^{F100}(b) for paragraph 4 (applications for seed harvested in an EEA State or third country) substitute—

“Applications for seed harvested outside the United Kingdom

4.—(1) Notwithstanding paragraphs 2 and 3, and subject to sub-paragraphs (2) and (3), on receipt of an application made in accordance with regulation 14(1) for the issue of an official certificate in respect of a seed lot as Pre basic Seed, Basic Seed, Seed of a Certified Generation or Commercial Seed, the Scottish Ministers may issue an official certificate in respect of the seed lot containing the particulars specified in paragraph 1 of Schedule 3.

(2) An official certificate may only be issued under sub-paragraph (1) if—

(a) the seed has been—

(i) produced directly from—

(aa) fully certified Basic Seed or Certified Seed of the First Generation; or

(bb) seed certified in the United Kingdom, a Crown Dependency (provided the seed has been produced under legislation recognised by the Scottish Ministers to have equivalent effect to these Regulations) or a country granted equivalence, which is permitted to be sold as Basic Seed or Certified Seed of the First Generation in accordance with these Regulations;

(ii) harvested outside the United Kingdom; and

(iii) shown on official examination, or, in the case of seed certified in a country granted equivalence, on official field inspection, to have satisfied the conditions specified in Part II of schedule 4 for the relevant category of seed;

(b) the seed has been—

(i) produced directly from the crossing of fully certified Basic Seed with seed certified in the United Kingdom, a Crown Dependency (provided the seed has been produced under legislation recognised by the Scottish Ministers to have equivalent effect to these Regulations) or a country granted equivalence, which is permitted to be sold as Basic Seed in accordance with these Regulations;

(ii) harvested outside the United Kingdom; and

(iii) shown on official examination, or, in the case of seed certified in a country granted equivalence, to have satisfied the conditions specified in Part II of schedule 4 for the relevant category of seed; or

(c) the seed—

(i) is to be certified by the Scottish Ministers as Basic Seed;

(ii) has been produced directly from—

(aa) fully certified Pre-basic Seed; or

(bb) seed certified in the United Kingdom, a Crown Dependency (provided the seed has been produced under legislation

recognised by the Scottish Ministers to have equivalent effect to these Regulations) or a country granted equivalence, which is permitted to be sold as Pre-basic Seed in accordance with these Regulations;

(iii) has been harvested outside the United Kingdom; and

(iv) has been shown on official examination, or, in the case of seed certified in a country granted equivalence, to have satisfied the conditions specified in Part II of schedule 4 for the relevant category of seed.

(3) In the case of seed which has been harvested in a country granted equivalence, an official certificate may only be issued under sub-paragraph (1) provided that—

(a) the seed has been harvested from a crop which has been found by official field inspection to satisfy the crop conditions specified in Part 1 of schedule 4 (crop standards); and

(b) has been packed in a sealed package in accordance with the requirements of regulation 16 (sealing of packages of fully certified seed and has been labelled in accordance with the requirements of regulation 17 (labelling of packages of fully certified seed) and schedule 6.”.]

[^{F101}(23) In schedule 4 (requirements for Basic Seed, Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation, Certified Seed of the Third Generation and Commercial Seed)—

(a) in Part I (conditions relating to crops from which seed other than commercial seed is obtained)—

(i) in paragraph 2 (varietal identity and varietal purity), for the words “UK National List” to the end substitute “GB Variety List or NI Variety List”,

(ii) in paragraph 4 (pests in the crop)—

(aa) for “Union” substitute “GB”,

(bb) for “protected zone” substitute “PFA”,

(b) in Part II (conditions relating to Basic Seed, Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation, Certified Seed of the Third Generation and Commercial Seed), in paragraph 15 (pests in the seed)—

(i) for “Union” substitute “GB”,

(ii) for “protected zone” substitute “PFA”.]

(24) ^{M62}In schedule 4A (standards for certification of conservation varieties)—

[^{F102}(a) in Part III (conditions relating to crops from which seed is obtained), in paragraph 1 (varietal identity and varietal purity), for the words “UK National List” to the end substitute “GB Variety List or NI Variety List”.]

(b) in Part IV (conditions relating to seed of a Conservation Variety), in paragraph 1 (standards of germination, analytical purity and content of seed of other plant species), omit “EC”.

(25) In schedule 6—

(a) in paragraph 4(a)(i) (official label for a package of Pre-basic Seed), for “EEA State or their commonly used initials”, substitute “country or country initials”,

(b) in paragraph 5(a) (official label for a package of Basic Seed or Seed of a Certified Generation)—

(i) in [^{F103}head] (i), for “EC” substitute “[^{F104}GB]”,

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Changes to legislation: *There are currently no known outstanding effects for the The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019. (See end of Document for details)*

- (ii) in [F105head] (ii), for “EEA State or their commonly used initials”, substitute “country or country initials”,
- [F106(iii) in heads (xi) and (xii), for “UK National List or the Common Catalogue” substitute “GB Variety List or an NI Variety List”,]
- (c) in paragraph 6(a) (official label for a package of Commercial Seed)—
 - (i) in sub-paragraph (i), for “EC” substitute “ [F107GB] ”,
 - (ii) in sub-paragraph (ii), for “EEA State or their commonly used initials”, substitute “country or country initials”,
- [F108(d) in paragraph 6A(a) (official label for a package of test and trial seed)—
 - (i) in head (ii), for “EEA State or their distinguishing abbreviation”, substitute “country or country initials”,
 - (ii) for head (vii) substitute—
 - “(vii) the official application number in relation to the application for listing under—
 - (aa) in relation to applications in GB, regulation 4(1)(a) (applications in relation to GB Variety Lists) of the Seeds (National List of Varieties) Regulations 2001; or
 - (bb) in relation to applications in Northern Ireland, the relevant provision of legislation in Northern Ireland having equivalent effect to the Seeds (National Lists of Varieties) Regulations 2001 for acceptance on to an NI Variety List;”]
- [F109(e) in paragraph 6B(1)(a)(i) (official label for a package of seed of a Conservation Variety), for “EC” substitute “GB”,]
- (f) in paragraph 7(a) (official label for a package of a varietal association of seed)—
 - (i) in [F110head] (i), for “EC” substitute “ [F111GB] ”,
 - (ii) in [F112head] (ii), for “EEA State or their commonly used initials”, substitute “country or country initials”,
 - [F113(iii) in head (xi), for “National Authority” substitute “GB Authority”,]
- (g) in paragraph 8(a)(i) (label for a small package of Pre-basic Seed, Basic Seed, Seed of a Certified Generation or Commercial Seed), for “EC” substitute “ [F114GB] ”,
- [F115(h) in Part V (information in respect of seed imported from countries which are not EEA States in packages exceeding 2 kilograms net weight)—
 - (i) in the heading, for “which are not EEA States” substitute “outside the United Kingdom”,
 - (ii) in paragraph 10 (information to be supplied in respect of seed imported from a country which is not an EEA State in a package exceeding 2 kilograms net weight)—
 - (aa) in the heading, for “which is not an EEA State” substitute “outside the United Kingdom”,
 - (bb) in the text before sub-paragraph (a), for “which is not an EEA State” substitute “outside the United Kingdom”,]
- [F116(i) in Part VI (printing of specified matters on packages (whole bag labelling)), in paragraph 17 (seed packages sealed in the United Kingdom but not in Scotland, or in an EEA State other than the United Kingdom)—

- (i) in the heading, for “in an EEA State other than the United Kingdom” substitute “outside the United Kingdom”,
- (ii) for “EEA State” in the first place where it occurs, substitute “country outside the United Kingdom”,
- (iii) for “EEA State” in the second place where it occurs substitute “country”,
- (iv) for “the Department of Agriculture and Rural Development” substitute “DAERA”.]

Textual Amendments

- F48** Reg. 12(2)(b) substituted (31.12.2020 immediately before IP completion day) by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **13(2)(a)**
- F49** Reg. 12(2)(c) substituted (31.12.2020 immediately before IP completion day) by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **13(2)(b)**
- F50** Reg. 12(2)(d) substituted (31.12.2020 immediately before IP completion day) by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **13(2)(c)**
- F51** Reg. 12(2)(e)(ea) substituted for reg. 12(2)(e) (31.12.2020 immediately before IP completion day) by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **13(2)(d)**
- F52** Reg. 12(2)(f) substituted (31.12.2020 immediately before IP completion day) by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **13(2)(e)**
- F53** Words in reg. 12(2)(g) substituted (31.12.2020 immediately before IP completion day) by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **13(2)(f)**
- F54** Reg. 12(2)(ga) inserted (31.12.2020 immediately before IP completion day) by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **13(2)(g)**
- F55** Reg. 12(2)(h) substituted (31.12.2020 immediately before IP completion day) by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **13(2)(h)**
- F56** Reg. 12(2)(i) substituted (31.12.2020 immediately before IP completion day) by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **13(2)(i)**
- F57** Reg. 12(2)(j) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **13(2)(j)**
- F58** Reg. 12(2)(k) substituted (31.12.2020 immediately before IP completion day) by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **13(2)(k)**
- F59** Reg. 12(2)(l)-(lb) substituted for reg. 12(2)(l) (31.12.2020 immediately before IP completion day) by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **13(2)(l)**
- F60** Reg. 12(2)(m)-(y) substituted for reg. 12(2)(m) (31.12.2020 immediately before IP completion day) by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **13(2)(m)**

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Changes to legislation: There are currently no known outstanding effects for the The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019. (See end of Document for details)

- F61** Reg. 12(3)(a) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(3)(a)**
- F62** Reg. 12(3)(b) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(3)(b)**
- F63** Reg. 12(3)(c) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(3)(c)**
- F64** Reg. 12(3)(d) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(3)(d)**
- F65** Reg. 12(3)(e) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(3)(e)**
- F66** Reg. 12(3)(f) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(3)(f)**
- F67** Reg. 12(3)(g) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(3)(g)**
- F68** Reg. 12(5)(a)-(ab) substituted for reg. 12(5)(a) (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(4)(a)**
- F69** Reg. 12(5)(c) omitted (31.12.2020 immediately before IP completion day) by virtue of The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(4)(b)**
- F70** Reg. 12(6) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(5)**
- F71** Words in reg. 12(7)(a) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(6)(a)**
- F72** Words in reg. 12(7)(b) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(6)(b)**
- F73** Words in reg. 12(8)(a) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(7)(a)**
- F74** Reg. 12(8)(b) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(7)(b)**
- F75** Reg. 12(8)(d) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(7)(c)**
- F76** Reg. 12(8)(e) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(7)(d)**
- F77** Words in reg. 12(9)(a) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(8)(a)**

- F78** Reg. 12(9)(b)(ii) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(8)(b)**
- F79** Words in reg. 12(10)(a) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(9)(a)**
- F80** Reg. 12(10)(b) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(9)(b)**
- F81** Words in reg. 12(11) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(10)**
- F82** Words in reg. 12(12)(a)(ii) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(11)(a)(i)**
- F83** Words in reg. 12(12)(a)(iii) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(11)(a)(ii)**
- F84** Reg. 12(12)(b) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(11)(b)**
- F85** Reg. 12(13)(a) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(12)(a)**
- F86** Reg. 12(13)(b)(i) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(12)(b)**
- F87** Reg. 12(13)(c) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(12)(c)**
- F88** Reg. 12(14)(a)(b) substituted for reg. 12(14)(a)-(c) (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(13)**
- F89** Word in reg. 12(15) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(14)**
- F90** Reg. 12(16)(a) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(15)(a)**
- F91** Reg. 12(16)(b) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(15)(b)**
- F92** Reg. 12(17)(a) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(16)(a)**
- F93** Reg. 12(17)(b) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(16)(b)**
- F94** Reg. 12(17)(c) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(16)(c)**

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- F95** Reg. 12(17)(d)(e) substituted for reg. 12(17)(d) (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(16)(d)**
- F96** Reg. 12(18) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(17)**
- F97** Words in reg. 12(21) inserted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(18)(a)**
- F98** Words in reg. 12(21) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(18)(b)(i)**
- F99** Words in reg. 12(21) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(18)(b)(ii)**
- F100** Reg. 12(22)(b) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(19)(a)**
- F101** Reg. 12(23) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(20)**
- F102** Reg. 12(24)(a) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(21)**
- F103** Word in reg. 12(25)(b)(i) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(22)(a)(i)(aa)**
- F104** Word in reg. 12(25)(b)(i) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(22)(a)(i)(bb)**
- F105** Word in reg. 12(25)(b)(ii) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(22)(a)(ii)**
- F106** Reg. 12(25)(b)(iii) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(22)(a)(iii)**
- F107** Word in reg. 12(25)(c) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(22)(b)**
- F108** Reg. 12(25)(d) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(22)(c)**
- F109** Reg. 12(25)(e) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(22)(d)**
- F110** Word in reg. 12(25)(f)(i) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(22)(e)(i)(aa)**
- F111** Word in reg. 12(25)(f)(i) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(22)(e)(i)(bb)**

- F112** Word in reg. 12(25)(f)(ii) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(22)(e)(ii)**
- F113** Reg. 12(25)(f)(iii) inserted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(22)(e)(iii)**
- F114** Word in reg. 12(25)(g) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(22)(f)**
- F115** Reg. 12(25)(h) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(22)(g)**
- F116** Reg. 12(25)(i) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **13(22)(h)**

Commencement Information

- I12** Reg. 12 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(1)(b)

Marginal Citations

- M54** 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, S.S.I. 2010/219, **S.I.** 2011/1043, S.S.I. 2016/68, S.S.I. 2016/434 and Part 2 of this instrument.
- M55** S.S.I. 2002/541, amended by S.S.I. 2004/439, **S.I.** 2005/2759, S.I. 2011/1043; S.S.I. 2015/100 and S.S.I. 2019/XXX.
- M56** S.I. 2002/2443, amended by S.I. 2004/2411, **S.I.** 2005/2759, S.I. 2009/1892 and S.I. 2018/575.
- M57** S.I. 2002/3188 (W. 304), amended by S.I. 2005/2759 and S.I. 2013/755 (W. 90).
- M58** S.R. 2003 No. 167.
- M59** Regulation 5(2) is amended, and regulation 13A is inserted, by Part 2 of this instrument.
- M60** Regulation 8A was inserted by S.S.I. 2007/224.
- M61** Regulation 8B was inserted by S.S.I. 2009/223.
- M62** Schedule 4A was inserted by S.S.I. 2009/223.

The Cereal Seed (Scotland) Regulations 2005

13.—(1) The Cereal Seed (Scotland) Regulations 2005 ^{M63} are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) omit the definition of “Annex V(C) document”,

[^{F117}(b) in the definition of “blended seed lot”—

(i) omit “or Annex I (crop conditions) of the Cereal Seed Directive”,

(ii) for “National Authority” substitute “GB Authority or the NI Authority”.]

[^{F118}(c) in the definition of “breeder”—

(i) in sub-paragraph (a), for “UK National List or the Common Catalogue” substitute “GB Variety List, an NI Variety List or the equivalent list in a country granted equivalence”,

(ii) in sub-paragraph (b), for “UK National List or in the Common Catalogue” and “UK National List or Common Catalogue” substitute “GB Variety List, NI Variety List or equivalent list in a country granted equivalence”.]

[^{F119}(d) in the definition of “bulked seed lot”—

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- (i) in sub-paragraph (a)(iii), omit “or Annex I (crop conditions) of the Cereal Seed Directive”,
- (ii) in sub-paragraph (b), for “National Authority” substitute “GB Authority or the NI Authority”,]
- [^{F120}(e) omit the definitions of “Common Catalogue” and “the Common Catalogue Directive”,
- (ea) in the definition of “Conservation Variety”, for “UK National List” substitute “GB Variety List or an NI Variety List”,]
- [^{F121}(f) in the definition of “control plot”, for “European Authority” in both places it occurs substitute “GB Authority or the NI Authority”,]
- (g) after the definition of “control plot”^{M64} insert—
 - [^{F122}“country granted equivalence” means a country that has been—
 - (a) granted equivalence under the Equivalence Decision; or
 - (b) assessed by Scottish Ministers as producing the species of seed referred to in regulation 5 under conditions equivalent to those required by these Regulations;]
 - “Crown Dependency” means any of the Channel Islands or the Isle of Man;”,
- [^{F123}(ga) for the definition of “Department of Agriculture and Rural Development” substitute—
 - ““DAERA” means the Department of Agriculture, Environment and Rural Affairs in Northern Ireland;”,]
- [^{F124}(h) omit the definition of “EEA State”,]
- [^{F125}(i) omit the definitions of “European Authority” and “by a European Authority”,]
- ^{F126}(j)
- [^{F127}(k) in the definition of “fully certified”—
 - (i) in sub-paragraph (b), for “European” substitute “International”,
 - (ii) in the text after sub-paragraph (b), for the words “either in” to the end substitute “schedule 4;”,]
- [^{F128}(l) after the definition of “genetically modified” insert—
 - ““the GMO Regulations” means—
 - (a) in relation to Scotland, the Genetically Modified Organisms (Deliberate Release) (Scotland) Regulations 2002 ^{M65};
 - (b) in relation to England, the Genetically Modified Organisms (Deliberate Release) Regulations 2002 ^{M66};
 - (c) in relation to Wales, the Genetically Modified Organisms (Deliberate Release) (Wales) Regulations 2002 ^{M67};
 - (d) in relation to Northern Ireland, the Genetically Modified Organisms (Deliberate Release) Regulations (Northern Ireland) 2003 ^{M68};
 - “GB Authority” means the Scottish Ministers, the Secretary of State or the National Assembly for Wales;
 - “GB quarantine pest” has the meaning given in Article 4 (definition of GB quarantine pests) of the EU Plant Health Regulation;

- “GB Variety List” is a list of plant varieties prepared and published by the Secretary of State in accordance with the provisions of the Seeds (National Lists of Varieties) Regulations 2001;”,
- (la) after the definition of “homogeneous seed lot” insert—
- ““International Authority” means a GB Authority, the NI Authority or the competent seed certification authority of a country other than the United Kingdom, and “by an International Authority” means—
- (a) by or on behalf of a GB Authority;
- (b) by or on behalf of the NI Authority; or
- (c) by or on behalf of the competent seed certification authority of a country other than the United Kingdom;”,
- (lb) in the definitions of “licensed crop inspector”, “licensed seed sampler” and “licensed seed testing station”, for sub-paragraph (b) in each definition substitute—
- “(b) granted under provisions equivalent to that regulation by—
- (i) a GB Authority other than the Scottish Ministers; or
- (ii) the NI Authority;”,]
- [^{F129}(m) omit the definition of “licensed EC crop inspector”,
- (n) omit the definition of “National Authority”,
- (o) before the definition of “oats” insert—
- ““NI Authority” means DAERA;
- “NI Variety List” means a list of plant varieties prepared and published by DAERA in accordance with legislation having equivalent effect in Northern Ireland to the Seeds (National Lists of Varieties) Regulations 2001;”,
- (p) in the definition of “official field inspection”—
- (i) in sub-paragraph (a), for “European Authority” substitute “a GB Authority or the NI Authority”,
- (ii) in sub-paragraph (b), omit the words “or a licensed EC crop inspector”,
- (q) in the definition of “official label”, for “a European Authority” substitute “an International Authority”,
- (r) in the definition of “official post control”, for “the relevant European Authority” substitute “an International Authority”,
- (s) in the definition of “official post control the results of which have been satisfactory”—
- (i) for “the relevant European Authority” substitute “an International Authority”,
- (ii) for sub-paragraph (a)(ii) substitute—
- “(ii) in the case of a GB Authority other than the Scottish Ministers, Parts I and II of schedule 4;”,
- (t) after the definition of “official sticker” insert—
- ““PFA quarantine pest” has the meaning given in Article 32 (recognition of GB pest free areas), paragraph 1 of the EU Plant Health Regulation;”,
- (u) omit the definition of “protected zone quarantine pest”,
- (v) for the definition of “registered or licensed number” substitute—
- ““registered or licensed number” means the number issued to a person who holds a licence granted under regulation 4(1)(a) of the Seed (Licensing and

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Enforcement etc.) (Scotland) Regulations 2016 or to a person licensed or registered under provision equivalent to that regulation by—

- (a) a GB Authority other than the Scottish Ministers; or
- (b) the NI Authority;”

(w) in the definition of “RNQP”, for “Union” in each place it occurs substitute “GB”,

(x) for the definition of “third country” substitute—

““third country” means any country or territory other than the British Islands;”

(y) omit the definition of “Union quarantine pest”.]

