
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 59

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

PART 3

**AMENDMENT OF SECONDARY LEGISLATION RELATING
TO WITHDRAWAL FROM THE EUROPEAN UNION**

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

15.—(1) The Beet Seed (Scotland) (No. 2) Regulations 2010⁽¹⁾ are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in paragraph (1)—

- (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”, in paragraph (a), after “UK National List or” insert “, at any time before the end of the period of two years beginning with the day after the day on which exit day falls,”,
- (iii) omit the definition of “the Common Catalogue Directive”,
- (iv) in the definition of “control plot”, for “European” in both places where it occurs substitute “National”,
- (v) after the definition of “control plot” insert—
 - ““country granted equivalence” means a country that has been granted equivalence under the Equivalence Decision;
 - “Crown Dependency” means any of the Channel Islands or the Isle of Man;”,
- (vi) in the definition of “European Authority”, for “an EEA state other than the United Kingdom” substitute “a European Single Market State”,
- (vii) in the definition of “by a European Authority”, for “an EEA state other than the United Kingdom” substitute “a European Single Market State”,
- (viii) after the definition of “European Authority” insert—
 - ““European Single Market State” means an EEA state or Switzerland;”,
- (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⁽²⁾;

(1) 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.

(2) 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.

- (b) in relation to England, the Genetically Modified Organisms (Deliberate Release) Regulations 2002⁽³⁾;
- (c) in relation to Wales, the Genetically Modified Organisms (Deliberate Release) (Wales) Regulations 2002⁽⁴⁾;
- (d) in relation to Northern Ireland, the Genetically Modified Organisms (Deliberate Release) Regulations (Northern Ireland) 2003⁽⁵⁾;
- (x) in the definition of “licensed EU crop inspector”—
 - (aa) for “an EEA state other than the United Kingdom” substitute “a European Single Market State”,
 - (bb) for “EEA state” substitute “European Single Market State”,
- (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”,
- (b) in paragraphs (3) and (4)—
 - (i) in sub-paragraph (a), for “an EEA state other than the United Kingdom” substitute “a European Single Market State”,
 - (ii) in sub-paragraph (b), for “EEA state” substitute “European Single Market State”,
- (c) in paragraph (5)—
 - (i) in sub-paragraph (a), for “an EEA state other than the United Kingdom” substitute “a European Single Market State”,
 - (ii) in sub-paragraph (c)—
 - (aa) omit “EC” in both places where it occurs,
 - (bb) for “EEA state” substitute “European Single Market State”.
- (3) For regulation 4(2) (seed to which the Regulations apply) substitute⁽⁶⁾—

“(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)—
 - (a) in paragraph (1)—
 - (i) after sub-paragraph (a), omit “and”,
 - (ii) in sub-paragraph (b)(i), for “the Common Catalogue” substitute “accepted on to the Common Catalogue at any time before the end of the period of two years beginning with the day after the day on which exit day falls”,

⁽³⁾ S.I. 2002/2443, as amended by S.I. 2004/2411, S.I. 2005/2759, S.I. 2009/1892 and S.I. 2018/575.

⁽⁴⁾ S.I. 2002/3188 (W. 304), amended by S.I. 2005/2759 and S.I. 2013/755 (W. 90).

⁽⁵⁾ S.R. 2003 No. 167.

⁽⁶⁾ Regulation 4(2) is amended, and regulation 14A is inserted, by Part 2 of this instrument.

- (iii) after sub-paragraph (b)(ii), insert—
 - “; and
 - (c) in the case of seed which has been produced in a European Single Market State, it—
 - (i) has otherwise been produced in compliance with the applicable requirements set out in EU law, including the Beet Seed Directive and Commission Directive 2008/62, and
 - (ii) has been imported into Scotland before the end of the period of two years beginning with the day after the day on which exit day falls.”,
 - (b) in paragraph (2)(c), omit “or Annex I(A) (crop conditions) of the Beet Seed Directive”,
 - (c) in paragraph (5), for “a country which is not an EEA state” substitute “outside the United Kingdom”,
 - (d) after paragraph (5) insert—
 - “(5A) Paragraph (5) does not apply to seed imported into Scotland from a European Single Market State before the end of the period of two years beginning with the day after the day on which exit day falls.”,
 - (e) in paragraph (6), omit “