(3) In regulation 3 (definitions of seed categories)—

[^{F130}(a) in the definition of “Pre-basic Seed”, for paragraph (c) substitute—

“(c) has been—

- (i) subject to regulation 12, officially certified, or confirmed by the Scottish Ministers by means of a breeder’s confirmation, as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Basic Seed specified in schedule 4;
- (ii) certified by a GB Authority, other than the Scottish Ministers, or the NI Authority as satisfying the conditions specified in paragraphs (a) and (b) and the applicable requirements for Basic Seed in the relevant part of the United Kingdom;”.]

[^{F131}(b) in the definition of “Basic Seed”, for paragraph (f) substitute—

“(f) has been—

- (i) subject to regulation 12, officially certified, or confirmed by the Scottish Ministers by means of a breeder’s confirmation, as satisfying the conditions specified in paragraphs (a), (b), (c), (d) or (e) and the requirements for Basic Seed specified in schedule 4;
- (ii) certified by a GB Authority, other than the Scottish Ministers, or the NI Authority as satisfying the conditions specified in paragraphs (a), (b), (c), (d) or (e) and the applicable requirements for Basic Seed in the relevant part of the United Kingdom;”.]

[^{F132}(c) in the definition of “Certified Seed”, for paragraph (c) substitute—

“(c) has been—

- (i) subject to regulation 12, officially certified as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Certified Seed specified in schedule 4;
- (ii) certified by a GB Authority, other than the Scottish Ministers, or the NI Authority as satisfying the conditions specified in paragraphs (a) and (b) and the applicable requirements for Certified Seed in the relevant part of the United Kingdom;”.]

[^{F133}(d) in the definition of “Certified Seed of the First Generation”, for paragraph (c) substitute—

“(c) has been—

- (i) officially certified as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Certified Seed of the First Generation specified in schedule 4;

- (ii) certified by a GB Authority, other than the Scottish Ministers, or the NI Authority as satisfying the conditions specified in paragraphs (a) and (b) and the applicable requirements for Certified Seed of the First Generation in the relevant part of the United Kingdom;”]
- [^{F134}(e) in the definition of “Certified Seed of the Second Generation”, for paragraph (c) substitute—
 - “(c) has been—
 - (i) officially certified as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Certified Seed of the Second Generation specified in schedule 4;
 - (ii) certified by a GB Authority, other than the Scottish Ministers, or the NI Authority as satisfying the conditions specified in paragraphs (a) and (b) and the applicable requirements for Certified Seed of the Second Generation in the relevant part of the United Kingdom;”]
- (4) For regulation 5(2) (seed to which the Regulations apply) ^{M69}, substitute—
 - “(2) These Regulations do not apply to seed intended for export outside the United Kingdom (other than regulation 13A (certification and labelling for export)).”
- (5) In regulation 6 (marketing of seed)—
- [^{F135}(a) in paragraph (1)(b)(i), for the words “UK National List or the Common Catalogue” substitute “GB Variety List or an NI Variety List”,
 - (aa) in paragraph (2)(b)(i), omit “or Annex I (crop conditions) of the Cereal Seed Directive”,
 - (ab) in paragraph (3), for “a European” substitute “an International”]
 - (b) in paragraph (5), for “a country which is not an EEA State” substitute “ outside the United Kingdom ”,
- ^{F136}(c)
- (d) omit paragraph (6).
- [^{F137}(6) In regulation 6A (importation from outside the European Union)—
 - (a) in the heading, for “outside the European Union” substitute “a country granted equivalence”,
 - (b) for “outside the European Union” substitute “a country granted equivalence”.]
- (7) In regulation 9 (exception for scientific purposes or selection work)—
 - (a) for paragraph (1)(b) substitute—
 - [^{F138}(b) an authorisation has been granted to the producer, in respect of small quantities of seed for scientific purposes or selection work in accordance with the applicable requirements in the relevant part of the United Kingdom, by—
 - (i) a GB Authority other than the Scottish Ministers; or
 - (ii) the NI Authority.”]
 - (b) for paragraph (4) substitute—
 - “(4) The Scottish Ministers may only grant an authorisation under this regulation in respect of a genetically modified variety if the marketing and release of the genetically modified material by the applicant has been authorised—
 - (a) before the day on which [^{F139}IP completion] day falls, under Part C of the 2001 Deliberate Release Directive,
 - (b) under the Food and Feed Regulation, or

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(c) under the GMO Regulations.”.

(8) ^{M70}In regulation 9A (exception for test and trial seed) —

(a) for paragraph (1) substitute—

“(1) Regulation 6(1)(b) does not apply to the marketing by a producer of seed for test and trial purposes in accordance with—

(a) a tests and trials authorisation; or

[^{F140}(b) an authorisation which has been granted to the producer, in accordance with the applicable requirements in the relevant part of the United Kingdom, by—

(i) a GB Authority other than the Scottish Ministers; or

(ii) the NI Authority.”],

[^{F141}(b) in paragraph (4)—

(i) for sub-paragraph (a) substitute—

“(a) the seed is of a variety for which an application has been made by the applicant, which has not been withdrawn or finally determined, under—

(i) regulation 4(1)(a) (applications in relation to National Lists of the Seeds (National Lists of Varieties) Regulations 2001 for acceptance on to a GB Variety List; or

(ii) the relevant provision of legislation in Northern Ireland having equivalent effect to the Seeds (National Lists of Varieties) Regulations 2001 for acceptance on to an NI Variety List;”,

(ii) for sub-paragraph (b) substitute—

“(b) in the case of seed of a genetically modified variety, the marketing and release of the genetically modified material by the applicant has been authorised—

(i) before the day on which IP completion day falls, under Part C of the 2001 Deliberate Release Directive;

(ii) under the Food and Feed Regulation; or

(iii) under the GMO Regulations;”,]

(c) in paragraph (6), for “that permitted by Article 7 of the 2004 Commission Decision” substitute—

“the greater of—

(a) (i) in the case of durum wheat, 0.05%,

(ii) in the case of oats, barley and wheat, 0.3%,

(iii) in all other cases, 0.1%,

of the annual number of seeds used in the United Kingdom, and

(b) such quantity as the Scottish Ministers consider is sufficient to sow 10 hectares”,

[^{F142}(d) in paragraph (9), for “National List” to the end substitute “GB Variety List or an NI Variety List.”,]

[^{F143}(e) in paragraph (10), for “names of the Member State” to the end substitute “location of the trials within the United Kingdom”.]

(9) ^{M71}In regulation 9B (exception for Conservation Varieties) —

- (a) after paragraph (8), insert—
- “(8A) For the purposes of paragraph (8), Article 14 of Commission Directive 2008/62 is to be read as if—
- (a) in the first paragraph—
- (i) “Each Member State shall ensure that,” was omitted,
- (ii) for “does not exceed”, there were substituted “ may not exceed ”,
- (iii) for “that Member State”, there were substituted “ [F144Great Britain] ”,
- (b) in the second paragraph—
- (i) for “each Member State”, there were substituted “ [F144Great Britain] ”,
- (ii) for “the Member State” in both places where it occurs, there were substituted “ [F144Great Britain] ”.
- (b) in paragraph (11)—
- (i) in the definition of “additional region”, insert at the end—
- “, with Article 11(1) of Commission Directive 2008/62 being read as if for the reference to “Member States” in each place where it occurs and “the Member States” there were substituted “the Scottish Ministers”,
- [F145(ii) for the definition of “region of origin” substitute—
- ““region of origin” means the region forming a part or the whole of Great Britain identified by the Scottish Ministers for the purposes of Article 8.1 of Commission Directive 2008/62, with Article 8.1 of Commission Directive 2008/62 being read as if—
- (a) in the first sub-paragraph—
- (i) for “a Member State accepts”, there were substituted “the Scottish Ministers accept”;
- (ii) for “it shall”, there were substituted “they must”;
- (iii) for “It shall”, there were substituted “The Scottish Ministers must”;
- (iv) for “Member States”, there were substituted “Scottish Ministers”;
- (b) the second sub-paragraph was omitted.”.]
- (10) For regulation 10(2) (general exemptions) substitute—
- [F146“(2) The Scottish Ministers may exercise the power under paragraph (1)—
- (a) for the purposes of a temporary experiment seeking improved alternatives to provisions of these Regulations and organised in accordance with regulations made under section 16(5) of the Act; or
- (b) to the extent that the provisions of the general licence are—
- (i) necessary in order to overcome any temporary difficulties in the supply of basic or certified seed—
- (aa) by permitting the marketing of seed of a category subject to less stringent requirements, or of seed of a variety not included in a GB Variety List or an NI Variety List;
- (bb) for a specified period; and
- (cc) in quantities necessary to resolve the supply difficulties; or

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(ii) permitted by Commission Regulation 217/2006 or an authorisation granted thereunder.

(2A) The duration of a temporary experiment referred to in paragraph (2)(a) must not exceed 7 years.

(2B) When seed is marketed in accordance with paragraph (2)(b)(i), the following labelling requirements apply—

- (a) for a category of seed of any given variety, the official label must be that provided for the corresponding category;
- (b) for seed of varieties not included in a GB Variety List or an NI Variety List the colour of the official label must be brown;
- (c) the label must always state that the seed in question is of a category satisfying less stringent requirements.”].

(11) In regulation 11 (marketing of officially certified lower germination seed)—

(a) in paragraph (1)—

- (i) in the words before sub-paragraph (a), omit “or Annex II (seed conditions) of the Cereal Seed Directive”,
- (ii) for sub-paragraph (b) substitute—

“(b) which has been certified as satisfying the conditions for the relevant category of seed although it attains a lower percentage of germination than that specified in paragraph 16 of Part II of Schedule 4 in relation to Basic Seed—

[^{F147}(i) by a GB Authority other than the Scottish Ministers, in accordance with the applicable requirements in the relevant part of Great Britain; or

(ii) by the NI Authority, in accordance with the applicable requirements in Northern Ireland; or,”],

(iii) for sub-paragraph (c)(ii) substitute—

“(ii) in the case of seed which has been fully certified as being Pre-basic Seed or Basic Seed—

[^{F148}(aa) by a GB Authority other than the Scottish Ministers, in the applicable requirements in the relevant part of Great Britain, irrespective of the findings of the GB Authority; or

(bb) by the NI Authority, in the applicable requirements in Northern Ireland, irrespective of the findings of the NI Authority.”],

[^{F149}(b) in paragraph (3), for the words “the United Kingdom” to the end substitute “Great Britain from a country granted equivalence.”.]

(12) In regulation 12 (marketing of early movement seed)—

[^{F150}(a) in paragraph (1)—

- (i) in sub-paragraph (a), for the words “UK National List or the Common Catalogue” substitute “GB Variety List or an NI Variety List”,
- (ii) for sub-paragraph (b) substitute—

“(b) (i) any seed lot has, in order to make seed rapidly available, been certified by—

(aa) a GB Authority other than the Scottish Ministers; or

- (bb) the NI Authority; and
- (ii) the provisional germination report on the seed has been presented by the producer to the Scottish Ministers,”.]
- (b) in paragraph (3)—
- [^{F151}(i) for “European Authority other than the Scottish Ministers” substitute “GB Authority, other than the Scottish Ministers, or the NI Authority”.]
- (ii) omit “or Annex II (seed conditions) of the Cereal Seed Directive,”
- [^{F152}(c) in paragraph (5), for the words “the United Kingdom” to the end substitute “Great Britain from a country granted equivalence.”.]
- (13) In regulation 14 (applications for official certificates)—
- [^{F153}(a) in paragraph (3), for “UK National List (or an equivalent list in another EEA State)” in both places where it occurs, substitute “GB Variety List or an NI Variety List”,
- (b) in paragraph (4)(d) omit—
- (i) “or licensed EC crop inspector”, and
- (ii) “, or licensed EC crop inspector’s,”.]
- (14) In regulation 15(1)(a)(i) (sampling), for “European” substitute “[^{F154}International]”.
- (15) In regulation 16 (sealing of packages of fully certified seed)—
- [^{F155}(a) for sub-paragraph (1)(b) substitute—
- “(b) sealed in any other part of the United Kingdom in accordance with the applicable requirements in the relevant part of the United Kingdom.”.]
- [^{F156}(b) for paragraph (3)(b) substitute—
- “(b) in any other part of the United Kingdom in accordance with the applicable requirements in the relevant part of the United Kingdom.”.]
- (16) In regulation 17 (labelling of packages of fully certified seed)—
- [^{F157}(a) for paragraph (4A)(b) substitute—
- “(b) where seed is sealed in any part of the United Kingdom other than Scotland, be labelled in accordance with the requirements for labelling applicable to a Conservation Variety in the relevant part of the United Kingdom.”.]
- [^{F158}(b) for paragraph (5)(b) substitute—
- “(b) which is sealed in any part of the United Kingdom other than Scotland will satisfy the applicable requirements in the relevant part of the United Kingdom.”.]
- [^{F159}(c) for paragraph (8)(b) substitute—
- “(b) which is sealed in any other part of the United Kingdom, must contain an official document in accordance with the applicable requirements for official documents and, as the case may be, for labelling of packages of mixtures of seeds, in the relevant part of the United Kingdom.”.]
- [^{F160}(d) in paragraph (10)—
- (i) for sub-paragraph (a) substitute—
- “(a) (i) for packages sealed in Scotland, the appropriate particulars of the matters specified in Part II of Schedule 6 and paragraphs (3), (6)(a), (12) and (13), are printed or stamped indelibly on the package in a panel of at least the size and of the colour so specified;

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(ii) for packages sealed in any other part of the United Kingdom, the appropriate particulars of the matters specified in accordance with the applicable requirements in the relevant part of the United Kingdom, are printed or stamped indelibly on the package in a panel of at least the size and of the colour so specified; and”,

(ii) for sub-paragraph (c) substitute—

“(c) the requirements of paragraph 17 of Part VI of Schedule 6 are satisfied in the case of a package sealed in any other part of the United Kingdom.”.]

(e) in paragraph (14), for “one of the official languages of the European Union” substitute “English but may also be given in other languages”.

[^{F161}(17) In regulation 20 (breeder’s confirmations)—

(a) in paragraph (1)(c)—

(i) in head (i), for the words “UK National List” to the end substitute “GB Variety List or an NI Variety List”,

(ii) in head (ii), for the words “UK National List” to the end substitute “GB Variety List or an NI Variety List”,

(b) in paragraphs (5) and (6), for the words “UK National List (or to an equivalent list in another EEA State)” substitute “GB Variety List or an NI Variety List”.]

(18) In regulation 22(11) (labelling of packages of seed in relation to breeder's confirmation), for “one of the official languages of the European Union” substitute “English but may also be given in other languages”.

(19) Regulation 23 (comparative tests and trials) is omitted.

(20) After regulation 26 (written and electronic communication) insert—

“Certification in a Crown Dependency [^{F162}or a country granted equivalence]

26A. Any seed certified and labelled in a Crown Dependency [^{F162}or a country granted equivalence] under legislation recognised by the Scottish Ministers to have equivalent effect to these Regulations may be marketed in Scotland.

Transitional provision for official labels on [^{F163}IP completion] day

26B. A label pre-printed before [^{F163}IP completion] day which at the date on which it was printed was an official label for the purposes of these Regulations is to be treated as an official label for a package of Basic Seed, Seed of a Certified Generation or seed of a Conservation Variety or, as the case may be, a small package of Pre basic Seed, Basic Seed or Seed of a Certified Generation for the purposes of any use of that label before the end of the period of [^{F164}twelve months] beginning with the day after the day on which [^{F163}IP completion] day falls.”.

(21) In schedule 2 (official certificates and breeder's confirmations), in Part I (official certificates)—

(a) in paragraph 1 (applications for seed harvested in the United Kingdom), omit “but not made in pursuance of Article 15 (certification of seed from other EEA States or equivalent third countries) of the Cereal seed Directive”,

[^{F165}(b) for paragraph 4 (applications for seed harvested in an EEA State or third country) substitute—

“Applications for seed harvested outside the United Kingdom

4.—(1) Notwithstanding paragraphs 2 and 3, and subject to sub-paragraphs (2) and (3), on receipt of an application made in accordance with regulation 14(1) for the issue of an official certificate in respect of a seed lot as Pre basic Seed, Basic Seed or Seed of a Certified Generation, the Scottish Ministers may issue an official certificate in respect of the seed lot containing the particulars specified in paragraph 1 of Schedule 3.

(2) An official certificate may only be issued under sub-paragraph (1) if—

(a) the seed has been—

(i) produced directly from—

(aa) fully certified Basic Seed or Certified Seed of the First Generation, or

(bb) seed certified in the United Kingdom, a Crown Dependency (provided the seed has been produced under legislation recognised by the Scottish Ministers to have equivalent effect to these Regulations) or a country granted equivalence, which is permitted to be sold as Basic Seed or Certified Seed of the First Generation in accordance with these Regulations,

(ii) harvested outside the United Kingdom, and

(iii) shown on official examination, or, in the case of seed certified in a country granted equivalence, on official field inspection, to have satisfied the conditions specified in Part II of Schedule 4 for the relevant category of seed;

(b) the seed has been—

(i) produced directly from the crossing of fully certified Basic Seed with seed certified in the United Kingdom, a Crown Dependency (provided the seed has been produced under legislation recognised by the Scottish Ministers to have equivalent effect to these Regulations) or a country granted equivalence, which is permitted to be sold as Basic Seed in accordance with these Regulations,

(ii) harvested outside the United Kingdom, and

(iii) shown on official examination, or, in the case of seed certified in a country granted equivalence, to have satisfied the conditions specified in Part II of Schedule 4 for the relevant category of seed; or

(c) the seed—

(i) is to be certified by the Scottish Ministers as Basic Seed;

(ii) has been produced directly from—

(aa) fully certified Pre-basic Seed, or

(bb) seed certified in the United Kingdom, a Crown Dependency (provided the seed has been produced under legislation recognised by the Scottish Ministers to have equivalent effect to these Regulations) or a country granted equivalence, which is permitted to be sold as Pre-basic Seed in accordance with these Regulations,

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(iii) has been harvested outside the United Kingdom, and

(iv) has been shown on official examination, or, in the case of seed certified in a country granted equivalence, on official field inspection, to have satisfied the conditions specified in Part II of Schedule 4 for the relevant category of seed.

(3) In the case of seed which has been harvested in a country granted equivalence, an official certificate may only be issued under sub-paragraph (1) provided that—

(a) the seed has been harvested from a crop which has been found by official field inspection to satisfy the crop conditions specified in Part I of schedule 4 (crop standards); and

(b) has been packed in a sealed package in accordance with the requirements of regulation 16 (sealing of packages of fully certified seed) and has been labelled in accordance with the requirements of regulation 17 (labelling of packages of fully certified seed) and schedule 6.”.]

[^{F166}(c) in paragraph 7(d) (when applications may be refused), for the words “UK National List (or to an equivalent list in an EEA State)” substitute “GB Variety List or an NI Variety List”.]

[^{F167}(22) In Schedule 4 (requirements for Pre Basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation and Certified Seed of the Second Generation)—

(a) in Part I (conditions relating to crops from which seed is obtained)—

(i) in paragraph 2 (varietal identity and varietal purity), for the words “UK National List” to the end substitute “GB Variety List or NI Variety List”,

(ii) in paragraph 4 (pests in the crop)—

(aa) for “Union” substitute “GB”,

(bb) for “protected zone” substitute “PFA”,

(b) in Part II (conditions relating to Basic Seed, Certified Seed, Certified Seed of the First Generation and Certified Seed of the Second Generation), in paragraph 17(2) (pests in the seed)—

(i) for “Union” substitute “GB”,

(ii) for “protected zone” substitute “PFA”.]

(23) ^{M72}In schedule 4A (standards for certification of Conservation Varieties)—

[^{F168}(a) in Part III (conditions relating to crops from which seed is obtained), in paragraph 1 (varietal identity and varietal purity), for the words “UK National List” to the end substitute “GB Variety List or NI Variety List”.]

(b) in Part IV (conditions relating to seed of a Conservation Variety), in paragraph 1 (standards of germination, analytical purity and content of seed of other plant species), omit “EC”.

(24) In schedule 6—

(a) in paragraph 4(a)(i) (official label for a package of Pre-basic Seed), for “EEA State or their commonly used initials”, substitute “country or country initials”,

(b) in paragraph 5(a) (official label for a package of Basic Seed or Seed of a Certified Generation)—

(i) in [^{F169}head] (i), for “EC” substitute “[^{F170}GB]”,

(ii) in [^{F171}head] (ii), for “EEA State or their commonly used initials”, substitute “country or country initials”,

- [^{F172}(iii) in head (xi)(aa), for “UK National List or the Common Catalogue” substitute “GB Variety List or an NI Variety List”,]
- (c) in paragraph 6(a)(ii) (official label for a package of a mixture of seeds to which regulation 8 applies), for “EEA State or their commonly used initials”, substitute “country or country initials”,
- [^{F173}(d) in paragraph 6A(a) (official label for a package of test and trial seed)—
- (i) in head (ii), for “EEA State or their distinguishing abbreviation”, substitute “country or country initials”,
- (ii) for head (vii) substitute—
- “(vii) the official application number in relation to the application for listing under—
- (aa) in relation to applications in GB, regulation 4(1)(a) (applications in relation to GB Variety Lists) of the Seeds (National List of Varieties) Regulations 2001; or
- (bb) in relation to applications in Northern Ireland, the relevant provision of legislation in Northern Ireland having equivalent effect to the Seeds (National Lists of Varieties) Regulations 2001;”]
- (e) in paragraph 6B(a)(i) (official label for a package of seed of a Conservation Variety)^{M73}, for “EC” substitute “[^{F174}GB]”,
- (f) in paragraph 7(a)(i) (label for a small package of Pre-basic Seed, Basic Seed or Seed of a Certified Generation), for “EC” substitute “[^{F175}GB]”,
- [^{F176}(g) in Part V (information in respect of seed imported from countries which are not EEA States in packages exceeding 2 kilograms net weight)—
- (i) in the heading, for “which are not EEA States” substitute “outside the United Kingdom”,
- (ii) in paragraph 11 (information to be supplied in respect of seed imported from a country which is not an EEA State in a package exceeding 2 kilograms net weight)—
- (aa) in the heading, for “which is not an EEA State” substitute “outside the United Kingdom”,
- (bb) in the text before sub-paragraph (a), for “which is not an EEA State” substitute “outside the United Kingdom”,]
- [^{F177}(h) in Part VI (printing of specified matters on packages (whole bag labelling)), in paragraph 16 (seed packages sealed in the United Kingdom but not in Scotland, or in an EEA State other than the United Kingdom)—
- (i) in the heading, for “in an EEA State other than the United Kingdom” substitute “outside the United Kingdom”,
- (ii) for “EEA State” in the first place where it occurs, substitute “country outside the United Kingdom”,
- (iii) for “EEA State” in the second place where it occurs substitute “country”,
- (iv) for “the Department of Agriculture and Rural Development” substitute “DAERA”.]

Status: Point in time view as at 28/03/2019. This version of this

Instrument contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019. (See end of Document for details)

Textual Amendments

- F117** Reg. 13(2)(b) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(2)(a)**
- F118** Reg. 13(2)(c) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(2)(b)**
- F119** Reg. 13(2)(d) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(2)(c)**
- F120** Reg. 13(2)(e)(ea) substituted for reg. 13(2)(e) (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(2)(d)**
- F121** Reg. 13(2)(f) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(2)(e)**
- F122** Words in reg. 13(2)(g) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(2)(f)**
- F123** Reg. 13(2)(ga) inserted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(2)(g)**
- F124** Reg. 13(2)(h) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(2)(h)**
- F125** Reg. 13(2)(i) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(2)(i)**
- F126** Reg. 13(2)(j) omitted (31.12.2020 immediately before IP completion day) by virtue of The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(2)(j)**
- F127** Reg. 13(2)(k) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(2)(k)**
- F128** Reg. 13(2)(l)-(lb) substituted for reg. 13(2)(l) (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(2)(l)**
- F129** Reg. 13(2)(m)-(y) substituted for reg. 13(2)(m) (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(2)(m)**
- F130** Reg. 13(3)(a) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(3)(a)**
- F131** Reg. 13(3)(b) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(3)(b)**
- F132** Reg. 13(3)(c) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(3)(c)**

- F133** Reg. 13(3)(d) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(3)(d)**
- F134** Reg. 13(3)(e) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(3)(e)**
- F135** Reg. 13(5)(a)-(ab) substituted for reg. 13(5)(a) (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(4)**
- F136** Reg. 13(5)(c) revoked (31.12.2020 immediately before IP completion day) by The Seed, Propagating Material and Common Agricultural Policy (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/289), regs. 1(b), **5**; 2020 c. 1, Sch. 5 para. 1(1)
- F137** Reg. 13(6) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(5)**
- F138** Words in reg. 13(7)(a) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(6)(a)**
- F139** Words in reg. 13(7)(b) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(6)(b)**
- F140** Words in reg. 13(8)(a) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(7)(a)**
- F141** Reg. 13(8)(b) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(7)(b)**
- F142** Reg. 13(8)(d) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(7)(c)**
- F143** Reg. 13(8)(e) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(7)(d)**
- F144** Words in reg. 13(9)(a) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(8)(a)**
- F145** Reg. 13(9)(b)(ii) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(8)(b)**
- F146** Words in reg. 13(10) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(9)**
- F147** Words in reg. 13(11)(a)(ii) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(10)(a)(i)**
- F148** Words in reg. 13(11)(a)(iii) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(10)(a)(ii)**
- F149** Reg. 13(11)(b) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(10)(b)**

Status: Point in time view as at 28/03/2019. This version of this

Instrument contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019. (See end of Document for details)

- F150** Reg. 13(12)(a) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(11)(a)**
- F151** Reg. 13(12)(b)(i) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(11)(b)**
- F152** Reg. 13(12)(c) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(11)(c)**
- F153** Reg. 13(13)(a)(b) substituted for reg. 13(a)-(c) (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(12)**
- F154** Word in reg. 13(14) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(13)**
- F155** Reg. 13(15)(a) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(14)(a)**
- F156** Reg. 13(15)(b) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(14)(b)**
- F157** Reg. 13(16)(a) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(15)(a)**
- F158** Reg. 13(16)(b) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(15)(b)**
- F159** Reg. 13(16)(c) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(15)(c)**
- F160** Reg. 13(16)(d) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(15)(d)**
- F161** Reg. 13(17) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(16)**
- F162** Words in reg. 13(20) inserted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(17)(a)**
- F163** Words in reg. 13(20) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(17)(b)(i)**
- F164** Words in reg. 13(20) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(17)(b)(ii)**
- F165** Reg. 13(21)(b) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(18)(a)**
- F166** Reg. 13(21)(c) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(18)(b)**

- F167** Reg. 13(22) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(19)**
- F168** Reg. 13(23)(a) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(20)**
- F169** Word in reg. 13(24)(b)(i) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(21)(a)(i)(aa)**
- F170** Word in reg. 13(24)(b)(i) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(21)(a)(i)(bb)**
- F171** Word in reg. 13(24)(b)(ii) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(21)(a)(ii)**
- F172** Reg. 13(24)(b)(iii) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(21)(a)(iii)**
- F173** Reg. 13(24)(d) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(21)(b)**
- F174** Word in reg. 13(24)(e) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(21)(c)**
- F175** Word in reg. 13(24)(f) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(21)(d)**
- F176** Reg. 13(24)(g) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(21)(e)**
- F177** Reg. 13(24)(h) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **14(21)(f)**

Commencement Information

- I13** Reg. 13 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(1)(b)

Marginal Citations

- M63** 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, S.S.I. 2010/219, **S.I.** 2011/1043, S.S.I. 2016/68, S.S.I. 2016/434 and Part 2 of this instrument.
- M64** The definition was substituted by S.S.I. 2009/223.
- M65** S.S.I. 2002/541, amended by S.S.I. 2004/439, **S.I.** 2005/2759, S.I. 2011/1043; S.S.I. 2015/100 and S.S.I. 2019/XXX.
- M66** S.I. 2002/2443, as amended by S.I. 2004/2411, **S.I.** 2005/2759, S.I. 2009/1892 and S.I. 2018/575.
- M67** S.I. 2002/3188 (W. 304), amended by S.I. 2005/2759 and S.I. 2013/755 (W. 90).
- M68** S.R. 2003 No. 167.
- M69** Regulation 5(2) is amended, and regulation 13A is inserted, by Part 2 of this instrument.
- M70** Regulation 9A was inserted by S.S.I. 2007/224.
- M71** Regulation 9B was inserted by S.S.I. 2009/223.
- M72** Schedule 4A was inserted by S.S.I. 2009/223.

Status: Point in time view as at 28/03/2019. This version of this

Instrument contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019. (See end of Document for details)

M73 Paragraph 6B was inserted by S.S.I. 2009/223.

The Fodder Plant Seed (Scotland) Regulations 2005

14.—(1) The Fodder Plant Seed (Scotland) Regulations 2005^{M74} are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) omit the definition of “Annex V(C) document”,

[^{F178}(b) in the definition of “blended seed lot”—

(i) omit “or Annex I (crop conditions) of the Fodder Plant Seed Directive”,

(ii) for “National Authority” substitute “GB Authority or the NI Authority”,]

[^{F179}(c) in the definition of “breeder”—

(i) in sub-paragraph (a), for “UK National List or the Common Catalogue” substitute “GB Variety List, an NI Variety List or the equivalent list in a country granted equivalence”,

(ii) in sub-paragraph (b), for “UK National List or in the Common Catalogue” and “UK National List or Common Catalogue” substitute “GB Variety List, NI Variety List or equivalent list in a country granted equivalence”,

(ca) in the definition of “breeder’s designation”, for “UK National List” substitute “GB Variety List or an NI Variety List”,]

[^{F180}(d) in the definition of “bulked seed lot”—

(i) in sub-paragraph (a)(iii), omit “or Annex I (crop conditions) of the Fodder Plant Seed Directive”,

(ii) in sub-paragraph (b), for “National Authority” substitute “GB Authority or the NI Authority”,]

[^{F181}(e) omit the definitions of “Common Catalogue” and “the Common Catalogue Directive”,

(ea) in the definition of “Conservation Variety”, for “UK National List” substitute “GB Variety List or an NI Variety List”,]

[^{F182}(f) in the definition of “control plot”, for “European Authority” in both places it occurs substitute “GB Authority or the NI Authority”,]

(g) after the definition of “control plot” insert—

[^{F183}“country granted equivalence” means a country that has been—

(a) granted equivalence under the Equivalence Decision; or

(b) assessed by the Scottish Ministers as producing the species of seed referred to in regulation 5 under conditions equivalent to those required by these Regulations;”]

(h) after the definition of “crop-grown preservation mixture”^{M75} insert—

““Crown Dependency” means any of the Channel Islands or the Isle of Man;”,

[^{F184}(ha) for the definition of “Department of Agriculture and Rural Development” substitute—

““DAERA” means the Department of Agriculture, Environment and Rural Affairs in Northern Ireland;”,]

[^{F185}(i) omit the definition of “EEA State”,]

[^{F186}(j) omit the definitions of “European Authority” and “by a European Authority”,]

[^{F187}(k)

- [^{F188}(l) in the definition of “fully certified”—
- (i) in sub-paragraph (b), for “European” substitute “International”,
 - (ii) in the text after sub-paragraph (b), for the words “either in” to the end substitute “Schedule 4;”,]
- [^{F189}(m) after the definition of “genetically modified” insert—
- “the GMO Regulations” means—
- (a) in relation to Scotland, the Genetically Modified Organisms (Deliberate Release) (Scotland) Regulations 2002 ^{M76};
 - (b) in relation to England, the Genetically Modified Organisms (Deliberate Release) Regulations 2002 ^{M77};
 - (c) in relation to Wales, the Genetically Modified Organisms (Deliberate Release) (Wales) Regulations 2002 ^{M78};
 - (d) in relation to Northern Ireland, the Genetically Modified Organisms (Deliberate Release) Regulations (Northern Ireland) 2003 ^{M79};
- “GB Authority” means the Scottish Ministers, the Secretary of State or the National Assembly for Wales;
- “GB quarantine pest” has the meaning given in Article 4 (definition of GB quarantine pests) of the EU Plant Health Regulation;
- “GB Variety List” is a list of plant varieties prepared and published by the Secretary of State in accordance with the provisions of the Seeds (National Lists of Varieties) Regulations 2001;”,
- (ma) after the definition of “homogenous seed lot” insert—
- “International Authority” means a GB authority or the NI authority or the competent seed certification authority of a country other than the United Kingdom, and “by an International Authority” means—
- (a) by or on behalf of a GB Authority;
 - (b) by or on behalf of the NI Authority; or
 - (c) by or on behalf of the competent seed certification authority of a country other than the United Kingdom;”,
- (mb) in the definitions of “licensed crop inspector”, “licensed seed sampler” and “licensed seed testing station”, for sub-paragraph (b) substitute—
- “(b) granted under provisions equivalent to that regulation by—
- (i) a GB Authority other than the Scottish Ministers; or
 - (ii) the NI Authority;”,]

[^{F190}(n) omit the definition of “licensed EC crop inspector”,

 - (na) omit the definition of “National Authority”,
 - (nb) before the definition of “official certificate” insert—

“NI Authority” means DAERA;

“NI Variety List” means a list of plant varieties prepared and published by DAERA in accordance with legislation having equivalent effect to the Seeds (National Lists of Varieties) Regulations 2001;”,

(nc) in the definitions of—

 - (i) “official control”,

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- (ii) “official label”, and
 - (iii) “official sticker”,
- for “European Authority” substitute “International Authority”,
- (nd) in the definition of “official field inspection”—
 - (i) in sub-paragraph (a), for “European Authority” substitute “International Authority”,
 - (ii) in sub-paragraph (b), omit the words “or a licensed EC crop inspector”,
 - (ne) in the definition of “official post-control”, for “the relevant European Authority” substitute “an International Authority”,
 - (nf) in the definition of “official post control the results of which have been satisfactory”—
 - (i) for “the relevant European Authority” substitute “an International Authority”,
 - (ii) for sub-paragraph (a)(ii) substitute—
 - “(ii) in the case of a GB Authority other than the Scottish Ministers, Parts I and II of Schedule 4;”,
 - (ng) after the definition of “official sticker” insert—
 - ““PFA quarantine pest” has the meaning given in Article 32 (recognition of GB pest free areas), paragraph 1 of the EU Plant Health Regulation;”,
 - (nh) omit the definition of “protected zone quarantine pest”
 - (ni) for the definition of “registered or licensed number” substitute—
 - ““registered or licensed number” means the number issued to a person who holds a licence granted under regulation 4(1)(a) of the Seed (Licensing and Enforcement etc.) (Scotland) Regulations 2016 or to a person licensed or registered under provisions equivalent to that regulation by—
 - (a) a GB Authority other than the Scottish Ministers; or
 - (b) the NI Authority;”,
 - (nj) in the definition of “RNQP”, for “Union” in each place it occurs substitute “GB”,]
 - (o) in the definition of “small EC A package”, omit “EC”,
 - (p) in the definition of “small EC B package”, in both places where it occurs omit “EC”,
 - (q) in the definition of “source area”^{M80}, for “Commission Directive 2010/60” substitute “Article 1(a) of Commission Directive 2010/60, which is to be read as if the definition of “source area” contained in that Article defined it to mean an area designated as a special area of conservation or an area contributing to the conservation of plant genetic resources in accordance with retained EU law ”.
 - [^{F191}(r) for the definition of “third country” substitute—
 - ““third country” means any country or territory other than the British Islands,”
 - (s) omit the definition of “Union quarantine pest”.]
 - (3) In regulation 3 (definitions of seed categories)—
 - [^{F192}(a) in the definition of “Pre-basic Seed”, for paragraph (c)(ii) substitute—
 - “(ii) certified by a GB Authority, other than the Scottish Ministers, as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Basic Seed in the relevant part of the United Kingdom;”,]
 - [^{F193}(b) in the definition of “Basic Seed” (other than in relation to a component of a hybrid variety of fodder kale), for paragraph (d)(ii) substitute—

- “(ii) certified by a GB Authority, other than the Scottish Ministers, as satisfying the conditions specified in paragraph (a) or (b) and paragraph (c) and the requirements for Basic Seed in the relevant part of the United Kingdom;”.]
- [^{F194}(c) in the definition of “Basic Seed” (in relation to a component of a hybrid variety of fodder kale), for paragraph (c)(ii) substitute—
- “(ii) certified by a GB Authority, other than the Scottish Ministers, as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Basic Seed in the relevant part of the United Kingdom;”.]
- [^{F195}(d) in the definition of “Certified Seed”, for paragraph (c)(ii) substitute—
- “(ii) certified by a GB Authority, other than the Scottish Ministers, as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Certified Seed in the relevant part of the United Kingdom;”.]
- [^{F196}(e) in the definition of “Certified Seed of the First Generation”, for paragraph (c)(ii) substitute—
- “(ii) certified by a GB Authority, other than the Scottish Ministers, as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Certified Seed of the First Generation in the relevant part of the United Kingdom;”.]
- [^{F197}(f) in the definition of “Certified Seed of the Second Generation”, for paragraph (c)(ii) substitute—
- “(ii) certified by a GB Authority, other than the Scottish Ministers, as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Certified Seed of the Second Generation in the relevant part of the United Kingdom;”.]
- [^{F198}(g) in the definition of “Commercial Seed”, for paragraph (b) substitute—
- “(b) certified by a GB Authority, other than the Scottish Ministers, as satisfying the requirements for Commercial Seed in the relevant part of the United Kingdom;”.]
- (4) For regulation 5(2) (seed to which the Regulations apply) ^{M81}, substitute—
- “(2) These Regulations do not apply to seed intended for export outside the United Kingdom (other than regulation 13A (certification and labelling for export)).”.
- (5) In regulation 6 (marketing of seed)—
- [^{F199}(a) in paragraph (1)(b)(ii), for the words “UK National List or the Common Catalogue” substitute “GB Variety List or an NI Variety List”,
- (aa) in paragraph (2)(c), omit “or Annex I (crop conditions) of the Fodder Plant Seed Directive”,
- (ab) in paragraph (3), for “European” substitute “International”.]
- (b) in paragraph (5), for “a country which is not an EEA State” substitute “ outside the United Kingdom ”,
- ^{F200}(c)
- [^{F201}(6) In regulation 6A (importation from outside the European Union)—
- (a) in the heading, for “outside the European Union” substitute “a country granted equivalence”,
- (b) for “outside the European Union” substitute “a country granted equivalence”.]
- (7) In regulation 8 (mixtures)—

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- (a) in paragraph (2), omit “for the purposes of Article 4(1) of the Common Catalogue Directive”,
- [^{F202}(b) in paragraph (6), omit “EC” in each place it occurs,
- (c) in paragraph (7)—
 - (i) omit “EC” in each place it occurs,
 - (ii) for “the United Kingdom” substitute “Great Britain”.]
- (8) ^{M82}In regulation 8A (preservation mixtures) —
 - (a) in paragraph (4)(e), for “the provisions in Commission Directive 2008/62” substitute “ regulation 9B ”,
 - (b) in paragraph (9), for “For the purposes of Article 8 (quantitative restriction) of Commission Directive 2010/60, the” substitute “ The ”,
- [^{F203}(c) in paragraph (11)—
 - (i) for “the United Kingdom” substitute “Great Britain”,
 - (ii) for the words “for the purposes” to the end substitute “having taken account of any available information from plant genetic resource organisations”.]
- (9) In regulation 9 (exception for scientific purposes or selection work)—
 - (a) for paragraph (1)(b) substitute—
 - [^{F204}(b) an authorisation has been granted to the producer, in respect of small quantities of seed for scientific purposes or selection work in accordance with the applicable requirements in the relevant part of the United Kingdom, by—
 - (i) a GB Authority other than the Scottish Ministers; or
 - (ii) the NI Authority.”],
 - (b) for paragraph (4) substitute—
 - “(4) The Scottish Ministers may only grant an authorisation under this regulation in respect of a genetically modified variety if the marketing and release of the genetically modified material by the applicant has—
 - (a) before the day on which [^{F205}IP completion] day falls, been authorised under Part C of the 2001 Deliberate Release Directive,
 - (b) been authorised under the Food and Feed Regulation, or
 - (c) been authorised under the GMO Regulations.”.
- (10) ^{M83}In regulation 9A (exception for test and trial seed) —
 - (a) for paragraph (1) substitute—
 - “(1) Regulation 6(1)(b) does not apply to the marketing by a producer of seed for test and trial purposes in accordance with—
 - (a) a tests and trials authorisation; or
 - [^{F206}(b) an authorisation has been granted to the producer, in accordance with the applicable requirements in the relevant part of the United Kingdom, by—
 - (i) a GB Authority other than the Scottish Ministers; or
 - (ii) the NI Authority.”],
 - [^{F207}(b) in paragraph (4)—
 - (i) for sub-paragraph (a) substitute—

- “(a) the seed is of a variety for which an application has been made by the applicant, which has not been withdrawn or finally determined, under—
- (i) regulation 4(1)(a) (applications in relation to National Lists of the Seeds (National Lists of Varieties) Regulations 2001 for acceptance on to a GB Variety List; or
 - (ii) the relevant provision of legislation in Northern Ireland having equivalent effect to the Seeds (National Lists of Varieties) Regulations 2001 for acceptance on to an NI Variety List;”,
- (ii) for sub-paragraph (b) substitute—
- “(b) in the case of seed of a genetically modified variety, the marketing and release of the genetically modified material by the applicant has been authorised—
- (i) before the day on which IP Completion day falls, under Part C of the 2001 Deliberate Release Directive;
 - (ii) under the Food and Feed Regulation; or
 - (iii) under the GMO Regulations;”,]

(c) in paragraph (6), for “that permitted by Article 7 of the 2004 Commission Decision” substitute—

“the greater of—

 - (a) (i) in the case of field pea and field bean, 0.3%,
(ii) in all other cases, 0.1%,
of the annual number of seeds used in the United Kingdom, and
 - (b) such quantity as the Scottish Ministers consider is sufficient to sow 10 hectares”,

[^{F208}(d) in paragraph (9), for “National List” to the end substitute “GB Variety List or an NI Variety List.”,]

[^{F209}(e) in paragraph (10), for “name of the Member State” to the end substitute “location of the trials within the United Kingdom”.]

(11) ^{M84}In regulation 9B (exception for conservation varieties) —

 - (a) after paragraph (8), insert—
“(8A) For the purposes of paragraph (8), Article 14 of Commission Directive 2008/62 is to be read as if—
(a) in the first paragraph—
(i) “Each Member State shall ensure that,” was omitted,
(ii) for “does not exceed”, there were substituted “ may not exceed ”,
(iii) for “that Member State”, there were substituted “ [^{F210}Great Britain] ”,
(b) in the second paragraph—
(i) for “each Member State”, there were substituted “ [^{F210}Great Britain] ”,
(ii) for “the Member State” in both places where it occurs, there were substituted “ [^{F210}Great Britain] ”.”,

(b) in paragraph (11)—

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(i) in the definition of “additional region”, insert at the end “, with Article 11(1) of Commission Directive 2008/62 being read as if for the reference to “ Member States ” in each place where it occurs and “the Member States” there were substituted “ the Scottish Ministers ””,

[^{F211}(ii) for the definition of “region of origin” substitute—

““region of origin” means the region forming a part or the whole of Great Britain identified by the Scottish Ministers for the purposes of Article 8.1 of Commission Directive 2008/62, with Article 8.1 of Commission Directive 2008/62 being read as if—

(a) in the first sub-paragraph—

(i) for “a Member State accepts”, there were substituted “the Scottish Ministers accept”;

(ii) for “it shall”, there were substituted “they must”;

(iii) for “It shall”, there were substituted “The Scottish Ministers must”;

(iv) for “Member States”, there were substituted “Scottish Ministers”;

(b) the second sub-paragraph was omitted.”.]

(12) For regulation 10(2) (general exemptions) substitute—

[^{F212}“(2) The Scottish Ministers may exercise the power under paragraph (1)—

(a) for the purposes of a temporary experiment seeking improved alternatives to provisions of these Regulations and organised in accordance with regulations made under section 16(5) of the Act; or

(b) to the extent that the provisions of the general licence are—

(i) necessary in order to overcome any temporary difficulties in the supply of basic or certified seed—

(aa) by permitting the marketing of seed of a category subject to less stringent requirements, or of seed of a variety not included in a GB Variety List or an NI Variety List;

(bb) for a specified period; and

(cc) in quantities necessary to resolve the supply difficulties; or

(ii) permitted by Commission Regulation 217/2006 or an authorisation granted thereunder.

(2A) The duration of a temporary experiment referred to in paragraph (2)(a) must not exceed 7 years.

(2B) When seed is marketed in accordance with paragraph (2)(b)(i), the following labelling requirements apply—

(a) for a category of seed of any given variety, the official label must be that provided for the corresponding category;

(b) for seed of varieties not included in a GB Variety List or an NI Variety List the official label must be that provided for commercial seed;

(c) the label must always state that the seed in question is of a category satisfying less stringent requirements.”].

(13) In regulation 11 (marketing of officially certified lower germination seed)—

- (a) in paragraph (1)—
- (i) in the words before sub-paragraph (a), omit “or Annex II (seed conditions) of the Fodder Plant Seed Directive”,
 - (ii) for sub-paragraph (b) substitute—
 - “(b) which has been certified as satisfying the conditions for the relevant category of seed although it attains a lower percentage of germination than that specified in paragraph 13 of Part II of Schedule 4 in relation to Basic Seed—
 - [^{F213}(i) by a GB Authority other than the Scottish Ministers, in accordance with the applicable requirements in the relevant part of Great Britain; or
 - (ii) by the NI Authority, in accordance with the applicable requirements in Northern Ireland;”],
 - (iii) for sub-paragraph (c)(ii) substitute—
 - “(ii) in the case of seed which has been fully certified as being Pre-basic Seed or Basic Seed—
 - [^{F214}(aa) by a GB Authority other than the Scottish Ministers, in the applicable requirements in the relevant part of Great Britain, irrespective of the findings of the GB Authority; or
 - (bb) by the NI Authority, in the applicable requirements in Northern Ireland, irrespective of the findings of the NI Authority.”],
- [^{F215}(b) in paragraph (3), for the words “the United Kingdom” to the end substitute “Great Britain from a country granted equivalence.”.]
- (14) In regulation 12 (marketing of early movement seed)—
- [^{F216}(a) in paragraph (1)—
- (i) in sub-paragraph (a), for the words “UK National List or the Common Catalogue” substitute “GB Variety List or an NI Variety List”,
 - (ii) for sub-paragraph (b) substitute—
 - “(b) (i) any seed lot has, in order to make seed rapidly available, been certified by—
 - (aa) a GB Authority other than the Scottish Ministers; or
 - (bb) the NI Authority; and
 - (ii) the provisional germination report on the seed has been presented by the producer to the Scottish Ministers;”],
- (b) in paragraph (3)—
- [^{F217}(i) for “European Authority other than the Scottish Ministers” substitute “GB Authority, other than the Scottish Ministers, or the NI Authority”],
 - (ii) omit “or Annex II (seed conditions) of the Fodder Plant Seed Directive”,
- [^{F218}(c) in paragraph (5), for the words “the United Kingdom” to the end substitute “Great Britain from a country granted equivalence.”.]
- (15) In regulation 14 (applications for official certificates)—
- [^{F219}(a) in paragraph (3), for “UK National List (or an equivalent list in another EEA State)” in both places where it occurs, substitute “GB Variety List or an NI Variety List”,
- (b) in paragraph (4)(d) omit—

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- (i) “or licensed EC crop inspector”, and
 - (ii) “, or licensed EC crop inspector’s.”.]
- (16) In regulation 15(1)(a)(i) (sampling), for “European Authority” substitute “[^{F220}International] Authority”.
- (17) In regulation 16 (sealing of packages of fully certified seed)—
- (a) in paragraph (1)—
 - (i) omit “EC” in both places where it occurs,
 - [^{F221}(ii) for sub-paragraph (b) substitute—
 - “(b) sealed in any other part of the United Kingdom in accordance with the applicable requirements in the relevant part of the United Kingdom.”.]
 - [^{F222}(b) for paragraph (3)(b) substitute—
 - “(b) in any other part of the United Kingdom in accordance with the applicable requirements in the relevant part of the United Kingdom.”.]
 - (c) in paragraphs (4) and (5), omit “EC” in each place where it occurs.
- (18) In regulation 17 (labelling of packages of fully certified seed)—
- [^{F223}(a) for paragraph (4A)(b) substitute—
 - “(b) where seed is sealed in any part of the United Kingdom other than Scotland, be labelled in accordance with the requirements for labelling applicable to a Conservation Variety in the relevant part of the United Kingdom.”.]
 - [^{F224}(b) in paragraph (5)—
 - (i) in the text before sub-paragraph (a), omit “EC” in both places it occurs,
 - (ii) for sub-paragraph (b) substitute—
 - “(b) which is sealed in any part of the United Kingdom other than Scotland will satisfy the applicable requirements in the relevant part of the United Kingdom”.]
 - [^{F225}(c) in paragraph (8)—
 - (i) in the text before sub-paragraph (a), omit “EC” in both places it occurs,
 - (ii) for sub-paragraph (b) substitute—
 - “(b) which is sealed in any other part of the United Kingdom, must contain an official document in accordance with the applicable requirements for official documents and, as the case may be, for labelling of packages of mixtures of seeds, in the relevant part of the United Kingdom.”.]
 - [^{F226}(d) in paragraph (10)—
 - (i) in the text before sub-paragraph (a), omit “EC” in both places it occurs,
 - (ii) for sub-paragraph (a) substitute—
 - “(a) for packages sealed in—
 - (i) Scotland, the appropriate particulars of the matters specified in Part II of Schedule 6 and paragraphs (3), (6)(a), (12) and (13), are printed or stamped indelibly on the package in a panel of at least the size and of the colour so specified;

- (ii) any other part of the United Kingdom, the appropriate particulars of the matters specified in accordance with the applicable requirements in the relevant part of the United Kingdom, are printed or stamped indelibly on the package in a panel of at least the size and of the colour so specified; and”,
- (iii) for sub-paragraph (c) substitute—
- “(c) the requirements of paragraph 17 of Part VI of Schedule 6 are satisfied in the case of a package sealed in any other part of the United Kingdom.”,]
- (e) in paragraph (11), omit “EC” in both places where it occurs,
- (f) in paragraph (14), for “one of the official languages of the European Union” substitute “English but may also be given in other languages”.
- (19) In regulation 20 (breeder's confirmations)—
- [^{F227}(a) in paragraph (1)(c)—
- (i) in head (i), for the words “UK National List” to the end substitute “GB Variety List or an NI Variety List; or”,
- (ii) in head (ii), for the words “UK National List” to the end substitute “GB Variety List or an NI Variety List.”,]
- [^{F228}(b) in paragraphs (5) and (6), for the words “UK National List” to “EEA State)” substitute “GB Variety List or an NI Variety List]
- (20) In regulation 22(11) (labelling of packages of seed in relation to breeder's confirmation), for “one of the official languages of the European Union” substitute “English but may also be given in other languages”.
- (21) Regulation 23 (comparative tests and trials) is omitted.
- (22) After regulation 26 (written and electronic communication) insert—
- “Certification in a Crown Dependency [^{F229} or a country granted equivalence]**
- 26A.** Any seed certified and labelled in a Crown Dependency [^{F229} or a country granted equivalence] under legislation recognised by the Scottish Ministers to have equivalent effect to these Regulations may be marketed in Scotland.
- Transitional provision for official or producer's labels on [^{F230}IP completion] day**
- 26B.** A label pre-printed before [^{F230}IP completion] day which at the date on which it was printed was an official label or a producer's label for the purposes of these Regulations is to be treated as an official label or, as the case may be, a producer's label for a package of Basic Seed, Seed of a Certified Generation, Commercial Seed, seed of a Conservation Variety, seed of a preservation mixture or, as the case may be, a small A package or a small B package of Pre-basic Seed, Basic Seed, Seed of a Certified Generation or Commercial Seed, for the purposes of any use of that label before the end of the period of [^{F231}twelve months] beginning with the day after the day on which [^{F230}IP completion] day falls.”.
- (23) In schedule 2 (official certificates and breeder's confirmations), in Part I (official certificates)—
- (a) in paragraph 1 (applications for seed harvested in the United Kingdom), omit “but not made in pursuance of Article 15 (certification of seed from other EEA States or equivalent third countries) of the Fodder Plant Seed Directive”,

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[^{F232}(b) for paragraph 4 (applications for seed harvested in an EEA State or third country) substitute—

“Applications for seed harvested outside the United Kingdom

4.—(1) Notwithstanding paragraphs 2 and 3, and subject to sub-paragraphs (2) and (3), on receipt of an application made in accordance with regulation 14(1) for the issue of an official certificate in respect of a seed lot as Pre basic Seed, Basic Seed, Seed of a Certified Generation or Commercial Seed, the Scottish Ministers may issue an official certificate in respect of the seed lot containing the particulars specified in paragraph 1 of Schedule 3.

(2) An official certificate may only be issued under sub-paragraph (1) if—

(a) the seed has been—

(i) produced directly from—

(aa) fully certified Basic Seed or Certified Seed of the First Generation, or

(bb) seed certified in the United Kingdom, a Crown Dependency (provided the seed has been produced under legislation recognised by the Scottish Ministers to have equivalent effect to these Regulations) or a country granted equivalence, which is permitted to be sold as Basic Seed or Certified Seed of the First Generation in accordance with these Regulations,

(ii) harvested outside the United Kingdom, and

(iii) shown on official examination, or, in the case of seed certified in a country granted equivalence, on official field inspection, to have satisfied the conditions specified in Part II of schedule 4 for the relevant category of seed;

(b) the seed has been—

(i) produced directly from the crossing of fully certified Basic Seed with seed certified in the United Kingdom, a Crown Dependency (provided the seed has been produced under legislation recognised by the Scottish Ministers to have equivalent effect to these Regulations) or a country granted equivalence, which is permitted to be sold as Basic Seed in accordance with these Regulations,

(ii) harvested outside the United Kingdom, and

(iii) shown on official examination, or, in the case of seed certified in a country granted equivalence, on official field inspection, to have satisfied the conditions specified in Part II of Schedule 4 for the relevant category of seed; or

(c) the seed—

(i) is to be certified by the Scottish Ministers as Basic Seed,

(ii) has been produced directly from—

(aa) fully certified Pre-basic Seed, or

(bb) seed certified in the United Kingdom, a Crown Dependency (provided the seed has been produced under legislation recognised by the Scottish Ministers to have equivalent effect to these Regulations) or a country granted equivalence, which

is permitted to be sold as Pre-basic Seed in accordance with these Regulations,

(iii) has been harvested outside the United Kingdom, and

(iv) has been shown on official examination, or, in the case of seed certified in a country granted equivalence, on official field inspection, to have satisfied the conditions specified in Part II of Schedule 4 for the relevant category of seed.

(3) In the case of seed which has been harvested in a country granted equivalence, an official certificate may only be issued under sub-paragraph (1) provided that—

(a) the seed has been harvested from a crop which has been found by official field inspection to satisfy the crop conditions specified in Part 1 of schedule 4 (crop standards); and

(b) has been packed in a sealed package in accordance with the requirements of regulation 16 (sealing of packages of fully certified seed) and has been labelled in accordance with the requirements of regulation 17 (labelling of packages of fully certified seed) and schedule 6.”.]

[^{F233}(c) in paragraph (7)(d) (when applications may be refused), for the words “UK National List (or to an equivalent list in an EEA State)” substitute “GB Variety List or an NI Variety List”.]

[^{F234}(24) In schedule 4 (requirements for Pre-Basic Seed, Basic Seed, Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation and Commercial Seed)—

(a) in Part I (conditions relating to crops from which seed other than Commercial Seed is obtained)—

(i) in paragraph 2 (varietal identity and varietal purity), for the words “UK National List” to the end substitute “GB Variety List or NI Variety List.”,

(ii) in paragraph 4 (pests in the crop)—

(aa) for “Union” substitute “GB”,

(bb) for “protected zone” substitute “PFA”,

(b) in Part II (conditions relating to Basic Seed, Certified Seed, Certified Seed of the First Generation, Certified Seed of the Second Generation and Commercial Seed), in paragraph 12 (pests in the seed)—

(i) for “Union” substitute “GB”,

(ii) for “protected zone” substitute “PFA”.]

(25) ^{M85}In schedule 4A (standards for certification of Conservation Varieties)—

[^{F235}(a) in Part III (conditions relating to crops from which seed is obtained), in paragraph 1 (varietal identity and varietal purity), for the words “UK National List” to the end substitute “GB Variety List or NI Variety List”.]

(b) in Part IV (conditions relating to seed of a Conservation Variety), in paragraph 1 (standards of germination, analytical purity and content of seed of other plant species), omit “EC”.

[^{F236}(25A) In schedule 5, in Part II (maximum weight of a seed lot and minimum weight of a submitted sample), in paragraph 23A(1) (increase to maximum weight of a seed lot of grasses), for “National Authority other than the Scottish Ministers” substitute “GB Authority, other than the Scottish Ministers, or the NI Authority”.]

(26) In schedule 6—

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- (a) in paragraph 4(a)(i) (official label for a package of Pre-basic Seed), for “EEA State or their commonly used initials”, substitute “ country or country initials ”,
- (b) in paragraph 5(a) (official label for a package of Basic Seed or Seed of a Certified Generation)—
 - (i) in sub-paragraph (i), for “EC” substitute “ [F237GB] ”,
 - (ii) in sub-paragraph (ii), for “EEA State or their commonly used initials”, substitute “ country or country initials ”,
- (c) in paragraph 6(a)(official label for a package of Commercial Seed)—
 - (i) in sub-paragraph (i), for “EC” substitute “ [F237GB] ”,
 - (ii) in sub-paragraph (ii), for “EEA State or their commonly used initials”, substitute “ country or country initials ”,
- [F238](d) in paragraph 6A(a) (official label for a package of test and trial seed)—
 - (i) in head (ii), for “EEA State or their distinguishing abbreviation”, substitute “country or country initials”,
 - (ii) for head (vii) substitute—
 - “(vii) the official application number in relation to the application for listing under—
 - (aa) in relation to applications in GB, regulation 4(1)(a) (applications in relation to GB Variety Lists) of the Seeds (National List of Varieties) Regulations 2001; or
 - (bb) in relation to applications in Northern Ireland, the relevant provision of legislation in Northern Ireland having equivalent effect to the Seeds (National Lists of Varieties) Regulations 2001;”]
- (e) in paragraph 6B(a)(i) (official label for a package of seed of a Conservation Variety) ^{M86}, for “EC” substitute “ [F237GB] ”,
- (f) in paragraph 7(a)(ii) (official label for a package of mixtures to which regulation 8 applies), for “EEA State or their commonly used initials” substitute “ country or country initials ”,
- (g) in paragraph 8A(1)(a) (producer's label for a package of seed of a preservation mixture) ^{M87}, for “EU” substitute “ [F237GB] ”,
- (h) in part III (labels for small EC A or small EC B packages)—
 - (i) in the heading for that part, omit “EC” in both places where it occurs,
 - (ii) in paragraph 9 (label for a small EC B package of Basic Seed, Seed of a Certified Generation or Commercial Seed)—
 - (aa) in the heading, omit “EC”,
 - (bb) in the words before sub-paragraph (a), omit “EC”,
 - (cc) in sub-paragraph (a)(i), omit “EC”,
 - (iii) in paragraph 10 (label for a small EC A or small EC B package of Mixtures) ^{M88}—
 - (aa) in the heading, omit “EC” in both places where it occurs,
 - (bb) in the words before sub-paragraph (a), omit “EC” in both places where it occurs,
 - (cc) in sub-paragraph (a), omit “EC” in both places where it occurs,

- (dd) in sub-paragraph (e), for “Member State or Switzerland” substitute “country”;
- (ee) in sub-paragraphs (h) and (i), omit “EC”;
- (ff) in sub-paragraph (h)(ii), for “Member State or Switzerland or its initials” substitute “country or country initials”;
- (gg) in sub-paragraph (i)(ii), for “Member State or Switzerland or their initials” substitute “country or country initials”;
- [^{F239}(i) in Part V (information in respect of seed imported from countries which are not EEA States in packages exceeding 2 kilograms net weight)—
 - (i) in the heading, for “which are not EEA States” substitute “outside the United Kingdom”;
 - (ii) in paragraph 12 (information to be supplied in respect of seed imported from a country which is not an EEA State in a package exceeding 2 kilograms net weight)—
 - (aa) in the heading, for “a country which is not an EEA State” substitute “outside the United Kingdom”;
 - (bb) in the text before sub-paragraph (a), for “a country which is not an EEA State” substitute “outside the United Kingdom”.]
- [^{F240}(j) in Part VI (printing of specified matters on packages (whole bag labelling)), in paragraph 17 (seed packages sealed in the United Kingdom but not in Scotland, or in an EEA State other than the United Kingdom)—
 - (i) in the heading, for “in an EEA State other than the United Kingdom” substitute “outside the United Kingdom”;
 - (ii) for “EEA State” in the first place where it occurs, substitute “country outside the United Kingdom”;
 - (iii) for “EEA State” in the second place where it occurs substitute “country”;
 - (iv) for “the Department of Agriculture and Rural Development” substitute “DAERA”.]

Textual Amendments

- F178** Reg. 14(2)(b) substituted (31.12.2020 immediately before IP completion day) by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **15(2)(a)**
- F179** Reg. 14(2)(c)(ca) substituted for reg. 14(2)(c) (31.12.2020 immediately before IP completion day) by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **15(2)(b)**
- F180** Reg. 14(2)(d) substituted (31.12.2020 immediately before IP completion day) by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **15(2)(c)**
- F181** Reg. 14(2)(e)(ea) substituted for reg. 14(2)(e) (31.12.2020 immediately before IP completion day) by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **15(2)(d)**
- F182** Reg. 14(2)(f) substituted (31.12.2020 immediately before IP completion day) by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **15(2)(e)**

Status: Point in time view as at 28/03/2019. This version of this

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Changes to legislation: There are currently no known outstanding effects for the The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019. (See end of Document for details)

- F183** Words in reg. 14(2)(g) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(2)(f)**
- F184** Reg. 14(2)(ha) inserted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(2)(g)**
- F185** Reg. 14(2)(i) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(2)(h)**
- F186** Reg. 14(2)(j) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(2)(i)**
- F187** Reg. 14(2)(k) omitted (31.12.2020 immediately before IP completion day) by virtue of The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(2)(j)**
- F188** Reg. 14(2)(l) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(2)(k)**
- F189** Reg. 14(2)(m)-(mb) substituted for reg. 14(2)(m) (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(2)(l)**
- F190** Reg. 14(2)(n)-(nj) substituted for reg. 14(2)(n) (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(2)(m)**
- F191** Reg. 14(2)(r)(s) inserted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(2)(n)**
- F192** Reg. 14(3)(a) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(3)(a)**
- F193** Reg. 14(3)(b) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(3)(b)**
- F194** Reg. 14(3)(c) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(3)(c)**
- F195** Reg. 14(3)(d) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(3)(d)**
- F196** Reg. 14(3)(e) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(3)(e)**
- F197** Reg. 14(3)(f) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(3)(f)**
- F198** Reg. 14(3)(g) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(3)(g)**
- F199** Reg. 14(5)(a)-(ab) substituted for reg. 14(5)(a) (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(4)(a)**

- F200** Reg. 14(5)(c) omitted (31.12.2020 immediately before IP completion day) by virtue of The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(4)(b)**
- F201** Reg. 14(6) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(5)**
- F202** Reg. 14(7)(b)(c) substituted for reg. 14(7)(b) (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(6)**
- F203** Reg. 14(8)(c) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(7)**
- F204** Words in reg. 14(9)(a) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(8)(a)**
- F205** Words in reg. 14(9)(b) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(8)(b)**
- F206** Words in reg. 14(10)(a) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(9)(a)**
- F207** Reg. 14(10)(b) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(9)(b)**
- F208** Reg. 14(10)(d) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(9)(c)**
- F209** Reg. 14(10)(e) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(9)(d)**
- F210** Words in reg. 14(11)(a) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(10)(a)**
- F211** Reg. 14(11)(b)(ii) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(10)(b)**
- F212** Words in reg. 14(12) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(11)**
- F213** Words in reg. 14(13)(a)(ii) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(12)(a)(i)**
- F214** Words in reg. 14(13)(a)(iii) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(12)(a)(ii)**
- F215** Reg. 14(13)(b) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(12)(b)**
- F216** Reg. 14(14)(a) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(13)(a)**

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Changes to legislation: There are currently no known outstanding effects for the The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019. (See end of Document for details)

- F217** Reg. 14(14)(b)(i) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(13)(b)**
- F218** Reg. 14(14)(c) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(13)(c)**
- F219** Reg. 14(15)(a)(b) substituted for reg. 14(15)(a)-(c) (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(14)**
- F220** Word in reg. 14(16) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(15)**
- F221** Reg. 14(17)(a)(ii) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(16)(a)**
- F222** Reg. 14(17)(b) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(16)(b)**
- F223** Reg. 14(18)(a) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(17)(a)**
- F224** Reg. 14(18)(b) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(17)(b)**
- F225** Reg. 14(18)(c) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(17)(c)**
- F226** Reg. 14(18)(d) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(17)(d)**
- F227** Reg. 14(19)(a) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(18)(a)**
- F228** Reg. 14(19)(b) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(18)(b)**
- F229** Words in reg. 14(22) inserted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(19)(a)**
- F230** Words in reg. 14(22) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(19)(b)(i)**
- F231** Words in reg. 14(22) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(19)(b)(ii)**
- F232** Reg. 14(23)(b) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(20)(a)**
- F233** Reg. 14(23)(c) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(20)(b)**

- F234** Reg. 14(24) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(21)**
- F235** Reg. 14(25)(a) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(22)**
- F236** Reg. 14(25A) inserted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(23)**
- F237** Word in reg. 14(26) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(24)(a)**
- F238** Reg. 14(26)(d) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(24)(b)**
- F239** Reg. 14(26)(i) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(24)(c)**
- F240** Reg. 14(26)(j) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(24)(d)**

Commencement Information

- I14** Reg. 14 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(1)(b)

Marginal Citations

- M74** 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.I.** 2011/1043, S.S.I. 2012/5, S.S.I. 2013/326, S.S.I. 2016/68, S.S.I. 2016/434, S.S.I. 2017/384 and Part 2 of this instrument.
- M75** That definition was inserted by S.S.I. 2012/5.
- M76** S.S.I. 2002/541, amended by S.S.I. 2004/439, **S.I.** 2005/2759, S.I. 2011/1043; S.S.I. 2015/100 and S.S.I. 2019/XXX.
- M77** S.I. 2002/2443, as amended by S.I. 2004/2411, **S.I.** 2005/2759, S.I. 2009/1892 and S.I. 2018/575.
- M78** S.I. 2002/3188 (W. 304), amended by S.I. 2005/2759 and S.I. 2013/755 (W. 90).
- M79** S.R. 2003 No. 167.
- M80** That definition was inserted by S.S.I. 2012/5.
- M81** **Regulation 5(2)** is amended, and regulation 13A is inserted, by Part 2 of this instrument.
- M82** **Regulation 8A** was inserted by S.S.I. 2012/5.
- M83** **Regulation 9A** was inserted by S.S.I. 2007/224.
- M84** **Regulation 9B** was inserted by S.S.I. 2009/223.
- M85** **Schedule 4A** was inserted by S.S.I. 2009/223.
- M86** **Paragraph 6B** was inserted by S.S.I. 2009/223.
- M87** **Paragraph 8A** was inserted by S.S.I. 2012/5.
- M88** **Paragraph 10** is amended by Part 2 of this instrument.

The Beet Seed (Scotland) (No. 2) Regulations 2010

- 15.—(1)** The Beet Seed (Scotland) (No. 2) Regulations 2010 ^{M89} are amended as follows.
- (2)** In regulation 2 (interpretation)—
- (a)** in paragraph (1)—

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- (i) at the end of the definition of “additional region”, insert “, with Article 11(1) of that Directive being read as if for the reference to “ Member States ” in each place where it occurs and for “the Member States” there were substituted “ the Scottish Ministers ”,
- [(ii) in the definition of “breeder”—
 - (aa) in sub-paragraph (a), for “UK National List or the Common Catalogue” substitute “GB Variety List, an NI Variety List or the equivalent list in a country granted equivalence”,
 - (bb) in sub-paragraph (b), for “UK National List or in the Common Catalogue” and “UK National List or Common Catalogue” substitute “GB Variety List, NI Variety List or equivalent list in a country granted equivalence”,
- (iia) in the definition of “breeder’s designation”, for “UK National List” substitute “GB Variety List or an NI Variety List”,]
- [(iii) omit the definitions of “Common Catalogue” and “the Common Catalogue Directive”,
- (iia) in the definition of “Conservation Variety”, for “UK National List” substitute “GB Variety List or an NI Variety List”,]
- [(iv) in the definition of “control plot”, for “European Authority” in both places it occurs substitute “GB Authority or the NI Authority”,]
- (v) after the definition of “control plot” insert—
 - [“country granted equivalence” means a country that has been—
 - (a) granted equivalence under the Equivalence Decision; or
 - (b) assessed by Scottish Ministers as producing the species of seed referred to in regulation 4 under conditions equivalent to those required by these Regulations;]
 - “Crown Dependency” means any of the Channel Islands or the Isle of Man;”,
- [(va) for the definition of “Department of Agriculture and Rural Development” substitute—
 - ““DAERA” means the Department of Agriculture, Environment and Rural Affairs in Northern Ireland;”,
- (vb) omit the definition of “EEA State”,]
- [(vi) omit the definition of “European Authority”,
- (vii) omit the definition of “by a European Authority”,]
- [(viii) in the definition of “fully certified”—
 - (aa) in sub-paragraph (b), for “a European” substitute “an International”,
 - (bb) in the text after sub-paragraph (b), for the words “either in” to the end substitute “Part 1 of schedule 4;”,]
- [(ix) after the definition of “genetically modified” insert—
 - ““the GMO Regulations” means—
 - (a) in relation to Scotland, the Genetically Modified Organisms (Deliberate Release) (Scotland) Regulations 2002 ^{M90};
 - (b) in relation to England, the Genetically Modified Organisms (Deliberate Release) Regulations 2002 ^{M91};

- (c) in relation to Wales, the Genetically Modified Organisms (Deliberate Release) (Wales) Regulations 2002^{M92};
 - (d) in relation to Northern Ireland, the Genetically Modified Organisms (Deliberate Release) Regulations (Northern Ireland) 2003^{M93};
- “GB Authority” means the Scottish Ministers, the Secretary of State or the National Assembly for Wales;
- “GB Variety List” is a list of plant varieties prepared and published by the Secretary of State in accordance with the provisions of the Seeds (National Lists of Varieties) Regulations 2001;”
- (ixa) after the definition of “homogenous seed lot” insert—
- ““International Authority” means a GB Authority, the NI Authority or the competent seed certification authority of a country other than the United Kingdom, and “by an International Authority“ means—
- (a) by or on behalf of a GB Authority;
 - (b) by or on behalf of the NI Authority; or
 - (c) by or on behalf of the competent seed certification authority of a country other than the United Kingdom;”
- (ixb) in the definitions of “licensed crop inspector”, “licensed seed sampler” and “licensed seed testing station”, for sub-paragraph (b) substitute—
- “(b) granted under provisions equivalent to that regulation by—
- (i) a GB Authority other than the Scottish Ministers; or
 - (ii) the NI Authority;”]

[^{F241}(x) omit the definition of “licensed EU crop inspector”,

 - (xa) omit the definition of “National Authority”,
 - (xb) after the definition of “natural seed” insert—

““NI Authority” means DAERA;

“NI Variety List” means a list of plant varieties prepared and published by DAERA in accordance with legislation having equivalent effect in Northern Ireland to the Seeds (National Lists of Varieties) Regulations 2001;”

 - (xc) in the definitions of “official control”, “official label”, “official seal” and “official sticker”, for “a European Authority” substitute “an International Authority”,
 - (xd) in the definition of “official examination”, in sub-paragraphs (a)(i) and (b)(i), for “the Scottish Ministers or a European Authority” substitute “an International Authority”,
 - (xe) in the definition of “official field inspection”—
 - (aa) in sub-paragraph (a), for “a European Authority” substitute “an International Authority”,
 - (bb) in sub-paragraph (b), omit the words “or a licensed EU crop inspector”,
 - (xf) in the definition of “official post control”, for “the relevant European Authority” substitute “an International Authority”,
 - (xg) in the definition of “official post control the results of which have been satisfactory”—
 - (aa) for “the relevant European Authority” substitute “an International Authority”,

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- (bb) for sub-paragraph (a)(ii) substitute—
- “(ii) in the case of a GB Authority other than the Scottish Ministers, Parts I and II of schedule 4;”,
- (xh) for the definition of “registered or licensed number” substitute—
- ““registered or licensed number” means the number issued to a person who holds a licence granted under regulation 4(1)(a) of the Seed (Licensing and Enforcement etc.) (Scotland) Regulations 2016 or to a person licensed or registered under provision equivalent to that regulation by—
- (a) a GB Authority other than the Scottish Ministers; or
- (b) the NI Authority;”,]
- (xi) in the definition of “region of origin”, insert at the end “, with Article 8.1 of Commission Directive 2008/62 being read as if—
- “(a) in the first sub-paragraph—
- (i) for “a Member State accepts”, there were substituted “ the Scottish Ministers accept ”,
- (ii) for “it shall”, there were substituted “ they must ”,
- (iii) for “It shall”, there were substituted “ The Scottish Ministers must ”,
- (iv) for “Member States”, there were substituted “ Scottish Ministers ”,
- (b) the second sub-paragraph was omitted”,
- (xii) in the definition of “small EC package”, omit “EC”,
- [(xiii) for the definition of “third country” substitute—
- ““third country” means any country or territory other than the British Islands;”,
- (xiv) omit the definition of “UK National List”,]
- (b) in paragraphs (3) and (4)—
- [(i) in sub-paragraph (a), for the words “either an” to the end substitute “a country granted equivalence”,]
- [(ii) in sub-paragraph (b), for the words “EEA state or third country” substitute “country granted equivalence”,]
- (c) in paragraph (5)—
- [(i) in sub-paragraph (a), for the words “either an” to the end substitute “a country granted equivalence”,]
- (ii) in sub-paragraph (c)—
- (aa) omit “EC” in both places where it occurs,
- [(bb) for the words “EEA state or third country” substitute “country granted equivalence”,]
- (3) For regulation 4(2) (seed to which the Regulations apply) substitute ^{M94}—
- “(2) These Regulations do not apply to seed intended for export outside the United Kingdom (other than regulation 14A (certification and labelling for export)).”.
- (4) In regulation 6 (marketing of seed)—

- [^{F242}(a) in paragraph (1)(b)(i), for the words “UK National List or the Common Catalogue” substitute “GB Variety List or an NI Variety List]
- (b) in paragraph (2)(c), omit “or Annex I(A) (crop conditions) of the Beet Seed Directive”,
- [^{F243}(ba) in paragraph (4), for “a European” substitute “an International”.]
- (c) in paragraph (5), for “a country which is not an EEA state” substitute “ outside the United Kingdom ”,
- ^{F244}(d)
- [^{F245}(e) in paragraph (6)—
 - (i) omit “, by reason only of Article 3(2) (component varieties) of the Common Catalogue Directive,”,
 - (ii) for “the UK National List” substitute “a GB Variety List or an NI Variety List”.]
- [^{F246}(5) In regulation 6A (importation from outside the European Union)—
 - (a) in the heading, for “outside the European Union” substitute “a country granted equivalence”,
 - (b) for “outside the European Union” substitute “a country granted equivalence”.]
- [^{F247}(6) For regulation 7(1) (general exemptions) substitute—
 - “(1) The Scottish Ministers may, by a general licence, authorise—
 - (a) a temporary experiment seeking improved alternatives to provisions of these Regulations and organised in accordance with regulations made under section 16(5) of the Act; or
 - (b) exemption from any provisions of these Regulations to the extent that the provisions of the general licence are—
 - (i) necessary in order to overcome any temporary difficulties in the supply of basic or certified seed—
 - (aa) by permitting the marketing of seed of a category subject to less stringent requirements, or of seed of a variety not included in a GB Variety List or an NI Variety List;
 - (bb) for a specified period; and
 - (cc) in quantities necessary to resolve the supply difficulties; or
 - (ii) permitted by Commission Regulation 217/2006 or an authorisation granted thereunder.
 - (1A) The duration of a temporary experiment referred to in paragraph (1)(a) must not exceed 7 years.
 - (1B) When seed is marketed in accordance with paragraph (1)(b)(i), the following labelling requirements apply—
 - (a) for a category of seed of any given variety, the official label must be that provided for the corresponding category;
 - (b) for seed of varieties not included in a GB Variety List or an NI Variety List the colour of the official label must be brown;
 - (c) the label must always state that the seed in question is of a category satisfying less stringent requirements.”.]
 - (7) In regulation 8 (exception for scientific purposes or selection work)—
 - (a) for paragraph (1)(b) substitute—

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- [^{F248}(b) an authorisation has been granted to the producer, in respect of small quantities of seed for scientific purposes or selection work in accordance with the applicable requirements in the relevant part of the United Kingdom, by—
- (i) a GB Authority other than the Scottish Ministers; or
 - (ii) the NI Authority.”],
- (b) for paragraph (4) substitute—
- “(4) The Scottish Ministers may only grant an authorisation under this regulation in respect of a genetically modified variety if the marketing and release of the genetically modified material by the applicant has been authorised—
- (a) before the day on which [^{F249}IP completion] day falls, under Part C of the 2001 Deliberate Release Directive,
 - (b) under the Food and Feed Regulation, or
 - (c) under the GMO Regulations.”.
- (8) In regulation 9 (exception for test and trial seed)—
- (a) for paragraph (1) substitute—
- “(1) Regulation 6(1) does not apply to the marketing by a producer of seed for test and trial purposes in accordance with—
- (a) a tests and trials authorisation; or
- [^{F250}(b) an authorisation which has been granted to the producer, in accordance with the applicable requirements in the relevant part of the United Kingdom, by—
- (i) a GB Authority other than the Scottish Ministers; or
 - (ii) the NI Authority.”],
- [^{F251}(b) in paragraph (4)—
- (i) for sub-paragraph (a) substitute—
- “(a) the seed is of a variety for which an application has been made by the applicant, which has not been withdrawn or finally determined, under—
- (i) regulation 4(1)(a) (applications in relation to National Lists) of the Seeds (National Lists of Varieties) Regulations 2001 for acceptance on to a GB Variety List; or
 - (ii) the relevant provision of legislation in Northern Ireland having equivalent effect to the Seeds (National Lists of Varieties) Regulations 2001 for acceptance on to an NI Variety List;”,
- (ii) for sub-paragraph (b) substitute—
- “(b) in the case of seed of a genetically modified variety, the marketing and release of the genetically modified material by the applicant has been authorised—
- (i) before the day on which IP Completion day falls, under Part C of the 2001 Deliberate Release Directive;
 - (ii) under the Food and Feed Regulation; or
 - (iii) under the GMO Regulations;”,]
- (c) in paragraph (6), for “that permitted by Article 7 (quantities) of the 2004 Commission Decision” substitute “ the greater of 0.1% of the annual number of seeds used in the

United Kingdom and such quantity as the Scottish Ministers consider is sufficient to sow 10 hectares ”,

[^{F252}(d) in paragraph (9), for “UK National List” to the end substitute “GB Variety List or an NI Variety List.”,]

[^{F253}(e) in paragraph (10), for “names of the EEA states” to the end substitute “location of the trials within the United Kingdom.”.]

(9) In regulation 10 (exception for Conservation Varieties), after paragraph (7) insert—

“(7A) For the purposes of paragraph (7), Article 14 of Commission Directive 2008/62 is to be read as if—

(a) in the first paragraph—

(i) “Each Member State shall ensure that,” was omitted,

(ii) for “does not exceed”, there were substituted “ may not exceed ”,

(iii) for “that Member State”, there were substituted “ [^{F254}Great Britain] ”,

(b) in the second paragraph—

(i) for “each Member State”, there were substituted “ [^{F254}Great Britain] ”,

(ii) for “the Member State” in both places where it occurs, there were substituted “ [^{F254}Great Britain] ”.”.

(10) In regulation 11 (marketing of officially certified lower germination seed)—

(a) in paragraph (1)—

(i) in the words before sub-paragraph (a), omit “or Annex I (conditions for certification) of the Beet Seed Directive”,

(ii) for sub-paragraph (b) substitute—

“(b) which has been certified as satisfying the conditions for the relevant category of seed although it attains a lower percentage of germination than that specified in Part II of Schedule 4 in relation to Basic Seed—

[^{F255}(i) by a GB Authority other than the Scottish Ministers, in accordance with the applicable requirements in the relevant part of Great Britain; or

(ii) by the NI Authority, in accordance with the applicable requirements in Northern Ireland; or”]

(iii) for sub-paragraph (c)(ii) substitute—

“(ii) in the case of seed which has been fully certified as being Pre-Basic Seed or Basic Seed—

[^{F256}(aa) by a GB Authority other than the Scottish Ministers, in accordance with the applicable requirements in the relevant part of Great Britain, irrespective of the findings of the GB Authority; or

(bb) by the NI Authority, in accordance with the applicable requirements in Northern Ireland, irrespective of the findings of the NI Authority.”],

[^{F257}(b) in paragraph (3), for the words “from a country” to the end substitute “into Great Britain from a country granted equivalence.”.]

(11) In regulation 12 (marketing of early movement seed)—

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- [^{F258}(a) in paragraph (1)—
- (i) in sub-paragraph (a), for the words “UK National List or the Common Catalogue” substitute “GB Variety List or an NI Variety List”,
 - (ii) for sub-paragraph (b) substitute—
 - “(b) (i) any seed lot has, in order to make seed rapidly available, been certified by—
 - (aa) a GB Authority other than the Scottish Ministers; or
 - (bb) the NI Authority; and
 - (ii) the provisional germination report on the seed has been presented by the producer to the Scottish Ministers,”.]
- (b) in paragraph (3)—
- [^{F259}(i) for “European Authority other than the Scottish Ministers” substitute “GB Authority, other than the Scottish Ministers, or the NI Authority”,]
 - (ii) omit “or Annex I(B) of the Beet Seed Directive”,
- [^{F260}(c) in paragraph (4), for the words “from a country” to the end substitute “into Great Britain from a country granted equivalence.”.]
- (12) In regulation 15 (official certificates)—
- [^{F261}(a) in paragraph (3), for “UK National List (or an equivalent list in another EEA State)” in both places where it occurs, substitute “GB Variety List or an NI Variety List,
- (b) in paragraph (4)(d) omit “or licensed EU crop inspector”.]
- [^{F262}(13) In regulation 16 (breeder’s confirmations), in paragraphs (1)(c), (5) and (6), for the words “UK National List (or to an equivalent list in another EEA State)” in each place they occur substitute “GB Variety List or an NI Variety List”.]
- [^{F263}(14) In regulation 17(1)(a) (sampling), for “a European” substitute “an International”.]
- (15) In regulation 18 (sealing of packages of seed)—
- [^{F264}(a) for paragraph (2)(b) substitute—
- “(b) sealed in any other part of the United Kingdom in accordance with the applicable requirements in the relevant part of the United Kingdom.”.]
- [^{F265}(b) in paragraph (5)—
- (i) in the words before sub-paragraph (a), omit “EC”,
 - (ii) in sub-paragraph (b), for “National Authority other than the Scottish Ministers” substitute “GB Authority, other than the Scottish Ministers, or the NI Authority”,
- (c) in paragraph (6), omit “EC.”]
- (16) In regulation 19 (labelling of packages of seed)—
- (a) in paragraph (2)—
 - (i) omit “EC”,
 - (ii) for sub-paragraph (b) substitute—
 - [^{F266}(b) where it is sealed in any other part of the United Kingdom, must—
 - (i) be labelled in accordance with the applicable requirements for labelling in the relevant part of the United Kingdom in relation to the relevant category of seed, and

- (ii) contain an official document in accordance with the applicable requirements for official documents in the relevant part of the United Kingdom.”],
 - (b) in paragraph (10), omit “EC”,
 - (c) in paragraph (15), for “one of the official languages of the European Union” substitute “English but may also be given in other languages”.
- (17) Regulation 20 (comparative tests and trials) is omitted.
- (18) After regulation 23 (written and electronic communication) insert—

“Certification in a Crown Dependency [^{F267} or a country granted equivalence]

23A. Any seed certified and labelled in a Crown Dependency [^{F267} or a country granted equivalence] under legislation recognised by the Scottish Ministers to have equivalent effect to these Regulations may be marketed in Scotland.

Transitional provision for official labels on [^{F268}IP completion] day

23B. A label pre-printed before [^{F268}IP completion] day which at the date on which it was printed was an official label for the purposes of these Regulations is to be treated as an official label for a package of Basic Seed, Certified Seed or Seed of a Conservation Variety, for the purposes of any use of that label before the end of the period of [^{F269}twelve months] beginning with the day after the day on which [^{F268}IP completion] day falls.”.

(19) In schedule 1 (species and categories of beet seed), in Part II (categories of seed that may be marketed)—

[^{F270}(a) in the definition of “Pre-basic Seed”, for paragraph 2(c)(ii) substitute—

“(ii) has been certified by a GB Authority, other than the Scottish Ministers, as satisfying the conditions specified in sub-paragraphs (a) and (b) and the applicable requirements for Basic Seed in the relevant part of the United Kingdom.”.]

[^{F271}(b) in the definition of “Basic Seed”, for paragraph 3(c)(ii) substitute—

“(ii) has been certified by a GB Authority, other than the Scottish Ministers, as satisfying the conditions specified in sub-paragraphs (a) and (b) and the applicable requirements for Basic Seed in the relevant part of the United Kingdom.”.]

[^{F272}(c) in the definition of “Certified Seed”, for paragraph 4(b)(ii) substitute—

“(ii) has been certified by a GB Authority, other than the Scottish Ministers, as satisfying the conditions specified in sub-paragraph (a) and the applicable requirements for Certified Seed in the relevant part of the United Kingdom.”.]

(20) In schedule 2 (official certificates and breeder's confirmations)—

(a) in Part I (official certificates)—

(i) in paragraph 1 (applications for seed harvested in the United Kingdom), omit “but not made in pursuance of Article 22 (certification of seed from other EEA states or equivalent third countries) of the Beet Seed Directive”,

[^{F273}(ii) for paragraph 4 (applications for seed harvested in an EEA State or third country) substitute—

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“Applications for seed harvested outside the United Kingdom

4.—(1) Notwithstanding paragraphs 2 and 3, and subject to sub-paragraphs (2) and (3), on receipt of an application made in accordance with regulation 15(1) for the issue of an official certificate in respect of a seed lot as Pre-Basic Seed, Basic Seed or Certified Seed, the Scottish Ministers may issue an official certificate in respect of the seed lot containing the particulars specified in paragraph 1 of Schedule 3.

(2) An official certificate may only be issued under sub-paragraph (1) if—

(a) the seed has been—

(i) produced directly from—

(aa) fully certified Basic Seed or Certified Seed, or

(bb) seed certified in the United Kingdom, a Crown Dependency (provided the seed has been produced under legislation recognised by the Scottish Ministers to have equivalent effect to these Regulations) or a country granted equivalence, which is permitted to be sold as Basic Seed or Certified Seed in accordance with these Regulations,

(ii) harvested outside the United Kingdom, and

(iii) shown on official examination, or, in the case of seed certified in a country granted equivalence, on official field inspection, to have satisfied the conditions specified in Part II of Schedule 4 for the relevant category of seed;

(b) the seed has been—

(i) produced directly from the crossing of fully certified Basic Seed with seed certified in the United Kingdom, a Crown Dependency (provided the seed has been produced under legislation recognised by the Scottish Ministers to have equivalent effect to these Regulations) or a country granted equivalence, which is permitted to be sold as Basic Seed in accordance with these Regulations,

(ii) harvested outside the United Kingdom, and

(iii) shown on official examination, or, in the case of seed certified in a country granted equivalence, on official field inspection, to have satisfied the conditions specified in Part II of Schedule 4 for the relevant category of seed; or

(c) the seed—

(i) is to be certified by the Scottish Ministers as Basic Seed,

(ii) has been produced directly from—

(aa) fully certified Pre-basic Seed, or

(bb) seed certified in the United Kingdom, a Crown Dependency (provided the seed has been produced under legislation recognised by the Scottish Ministers to have equivalent effect to these

Regulations) or a country granted equivalence, which is permitted to be sold as Pre-basic Seed in accordance with these Regulations,

- (iii) has been harvested outside the United Kingdom, and
- (iv) has been shown on official examination, or, in the case of seed certified in a country granted equivalence, on official field inspection, to have satisfied the conditions specified in Part II of Schedule 4 for the relevant category of seed.

(3) In the case of seed which has been harvested in a country granted equivalence, an official certificate may only be issued under subparagraph (1) provided that—

- (a) the seed has been harvested from a crop which has been found by official field inspection to satisfy the crop conditions specified in Part 1 of Schedule 4; and
- (b) has been packed in a sealed package in accordance with the requirements of regulation 18 (sealing of packages of seed) and has been labelled in accordance with the requirements of regulation 19 (labelling of packages of seed) and Schedule 6.”.]

[^{F274}(b) in Part II (breeder’s confirmations), in paragraph (7)(d) (when applications may be refused), for “UK National List (or to an equivalent list in an EEA state)” substitute “GB Variety List or an NI Variety List”.]

[^{F275}(21) In Schedule 4 (requirements for Pre-Basic Seed, Basic Seed, Certified Seed and Seed of a Conservation Variety), in Part I (conditions relating to crops from which seed is obtained)—

- (a) in paragraph 2(1) (varietal identity and varietal purity), for the words “UK National List” to the end substitute “GB Variety List or NI Variety List”,
- (b) in paragraph 5(2) (isolation distances – minimum distances), for “the Common Catalogue or UK National List” substitute “a GB Variety List or an NI Variety List”.]

(22) In schedule 6 (labelling)—

- (a) in paragraph 4 (official label for a package of Pre-Basic Seed), for “EEA state or their commonly used initials”, substitute “country or country initials”,
- (b) in paragraph 5(a) (official label for a package of Basic Seed or Certified Seed)—
 - (i) in sub-paragraph (i), for “EC” substitute “ [^{F276}GB] ”,
 - (ii) in sub-paragraph (ii), for “EEA state or their commonly used initials”, substitute “country or country initials”,

[^{F277}(c) in paragraph 6(a) (official label for a package of test and trial seed)—

- (i) in head (ii), for “EEA State or their distinguishing abbreviation” substitute “country or country initials”,
- (ii) in head (vii), for “the UK National” substitute “a GB Variety”.]
- (d) in paragraph 7 (official label for a package of seed of a Conservation Variety)—
 - (i) in sub-paragraph (1)(a)(i), for “EC” substitute “ [^{F278}GB] ”,
 - (ii) for sub-paragraph (2) substitute—

[^{F279}“(2) Where a package of seed of a Conservation Variety is sealed in any other part of Great Britain, it must be labelled in accordance with the requirements for labelling applicable in the relevant part of Great Britain.”],

(e) in Part III (small EC packages)—

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- (i) in the heading, omit “EC”,
- (ii) in paragraph 11 (label for a small EC package of Pre-Basic Seed, Basic Seed or Certified Seed)—
 - (aa) in the heading, omit “EC”,
 - (bb) omit “EC” in both places where it occurs,
 - (cc) for “EEA state or their initials” substitute “country or country initials”,
- [^{F280}(f) in Part V (information in respect of seed imported from countries which are not EEA States in packages exceeding 2 kilograms net weight)—
 - (i) in the heading, for “which are not EEA States” substitute “outside the United Kingdom”,
 - (ii) in paragraph 13 (information to be supplied in respect of seed imported from a country which is not an EEA State in a package exceeding 2 kilograms net weight)—
 - (aa) in the heading, for “which is not an EEA State” substitute “outside the United Kingdom”,
 - (bb) in the text before sub-paragraph (a), for “which is not an EEA State” substitute “outside the United Kingdom”,]
- [^{F281}(g) in Part VI (printing of specified matters on packages (whole bag labelling)), in paragraph 17 (seed packages sealed in the United Kingdom but not in Scotland, or in an EEA State other than the United Kingdom)—
 - (i) in the heading, for “an EEA State” substitute “a country”,
 - (ii) for “EEA State” in both places where it occurs, substitute “country”,
 - (iii) for “the Department of Agriculture and Rural Development” substitute “DAERA”.]

Textual Amendments

- F241** Reg. 15(2)(a)(x)-(xh) substituted for reg. 15(2)(a)(x) (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **16(2)(a)(ix)**
- F242** Reg. 15(4)(a) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **16(3)(a)**
- F243** Reg. 15(4)(ba) inserted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **16(3)(b)**
- F244** Reg. 15(4)(d) omitted (31.12.2020 immediately before IP completion day) by virtue of The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **16(3)(c)**
- F245** Reg. 15(4)(e) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **16(3)(d)**
- F246** Reg. 15(5) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **16(4)**
- F247** Reg. 15(6) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **16(5)**

- F248** Words in reg. 15(7)(a) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **16(6)(a)**
- F249** Words in reg. 15(7)(b) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **16(6)(b)**
- F250** Words in reg. 15(8)(a) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **16(7)(a)**
- F251** Reg. 15(8)(b) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **16(7)(b)**
- F252** Reg. 15(8)(d) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **16(7)(c)**
- F253** Reg. 15(8)(e) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **16(7)(d)**
- F254** Words in reg. 15(9) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **16(8)**
- F255** Words in reg. 15(10)(a)(ii) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **16(9)(a)(i)**
- F256** Words in reg. 15(10)(a)(iii) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **16(9)(a)(ii)**
- F257** Reg. 15(10)(b) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **16(9)(b)**
- F258** Reg. 15(11)(a) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **16(10)(a)**
- F259** Reg. 15(11)(b)(i) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **16(10)(b)**
- F260** Reg. 15(11)(c) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **16(10)(c)**
- F261** Reg. 15(12)(a)(b) substituted for reg. 15(12)(a)-(c) (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **16(11)**
- F262** Reg. 15(13) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **16(12)**
- F263** Reg. 15(14) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **16(13)**
- F264** Reg. 15(15)(a) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **16(14)(a)**

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- F265** Reg. 15(15)(b)(c) substituted for reg. 15(15)(b) (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **16(14)(b)**
- F266** Words in reg. 15(16)(a)(ii) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **16(15)**
- F267** Words in reg. 15(18) inserted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **16(16)(a)**
- F268** Words in reg. 15(18) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **16(16)(b)(i)**
- F269** Words in reg. 15(18) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **16(16)(b)(ii)**
- F270** Reg. 15(19)(a) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **16(17)(a)**
- F271** Reg. 15(19)(b) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **16(17)(b)**
- F272** Reg. 15(19)(c) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **16(17)(c)**
- F273** Reg. 15(20)(a)(ii) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **16(18)(a)(i)**
- F274** Reg. 15(20)(b) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **16(18)(b)**
- F275** Reg. 15(21) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **16(19)**
- F276** Word in reg. 15(22)(b)(i) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **16(20)(a)**
- F277** Reg. 15(22)(c) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **16(20)(b)**
- F278** Word in reg. 15(22)(d)(i) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **16(20)(c)(i)**
- F279** Words in reg. 15(22)(d)(ii) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **16(20)(c)(ii)**
- F280** Reg. 15(22)(f) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **16(20)(d)**
- F281** Reg. 15(22)(g) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **16(20)(e)**

Commencement Information

- I15** Reg. 15 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(1)(b)

Marginal Citations

- M89** S.S.I. 2010/148, amended by S.S.I. 2011/413, S.I. 2011/1043, S.S.I. 2016/68, S.S.I. 2016/434 and Part 2 of this instrument.
- M90** S.S.I. 2002/541, amended by S.S.I. 2004/439, S.I. 2005/2759, S.I. 2011/1043; S.S.I. 2015/100 and S.S.I. 2019/XXX.
- M91** S.I. 2002/2443, as amended by S.I. 2004/2411, S.I. 2005/2759, S.I. 2009/1892 and S.I. 2018/575.
- M92** S.I. 2002/3188 (W. 304), amended by S.I. 2005/2759 and S.I. 2013/755 (W. 90).
- M93** S.R. 2003 No. 167.
- M94** Regulation 4(2) is amended, and regulation 14A is inserted, by Part 2 of this instrument.

The Seed Potatoes (Scotland) Regulations 2015

16.—(1) The Seed Potatoes (Scotland) Regulations 2015^{M95} are amended as follows.

(2) In regulation 2(1) (interpretation)—

[^{F282}(za) after the definition of “agricultural unit” insert—

““applicable GB grade” means—

(a) in relation to seed potatoes produced in Scotland, the GB grade determined in respect of those seed potatoes under regulation 8(2)(a) or, as the case may be, under regulation 15(2), and—

(i) in the case of pre-basic seed potatoes, means GB grade PBTC or GB grade PB;

(ii) in the case of basic seed potatoes, means GB grade S, GB grade SE, or GB grade E;

(b) in relation to seed potatoes produced in a part of Great Britain other than Scotland, the GB grade determined in accordance with the relevant seed potatoes regulations,

and references in these Regulations to “GB grade PBTC”, “GB grade PB”, “GB grade S”, “GB grade SE” and “GB grade E” are to be construed accordingly;”]

(a) in the definition of “applicable Union grade”—

(i) omit sub-paragraph (a),

(ii) in sub-paragraph (b), for “outside Scotland” substitute “ in [^{F283}Northern Ireland] ”,

(iii) omit “in relation to both cases as mentioned in paragraph (a) and (b)”,

^{F284}(b)

(c) in the definition of “basic seed potatoes”, in sub-paragraph (b), for the words from “in accordance” to the end substitute—

“, stating that on examination of the potatoes they were certified as basic seed potatoes and that they have fulfilled the applicable requirements for the grade, in accordance with—

(i) in the case of seed potatoes produced in [^{F285}Great Britain], the relevant seed potatoes regulations;

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- (ii) in the case of seed potatoes produced in a Crown Dependency [^{F286}or a country granted equivalence], legislation recognised by the Scottish Ministers as having equivalent effect to regulation 10(1)(b) and paragraphs 2 and 4 of Schedule 5;
- (iii) ^{F287} ... ”,
- [^{F288}(ca) omit the definition of “Common Catalogue”,
- (cb) after the definition of “Council Directive 2002/56/EC” insert—
 - ““country granted equivalence” means a country that has been assessed by Scottish Ministers as producing seed potatoes under conditions equivalent to those required by these Regulations;”]
- (d) after the definition of “crop inspection report” insert—
 - ““Crown Dependency” means the Isle of Man and any of the Channel Islands;”,
- [^{F289}(da) after the definition of “declared net weight” insert—
 - ““DAERA” means the Department of Agriculture, Environment and Rural Affairs in Northern Ireland;”,]
- [^{F290}(e) after the definition of “Directive 2001/18/EC” insert—
 - ““equivalent grade” means—
 - (a) for Northern Ireland, an equivalent Union grade;
 - (b) for a Crown Dependency or a country granted equivalence, a grade recognised by Scottish Ministers as being equivalent to a GB grade;
 - “equivalent Union grade” means—
 - (a) for “GB grade PBTC”, “Union grade PBTC”;
 - (b) for “GB grade PB”, “Union grade PB”;
 - (c) for “GB grade S”, “Union grade S”;
 - (d) for “GB grade SE”, “Union grade SE”;
 - (e) for “GB grade E”, “Union grade E”;”,]
- (f) after the definition of “genetically modified” insert—
 - “the GMO Regulations” means—
 - (a) in relation to Scotland, the Genetically Modified Organisms (Deliberate Release) (Scotland) Regulations 2002 ^{M96},
 - (b) in relation to England, the Genetically Modified Organisms (Deliberate Release) Regulations 2002 ^{M97},
 - (c) in relation to Wales, the Genetically Modified Organisms (Deliberate Release) (Wales) Regulations 2002 ^{M98},
 - (d) in relation to Northern Ireland, the Genetically Modified Organisms (Deliberate Release) Regulations (Northern Ireland) 2003 ^{M99};”,
- [^{F291}(g) for the definition of “grade” substitute—
 - ““grade” includes the GB grade;
 - “GB Variety List” means a list of varieties of potato species prepared and published in accordance with regulation 3 of the National Lists Regulations;”,
- (ga) omit the definition of “National List”,
- (gb) after the definition of “National Lists Regulations” insert—

““NI Variety List” means a list of plant varieties prepared and published by DAERA in accordance with legislation having equivalent effect in Northern Ireland to the Seeds (National Lists of Varieties) Regulations 2001;”]

(h) for the definition of “official document” substitute—

““official document” means—

- (a) in the case of seed potatoes produced in Scotland, a document issued or approved by the Scottish Ministers, which meet the requirements of schedule 5A;
- (b) in the case of seed potatoes produced outside Scotland, a document issued or approved by the relevant authority in the country or territory where the seed potatoes were produced, which meets the requirements of—
 - (i) in the case of seed potatoes produced in [^{F292}Great Britain], the relevant seed potatoes regulations;
 - (ii) in the case of seed potatoes produced in a Crown Dependency [^{F293}or a country granted equivalence], legislation recognised by the Scottish Ministers as having equivalent effect to the requirements of schedule 5A;

^{F294}(iii)”,

(i) in the definition of “official label”, for sub-paragraph (b) substitute—

“(b) in the case of seed potatoes produced outside Scotland, a label approved by the relevant authority in the country or territory where the seed potatoes were produced and which meets, as appropriate to the seed potatoes to which the label relates, the requirements of—

- (i) in the case of seed potatoes produced in [^{F295}Great Britain], the relevant seed potatoes regulations;
- (ii) in the case of seed potatoes produced in a Crown Dependency [^{F296}or a country granted equivalence], legislation recognised by the Scottish Ministers as having equivalent effect to the requirements of regulation 10 and schedule 5;

^{F297}(iii)”,

[^{F298}(j) for the definition of “outside Scotland” substitute—

““outside Scotland”, in relation to the place of production of seed potatoes means—

- (a) any part of the British Islands other than Scotland; or
- (b) a country granted equivalence;”]

(k) in the definition of “pre-basic seed potatoes”, in sub-paragraph (b), for the words “Article 18(f)” to the end substitute—

“the requirements of—

- (i) in the case of seed potatoes produced in [^{F299}Great Britain], the relevant seed potatoes regulations;
- (ii) in the case of seed potatoes produced in a Crown Dependency [^{F300}or a country granted equivalence], legislation recognised by the Scottish Ministers as having equivalent effect to the requirements of regulation 10(1)(a) and paragraphs 1 and 4 of Schedule 5;

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- (iii) ^{F301} ... ”;
- (l) in the definition of “relevant authority”, omit “for the purposes of Council Directive 2002/56/EC”,
- (m) after the definition of “relevant authority”, insert—
- ““the seed potatoes regulations” means—
- (a) in relation to England, the Seed Potatoes (England) Regulations 2015 ^{M100};
- (b) in relation to Wales, the Seed Potatoes (Wales) Regulations 2016 ^{M101};
- (c) in relation to Northern Ireland, the Seed Potatoes Regulations (Northern Ireland) 2016 ^{M102}, and “the relevant seed potatoes regulations”, in relation to any constituent part of the United Kingdom, means the seed potatoes regulations applicable in relation to that part.”
- (n) in the definition of “scientific and selection seed potatoes”, in sub-paragraph (b), for the words “Article 6(1)(a)” to the end substitute—
- “the requirements of—
- (i) in the case of seed potatoes produced in [^{F302}Great Britain], the relevant seed potatoes regulations;
- (ii) in the case of seed potatoes produced in a Crown Dependency [^{F303}or a country granted equivalence], legislation recognised by the Scottish Ministers as having equivalent effect to the requirements of regulation 6;
- (iii) ^{F304} ... ”;
- (o) in the definition of “test and trial seed potatoes”, in sub-paragraph (b), for the words “the requirements” to the end substitute—
- “the requirements of—
- (i) in the case of seed potatoes produced in [^{F305}Great Britain], the relevant seed potatoes regulations;
- (ii) in the case of seed potatoes produced in a Crown Dependency [^{F306}or a country granted equivalence], legislation recognised by the Scottish Ministers as having equivalent effect to the requirements of regulations 5 and 10(1)(c) and paragraphs 3 and 4 of Schedule 5;
- (iii) ^{F307} ... ”.
- [^{F308}(3) Omit regulation 2(3).]
- (4) In regulation 4 (general provisions on the marketing of seed potatoes)—
- [^{F309}(za) in paragraph (3)—
- (i) in sub-paragraph (a), for “the United Kingdom” substitute “Great Britain”,
- (ii) in sub-paragraph (b), for “National List” substitute “GB Variety List or NI Variety List”,]
- [^{F310}(a) in paragraph (5), for “Union” substitute “GB”];
- (b) for paragraph (6)(b) substitute—
- “(b) in the case of basic seed potatoes in respect of which the applicable [^{F311}GB] grade or, as the case may be, the applicable Union grade is—
- (i) [^{F311}GB] grade S or Union grade S, the fifth field generation,
- (ii) [^{F311}GB] grade SE or Union grade SE, the sixth field generation,

- (iii) [^{F311}GB] grade E or Union grade E, the seventh field generation.”.
- (5) In regulation 5 (marketing requirements – test and trial seed potatoes)—
- (a) for paragraph (4) substitute—
- “(4) The Scottish Ministers may not grant or renew an authorisation under paragraph (1) unless they are satisfied that—
- (a) the seed potatoes which are the subject of the authorisation or renewal are of a variety of seed potato for which an application for acceptance onto [^{F312}a GB Variety List or an NI Variety List] has been made;
- (b) in relation to seed potatoes containing genetically modified material, the marketing and release of the material by the applicant has been authorised under—
- (i) before the day on which [^{F313}IP completion] day falls, Part C of Directive 2001/18/EC;
- (ii) Regulation 1829/2003; or
- (iii) the GMO Regulations;
- (c) the marketing of the seed potatoes would not contravene any prohibition on the use of that variety which has been imposed in accordance with Article 14 of Commission Decision 2004/842/EC and which has been published in the Plant Varieties and Seeds Gazette in accordance with section 34(1) of the Act; and
- (d) the quantity of the variety of seed potato to be marketed does not exceed the greater of 0.1% of the annual number of seed potatoes used in [^{F314}Great Britain] and such quantity as the Scottish Ministers consider is sufficient to sow 10 hectares.”,
- [^{F315}(aa) in paragraph (6)(a)(ii), for “member States” substitute “countries”,]
- [^{F316}(b) in paragraph 8(b), for the words “the National List” to the end substitute “a GB Variety List or an NI Variety List.”.]
- (6) For regulation 6(3) (marketing requirements – scientific and selection seed potatoes) substitute—
- “(3) In relation to seed potatoes containing genetically modified material, the Scottish Ministers may not grant or renew an authorisation under paragraph (1) unless they are satisfied that the marketing and release of the material by the applicant has been authorised under—
- (a) before the day on which [^{F317}IP completion] day falls, Part C of Directive 2001/18/EC;
- (b) Regulation 1829/2003; or
- (c) the GMO Regulations.”.
- (7) In regulation 7 (marketing requirements – conservation varieties)—
- (a) in paragraph (2), for the words from the beginning to “Commission Directive 2008/62/EC” substitute “ Where the quantities laid down in Article 14 of Directive 2008/62/EC would otherwise be likely to be exceeded ”,
- (b) after paragraph (2) insert—
- “(2A) For the purposes of paragraph (2), Article 14 of Commission Directive 2008/62/EC is to be read as if—

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- (a) in the first paragraph—
 - (i) “Each Member State shall ensure that” was omitted;
 - (ii) for “does not exceed”, there were substituted “ may not exceed ”;
 - (ii) for “that Member State”, there were substituted “ [F318Great Britain] ”;
- (b) in the second paragraph—
 - (i) for “each Member State”, there were substituted “ [F318Great Britain] ”;
 - (ii) for “the Member State” in both places where it occurs, there were substituted “ [F318Great Britain] ”.
- (8) In regulation 8 (certification and grading)—
 - (a) in paragraph (2)(a)—
 - (i) for “applicable Union grade” substitute “ applicable [F319GB] grade ”,
 - (ii) for “Union grade PBTC” substitute “ [F319GB] grade PBTC ”; and
 - (iii) for “Union grade S” substitute “ [F319GB] grade S ”,
 - (b) in paragraph (4), for “Union” substitute “ [F319GB] ”.
- (9) In regulation 10(3)(b) (labelling of seed potatoes), for “Union” substitute “ [F320GB] ”.
- (10) For regulation 11(1)(b) (sealing of packages) substitute—
 - “(b) in the case of seed potatoes produced outside Scotland, it is sealed in accordance with—
 - (i) in the case of seed potatoes produced in [F321Great Britain], the relevant seed potatoes regulations;
 - (ii) in the case of seed potatoes produced in a Crown Dependency [F322or a country granted equivalence], legislation recognised by the Scottish Ministers as having equivalent effect to paragraph (a);
 - ^{F323}(iii)
- (11) In regulation 15 (enforcement – crop inspection report, applicable Union grade and official label)—
 - (a) in the heading, for “Union” substitute “ [F324GB] ”,
 - (b) in paragraph (2), for “Union” substitute “ [F324GB] ”.
- (12) In regulation 20 (imports from outside EU)—
 - (a) in the heading, for “EU” substitute “ British Islands ”,
 - (b) for “European Union” substitute “ British Islands ”.
- (13) After regulation 23 (extension and modification of provisions of the Act) insert—

“Transitional provision for official labels on [F325IP completion] day

23A. A label pre-printed before [F325IP completion] day which at the date on which it was printed was an official label for the purposes of these Regulations is to be treated as an official label for basic seed potatoes or, as the case may be, test and trial seed potatoes produced in Scotland, for the purposes of any use of that label before the end of the period of one year beginning with the day after the day on which [F325IP completion] day falls.”.
- (14) In schedule 1 (conditions for certification and grading of Scottish seed potatoes)—

- (a) in paragraph 1(c)(ii), for “Union” substitute “ [F326GB] ”,
 - (b) in paragraph 2(f), for “Union” substitute “ [F327GB] ”,
 - [F328](c) in paragraph 3—
 - (i) in sub-paragraph (a), for the words “the National List” to the end substitute “a GB Variety List or an NI Variety List”,
 - (ii) in sub-paragraph (b), for “the National List” substitute “a GB Variety List or an NI Variety List”,]
 - (d) in paragraphs 6, 8, 9, 12 and 13, in each place it occurs, for “Union” substitute “ [F329GB] ”.
- (15) In schedule 2 (certification and grading: source material requirements, other requirements and tolerances)—
- (a) in Table I (pre-basic seed potatoes)—
 - (i) in the heading of column 1 (Union grade), for “Union” substitute “ [F330GB] ”,
 - (ii) in the entry for grade “PBTC”, in column 3 (other requirements), for “Union” substitute “ [F331GB] ”,
 - [F332](iii) in the entry for grade “PB”—
 - (aa) in column 2 (source material), for “Union grade PBTC” substitute “GB grade PBTC or the equivalent grade”,
 - (bb) in column 3 (other requirements), for “Union grade S” substitute “GB grade S or the equivalent grade”,]
 - (b) in Table II (basic seed potatoes and test and trial seed potatoes)—
 - (i) in the heading of column 1 (Union grade), for “Union” substitute “ [F333GB] ”,
 - [F334](ii) in the entry for grade “S”, in column 2 (source material), for “Union grade PBTC or PB” substitute “GB grade PBTC or PB or the equivalent grade”,
 - (iii) in the entry for grade “SE”, in column 2, for “Union grade PBTC, PB, or S” substitute “GB grade PBTC, PB or S or the equivalent grade”,
 - (iv) in the entry for grade “E”, in column 2, for “Union grade PBTC, PB, S or SE” substitute “GB grade PBTC, PB, S or SE or the equivalent grade”.]
- (16) In schedule 3 (requirements as to varietal purity and size)—
- (a) in paragraph 2 (Union grade PBTC)—
 - (i) in the heading, for “Union” substitute “ [F335GB] ”,
 - (ii) in sub-paragraph (1)—
 - (aa) for “applicable Union grade”, substitute “ applicable [F335GB] grade ”, and
 - (bb) for “Union grade PBTC” substitute “ [F335GB] grade PBTC ”,
 - (b) in paragraph 3 (Union grade PB)—
 - (i) in the heading, for “Union”, substitute “ [F335GB] ”,
 - (ii) in sub-paragraph (1)—
 - (aa) for “applicable Union grade”, substitute “ applicable [F335GB] grade ”, and
 - (bb) for “Union grade PB”, substitute “ [F335GB] grade PB ”,

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- (c) in paragraph 4 (Union grade S, SE, E and test and trial seed potatoes)—
- (i) in the heading, for “Union” substitute “ [F335GB] ”,
 - (ii) in sub-paragraph (1)(a)—
 - (aa) for “applicable Union grade”, substitute “ applicable [F335GB] grade ”, and
 - (bb) for “Union grade S, SE, or E”, substitute “ [F335GB] grade S, SE or E ”,
- (d) for paragraph 5(2)(a) (seed potatoes produced outside Scotland), substitute—
- “(a) comply with the following requirements relating to size—
 - (i) the minimum size must be such that the seed potatoes do not pass through a square mesh of 25 millimetres by 25 millimetres;
 - (ii) the maximum variation in size between tubers in a lot must not exceed 25 millimetres;
 - (iii) in the case of tubers which are too large to pass through a square mesh of 35 millimetres by 35 millimetres, the upper and lower size limits shall be expressed in multiples of 5 millimetres; and”.

(17) In the heading to schedule 4 (particulars to be provided in respect of seed potatoes produced outside the European Union), for “European Union” substitute “ British Islands ”.

(18) In schedule 5 (official labels)—

- (a) in paragraph 1(2)(c) (pre-basic seed potatoes), for “member State” substitute “ country ”,
- (b) in paragraph 2 (basic seed potatoes)—
 - (i) in sub-paragraph (2)(b)—
 - (aa) for “European Union”, substitute “ British Islands ”,
 - (bb) for “EU”, substitute “ [F336GB] ”,
 - (ii) in sub-paragraph (c), for “member State” substitute “ country ”,
- (c) in paragraph 3 (test and trial seed potatoes)—
 - (i) in sub-paragraph (2)(b)—
 - (aa) for “European Union”, substitute “ British Islands ”,
 - (bb) for “EU”, substitute “ [F337GB] ”,
 - (ii) in sub-paragraph (2)(d), for “member State” substitute “ country ”.

(19) After schedule 5 (official labels) insert—

“SCHEDULE 5A

Regulation 2(1)

OFFICIAL DOCUMENTS

1. An official document used in relation to pre-basic seed potatoes must be white with a diagonal violet line.
2. An official document used in relation to basic seed potatoes must be predominantly white.
3. An official document used in relation to test and trial seed potatoes must be orange.
4. An official document must, in relation to the seed potatoes to which it relates, state—

- (a) crop identification number, including the producer's identification number (or equivalent);
 - (b) the month and year when officially sealed;
 - (c) the country of production.”.
- (20) In schedule 6 (tolerances for diseases, pests, damages and defects)—
- (a) in paragraph 1 (tolerances)—
 - (i) for “applicable Union grade” in each place where it occurs, substitute “ applicable [F338GB] grade ”,
 - (ii) in sub-paragraph (1)(a), for “Union grade PBTC, substitute “ [F338GB] grade PBTC ”,
 - (iii) in sub-paragraph (1)(b), for “Union grade PB”, substitute “ [F338GB] grade PB ”,
 - (iv) in sub-paragraph (1)(c), for “Union grade S”, substitute “ [F338GB] grade S ”,
 - (v) in sub-paragraph (1)(d), for “Union grade SE”, substitute “ [F338GB] grade SE ”,
 - (vi) in sub-paragraph (1)(e)(i), for “Union grade E”, substitute “ [F338GB] grade E ”,
 - (vii) in sub-paragraph (1)(f), for “European Union” substitute “ British Islands ”,
 - (b) in the headings for Tables I (Union grade PBTC produced in Scotland) and II (Union grade PB produced in Scotland), for “Union” substitute “ [F339GB] ”,
 - (c) in Table III (Union grade S, SE and E and test and trial seed potatoes)—
 - (i) in the heading, for “Union” substitute “ [F340GB] ”,
 - (ii) in sub-headings (a) (Union grade S produced in Scotland), (b) (Union grade SE produced in Scotland) and (c) (Union grade E and test and trial seed potatoes produced in Scotland), for “Union” in each place where it occurs substitute “ [F340GB] ”,
 - (d) in the heading for Table IV (basic seed potatoes intended for markets outside the EU), for “EU” substitute “ British Islands ”.

Textual Amendments

- F282** Reg. 16(2)(za) inserted (31.12.2020 immediately before IP completion day) by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **17(2)(a)**
- F283** Words in reg. 16(2)(a)(ii) substituted (31.12.2020 immediately before IP completion day) by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **17(2)(b)**
- F284** Reg. 16(2)(b) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **17(2)(c)**
- F285** Words in reg. 16(2)(c) substituted (31.12.2020 immediately before IP completion day) by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **17(2)(d)(i)**
- F286** Words in reg. 16(2)(c) inserted (31.12.2020 immediately before IP completion day) by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **17(2)(d)(ii)**
- F287** Words in reg. 16(2)(c) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **17(2)(d)(iii)**

Status: Point in time view as at 28/03/2019. This version of this

Instrument contains provisions that are not valid for this point in time.

Changes to legislation: *There are currently no known outstanding effects for the The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019. (See end of Document for details)*

- F288** Reg. 16(2)(ca)(cb) inserted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(2)(e)**
- F289** Reg. 16(2)(da) inserted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(2)(f)**
- F290** Reg. 16(2)(e) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(2)(g)**
- F291** Reg. 16(2)(g)-(gb) substituted for reg. 16(2)(g) (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(2)(h)**
- F292** Words in reg. 16(2)(h) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(2)(i)**
- F293** Words in reg. 16(2)(h) inserted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(2)(i)(ii)**
- F294** Words in reg. 16(2)(h) omitted (31.12.2020 immediately before IP completion day) by virtue of The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(2)(i)(iii)**
- F295** Words in reg. 16(2)(i) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(2)(j)(i)**
- F296** Words in reg. 16(2)(i) inserted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(2)(j)(ii)**
- F297** Words in reg. 16(2)(i) omitted (31.12.2020 immediately before IP completion day) by virtue of The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(2)(j)(iii)**
- F298** Reg. 16(2)(j) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(2)(k)**
- F299** Words in reg. 16(2)(k) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(2)(l)(i)**
- F300** Words in reg. 16(2)(k) inserted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(2)(l)(ii)**
- F301** Words in reg. 16(2)(k) omitted (31.12.2020 immediately before IP completion day) by virtue of The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(2)(l)(iii)**
- F302** Words in reg. 16(2)(n) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(2)(m)(i)**
- F303** Words in reg. 16(2)(n) inserted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(2)(m)(ii)**
- F304** Words in reg. 16(2)(n) omitted (31.12.2020 immediately before IP completion day) by virtue of The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(2)(m)(iii)**

- F305** Words in reg. 16(2)(o) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(2)(n)(i)**
- F306** Words in reg. 16(2)(o) inserted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(2)(n)(ii)**
- F307** Words in reg. 16(2)(o) omitted (31.12.2020 immediately before IP completion day) by virtue of The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(2)(n)(iii)**
- F308** Reg. 16(3) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(3)**
- F309** Reg. 16(4)(za) inserted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(4)(a)**
- F310** Reg. 16(4)(a) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(4)(b)**
- F311** Word in reg. 16(4)(b) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(4)(c)**
- F312** Words in reg. 16(5)(a) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(5)(a)(i)**
- F313** Words in reg. 16(5)(a) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(5)(a)(ii)**
- F314** Words in reg. 16(5)(a) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(5)(a)(iii)**
- F315** Reg. 16(5)(aa) inserted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(5)(b)**
- F316** Reg. 16(5)(b) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(5)(c)**
- F317** Words in reg. 16(6) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(6)**
- F318** Words in reg. 16(7)(b) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(7)**
- F319** Word in reg. 16(8) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(8)**
- F320** Word in reg. 16(9) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(9)**
- F321** Words in reg. 16(10) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(10)(a)**

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Changes to legislation: There are currently no known outstanding effects for the The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019. (See end of Document for details)

- F322** Words in reg. 16(10) inserted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(10)(b)**
- F323** Words in reg. 16(10) omitted (31.12.2020 immediately before IP completion day) by virtue of The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(10)(c)**
- F324** Word in reg. 16(11) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(11)**
- F325** Words in reg. 16(13) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(12)**
- F326** Word in reg. 16(14)(a) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(13)(a)**
- F327** Word in reg. 16(14)(b) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(13)(a)**
- F328** Reg. 16(14)(c) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(13)(b)**
- F329** Word in reg. 16(14)(d) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(13)(a)**
- F330** Word in reg. 16(15)(a)(i) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(14)(a)(i)**
- F331** Word in reg. 16(15)(a)(ii) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(14)(a)(i)**
- F332** Reg. 16(15)(a)(iii) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(14)(a)(ii)**
- F333** Word in reg. 16(15)(b)(i) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(14)(b)(i)**
- F334** Reg. 16(15)(b)(ii)-(iv) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(14)(b)(ii)**
- F335** Word in reg. 16(16)(a)-(c) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(15)**
- F336** Word in reg. 16(18)(b)(i)(bb) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(16)**
- F337** Word in reg. 16(18)(c)(i)(bb) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(16)**
- F338** Word in reg. 16(20)(a) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(17)(a)**

F339 Word in reg. 16(20)(b) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(17)(b)**

F340 Word in reg. 16(20)(c) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **17(17)(c)**

Commencement Information

I16 Reg. 16 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(1)(b)

Marginal Citations

M95 S.S.I. 2015/395, amended by S.S.I. 2016/68, S.S.I. 2016/434 and S.S.I. 2018/391.

M96 S.S.I. 2002/541, amended by S.I. 2005/2759 and S.I. 2011/1043; and by S.S.I. 2004/439 and S.S.I. 2015/100.

M97 S.I. 2002/2443, as amended by S.I. 2004/2411, S.I. 2005/2759, S.I. 2009/1892 and S.I. 2018/575.

M98 S.I. 2002/3188 (W. 304), amended by S.I. 2005/2759 and S.I. 2013/755 (W. 90).

M99 S.R. 2003 No. 167.

M100 S.I. 2015/1953, amended by S.I. 2017/288.

M101 S.I. 2016/106 (W.52), amended by S.I. 2017/596 (W.139) and S.I. 2017/1095 (W.276).

M102 S.R. 2016 No. 190, amended by S.R. 2017 No. 155.

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

17.—(1) The Seed (Licensing and Enforcement etc.) (Scotland) Regulations 2016 ^{M103} are amended as follows.

(2) In regulation 2(1) (interpretation)—

- (a) in the definition of “seed merchant”, in paragraph (a), omit “EC” in both places where it occurs,
- (b) in the definition of “seed processor”, in paragraph (a), omit “EC” in both places where it occurs.

(3) In regulation 13(4) (sampling for enforcement purposes), omit “including for the purpose of the Community comparative tests and trials referred to in the Seed Marketing Directives”.

Commencement Information

I17 Reg. 17 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(1)(b)

Marginal Citations

M103 S.S.I. 2016/68, amended by S.S.I. 2016/434 and S.S.I. 2017/179.

The Marketing of Fruit Plant and Propagating Material (Scotland) Regulations 2017

18.—(1) The Marketing of Fruit Plant and Propagating Material (Scotland) Regulations 2017 ^{M104} are amended as follows.

(2) In regulation 2(1) (interpretation)—

- (a) in the definition of “CAC material”, for [F341 sub-paragraph] (b) substitute—
“(b) in relation to propagating material and fruit plants produced—

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- (i) in any other part of the United Kingdom, is material and plants that meet the requirements of the relevant fruit marketing regulations;
 - (ii) in a Crown Dependency [^{F342}or a country granted equivalence], is material and plants that meet the requirements in legislation recognised by the Scottish Ministers as having equivalent effect to schedule 3;
 - ^{F343}(iii)”,
- [^{F344}(b) after the definition of “Commission Implementing Directive 2014/98/EU” insert—
- ““country granted equivalence” means a country that has been assessed by Scottish Ministers as producing plant material under conditions equivalent to those required by these Regulations;
- “Crown Dependency” means the Isle of Man or any of the Channel Islands;”]
- (c) after the definition of “fruit plants” insert—
- ““the fruit marketing regulations” means—
- (a) as regards England, the Marketing of Fruit Plant and Propagating Material (England) Regulations 2017 ^{M105};
 - (b) as regards Wales, the Marketing of Fruit Plant and Propagating Material (Wales) Regulations 2017 ^{M106};
 - (c) as regards Northern Ireland, the Marketing of Fruit Plant and Propagating Material Regulations (Northern Ireland) 2017 ^{M107}; and “the relevant fruit marketing regulations”, in relation to any constituent part of the United Kingdom, means the fruit marketing regulations applicable in relation to that part.”;
- (d) after the definition of “genetically modified organism” insert—
- ““the GMO regulations” means—
- (a) in relation to Scotland, the Genetically Modified Organisms (Deliberate Release) (Scotland) Regulations 2002 ^{M108},
 - (b) in relation to England, the Genetically Modified Organisms (Deliberate Release) Regulations 2002 ^{M109},
 - (c) in relation to Wales, the Genetically Modified Organisms (Deliberate Release) (Wales) Regulations 2002 ^{M110},
 - (d) in relation to Northern Ireland, the Genetically Modified Organisms (Deliberate Release) Regulations (Northern Ireland) 2003 ^{M111}.”;
- (e) in the definition of “official label”, for [^{F345}sub-paragraph] (b) substitute—
- “(b) in the case of pre-basic material, basic material or certified material originating—
- (i) in any other part of the United Kingdom, means a label issued or approved by the responsible official body and which meets the applicable requirements in relation to that material contained in the relevant fruit marketing regulations;
 - (ii) in a Crown Dependency [^{F346}or a country granted equivalence], means a label issued or approved by the responsible official body and which meets the applicable requirements in relation to that material contained in legislation recognised by the Scottish Ministers as having equivalent effect to the relevant paragraphs of Part 1 of schedule 5;

- ^{F347}(iii)”,
- (f) in the definition of “officially certified”, for [^{F348}sub-paragraph] (b) substitute—
- “(b) in the case of plant material originating—
- (i) in any other part of the United Kingdom, means certified in accordance with the relevant fruit marketing regulations;
- (ii) in a Crown Dependency [^{F349}or a country granted equivalence], means certified in accordance with legislation recognised by the Scottish Ministers as having equivalent effect to the relevant provisions of schedule 2;
- ^{F350}(iii)”,
- (g) in the definition of “officially recognised description” omit “which was marketed in the European Union prior to 30th September 2012”,
- (h) in the definition of “plant variety rights”^{M112}, omit “or under Council Regulation (EC) No 2100/94 on Community plant variety rights”,
- (i) in the definition of “registered variety”, for [^{F351}sub-paragraph] (b) substitute—
- “(b) in the case of varieties registered in any other part of the United Kingdom, means registered in accordance with the relevant fruit marketing regulations;”,
- (j) for the definition of “responsible official body” substitute—
- ““responsible official body” means—
- (a) in relation to plant material produced in Scotland, the Scottish Ministers;
- (b) in relation to plant material produced in a country or territory outside Scotland, the body responsible for the quality of plant material in that country or territory;”,
- [^{F352}(ja) in the definition of “RNQP”, for “Union” substitute “GB”]
- (k) in the definition of “third country”, for “which is not a member State of the European Union” substitute “ outside the United Kingdom ”.
- (3) In regulation 5 (general requirements for marketing of plant material)—
- (a) for paragraph (1)(c) substitute—
- “(c) in the case of plant material which consists of a genetically modified organism, the organism has been authorised for cultivation pursuant to—
- (i) the GMO regulations,
- (ii) Regulation (EC) No 1829/2003, or
- (iii) before the day on which [^{F353}IP completion] day falls, Directive 2001/18/EC;”,
- (b) after paragraph (2) insert—
- “(3) No person may market plant material in Scotland produced in a member State.
- (4) Paragraph (3) does not apply to plant material which meets the conditions set out in paragraph (5).
- (5) The conditions are that the plant material—
- (a) is of a variety that may be marketed under regulation 7 or has been registered as a variety by the responsible official body in a member State, in accordance with Article 4 of Commission Implementing Directive 2014/97/EU; [^{F354}and]

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(b) has been produced in compliance with the requirements set out in—

- (i) Council Directive 2008/90/EC,
- (ii) Commission Implementing Directive 2014/96/EU;
- (iii) Commission Implementing Directive 2014/98/EU; ^{F355}...

^{F356}(c)

^{F357}(4)

[^{F358}(4A) In regulation 19 (notices), in paragraph (7), for “the United Kingdom” in each place it occurs substitute “Great Britain”]

(5) After regulation 23 (transitional provision) insert—

“Transitional provision for official labels on [^{F359}IP completion] day

23A. A label pre-printed before [^{F359}IP completion] day which at the date on which it was printed was an official label for the purposes of these Regulations, is to be treated as an official label for plant material, for the purposes of any use of that label before the end of the period of [^{F360}twelve months] beginning with the day after the day on which [^{F359}IP completion] day falls.”

(6) In schedule 2 (certification requirements)—

(a) in paragraphs 3(f) (pre-basic material (other than mother plants and rootstocks not belonging to a variety)) and 4(g) (rootstocks not belonging to a variety), omit “in accordance with a derogation granted by the European Commission under Article 8(4) of Commission Implementing Directive 2014/98/EU,”,

(b) for paragraph 5(4)(a) (acceptance of plants as pre-basic mother plants), substitute—

“(a) following production of a report from the responsible official body which proves that the variety in question is distinct, uniform and stable; and”,

(c) in paragraph 8(6) (maintenance of pre-basic mother plants and pre-basic material), omit from “Where a derogation” to “species concerned,”,

[^{F361}(d) in paragraph 10(5)(a)(ii) (health requirements for pre-basic mother plants and for pre-basic material), omit sub-sub-head (bb),

(e) in paragraph 17(5)(a)(ii) (health requirements for basic mother plants and basic material), omit sub-sub-head (bb),

(f) in paragraph 23(5)(a)(ii) (health requirements for certified mother plants and certified material), omit sub-sub-head (bb).]

(7) In schedule 4 (registration of varieties)—

(a) in paragraph 1 (interpretation) ^{M113}—

(i) omit the definitions of “CPVO” and “CPVO protocols”,

(ii) in the definition of “technical questionnaire”, for “CPVO” in both places where it occurs substitute “UPOV”,

(b) in paragraph 3 (registration)—

(i) for sub-paragraph (1)(c) substitute—

“(c) in relation to genetically modified varieties, the genetically modified organism of which the variety consists is authorised for cultivation pursuant to—

(i) the GMO regulations,

- (ii) Regulation (EC) No 1829/2003, or
 - (iii) before the day on which [^{F362}IP completion] day falls, Directive 2001/18/EC.”,
 - (ii) for sub-paragraph (2)(b) substitute—
 - “(b) a responsible official body outside Scotland.”,
 - (c) in paragraph 4 (application for registration with an official description)—
 - (i) in sub-paragraph (2)(b), for “member State” substitute “ country ”
 - (ii) for sub-paragraph (2)(d) substitute—
 - “(d) in the case of a genetically modified variety, evidence that the genetically modified organism contained in that variety has been authorised for cultivation pursuant to—
 - (i) the GMO regulations,
 - (ii) Regulation (EC) No 1829/2003, or
 - (iii) before the day on which [^{F363}IP completion] day falls, Directive 2001/18/EC.”,
 - (iii) in sub-paragraph (3), for “authority in another member State” substitute “ official body outside Scotland ”,
 - (d) in paragraph 5(1)(b) (growing trials), for “CPVO” in each place where it occurs substitute “ UPOV ”,
 - (e) for paragraph 6(1)(b)(ii) (duration and renewal of acceptance) substitute—
 - “(ii) the period during which the genetically modified organism of which the variety consists is authorised for cultivation pursuant to—
 - (aa) the GMO regulations,
 - (bb) Regulation (EC) No 1829/2003, or
 - (cc) before the day on which [^{F364}IP completion] day falls, Directive 2001/18/EC.”,
 - (f) for paragraph 7(1)(d) (removal from register), substitute—
 - “(d) in the case of any genetically modified variety, the genetically modified organism contained in that variety—
 - (i) ceases to be authorised for cultivation pursuant to—
 - (aa) the GMO regulations,
 - (bb) Regulation (EC) No 1829/2003, or
 - (ii) has, before the day on which [^{F365}IP completion] day falls been authorised for cultivation pursuant to Directive 2001/18/EC and ceases to be authorised.”.
- (8) In schedule 5 (official labels, supplier's documents and accompanying documents)—
 - (a) in paragraph 4—
 - (i) in sub-paragraph (a), for “EU” substitute “ UK ”,
 - (ii) in sub-paragraph (b)(i), for “member State” substitute “ country ”,
 - (iii) in sub-paragraph (b)(xii), for “member State” substitute “ country ”,
 - (b) in paragraph 5, for “one of the official languages of the European Union”, substitute “ English, but may also be printed in other languages, ”,

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- (c) in paragraph 6—
- (i) in sub-paragraph (a), for “EU” substitute “ UK ”,
 - (ii) in sub-paragraph (b)(i), for “member State” substitute “ country ”,
 - ^{F366}(iii)
- (d) in paragraph 7, for “one of the official languages of the European Union” substitute “ English, but may also be printed in other languages, ”,
- (e) in paragraph 8(b), for “one of the official languages of the European Union” substitute “ English, but may also be written in other languages, ”.
- [^{F367}(8A) In schedule 7 (visual inspections, sampling and testing per genus or species and category), in paragraph 2(a), for “Union” substitute “GB”.]
- (9) In schedule 8 (powers of inspectors), for paragraph 1(2)(a) substitute—
- “(a) be accompanied by such other persons as the inspector considers appropriate;”.

Textual Amendments

- F341** Word in reg. 18(2)(a) substituted (31.12.2020 immediately before IP completion day) by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **18(2)(a)(i)**
- F342** Words in reg. 18(2)(a) inserted (31.12.2020 immediately before IP completion day) by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **18(2)(a)(ii)(aa)**
- F343** Words in reg. 18(2)(a) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **18(2)(a)(ii)(bb)**
- F344** Reg. 18(2)(b) substituted (31.12.2020 immediately before IP completion day) by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **18(2)(b)**
- F345** Word in reg. 18(2)(e) substituted (31.12.2020 immediately before IP completion day) by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **18(2)(c)(i)**
- F346** Words in reg. 18(2)(e) inserted (31.12.2020 immediately before IP completion day) by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **18(2)(c)(ii)(aa)**
- F347** Words in reg. 18(2)(e) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **18(2)(c)(ii)(bb)**
- F348** Word in reg. 18(2)(f) substituted (31.12.2020 immediately before IP completion day) by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **18(2)(d)(i)**
- F349** Words in reg. 18(2)(f) inserted (31.12.2020 immediately before IP completion day) by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **18(2)(d)(ii)(aa)**
- F350** Words in reg. 18(2)(f) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **18(2)(d)(ii)(bb)**
- F351** Word in reg. 18(2)(i) substituted (31.12.2020 immediately before IP completion day) by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **18(2)(e)**

- F352** Reg. 18(2)(ja) inserted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **18(2)(f)**
- F353** Words in reg. 18(3)(a) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **18(3)(a)**
- F354** Word in reg. 18(3)(b) inserted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **18(3)(b)(i)**
- F355** Word in reg. 18(3)(b) omitted (31.12.2020 immediately before IP completion day) by virtue of The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **18(3)(b)(ii)**
- F356** Words in reg. 18(3)(b) omitted (31.12.2020 immediately before IP completion day) by virtue of The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **18(3)(b)(iii)**
- F357** Reg. 18(4) omitted (31.12.2020 immediately before IP completion day) by virtue of The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **18(4)**
- F358** Reg. 18(4A) inserted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **18(5)**
- F359** Words in reg. 18(5) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **18(6)(a)**
- F360** Words in reg. 18(5) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **18(6)(b)**
- F361** Reg. 18(6)(d)-(f) inserted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **18(7)**
- F362** Words in reg. 18(7)(b)(i) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **18(8)(a)**
- F363** Words in reg. 18(7)(c)(ii) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **18(8)(b)**
- F364** Words in reg. 18(7)(e) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **18(8)(c)**
- F365** Words in reg. 18(7)(f) substituted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **18(8)(d)**
- F366** Reg. 18(8)(c)(iii) omitted (31.12.2020 immediately before IP completion day) by virtue of The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **18(9)**
- F367** Reg. 18(8A) inserted (31.12.2020 immediately before IP completion day) by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **18(10)**

Commencement Information

- I18** Reg. 18 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(1)(b)

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Marginal Citations

M104 [S.S.I. 2017/177](#), amended by Part 2 of this instrument.

M105 [S.I. 2017/595](#).

M106 [S.I. 2017/691](#) (W.163).

M107 [S.R. 2017 No. 119](#).

M108 [S.S.I. 2002/541](#), amended by [S.S.I. 2004/439](#), [S.I. 2005/2759](#), [S.I. 2011/1043](#); [S.S.I. 2015/100](#) and [S.S.I. 2019/XXX](#).

M109 [S.I. 2002/2443](#), as amended by [S.I. 2004/2411](#), [S.I. 2005/2759](#), [S.I. 2009/1892](#) and [S.I. 2018/575](#).

M110 [S.I. 2002/3188](#) (W. 304), amended by [S.I. 2005/2759](#) and [S.I. 2013/755](#) (W. 90).

M111 [S.R. 2003 No. 167](#).

M112 The definition of “plant variety rights” is amended by Part 2 of this instrument.

M113 [Paragraph 1](#) is amended by Part 2 of this instrument.

St Andrew's House,
Edinburgh

MAIRI GOUGEON
Authorised to sign by the Scottish Ministers

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are principally made in exercise of the powers conferred by paragraph 1(1) and (3) of schedule 2 of the European Union (Withdrawal) Act 2018 (c.16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular, those mentioned in section 8(2)(a), (c), (d) and (g) of that Act) arising from the withdrawal of the United Kingdom from the European Union.

Part 2 (regulations 2 to 8), made in exercise of powers under the European Communities Act 1972 (c.68), make amendments to secondary legislation concerning the marketing of agricultural seed and fruit and vegetative plant propagating material:

To update references to a number of EU instruments referred to therein.

To include references to EEA states and Switzerland.

To make provision for the certification of seed intended for export and the labelling requirements in relation to imports and exports of seed.

To make provision for the labelling of seed potatoes produced outside Scotland (regulation 7).

To update a number of definitions.

Part 3 (regulations 9 to 18) makes amendments to secondary legislation concerning the marketing of agricultural seed and fruit and vegetative plant propagating material, consequential on the United Kingdom's withdrawal from the European Union.

A business and regulatory impact assessment has not been produced for this instrument as no, or no significant, impact upon business, charities or voluntary bodies is foreseen.

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Changes to legislation:

There are currently no known outstanding effects for the The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019.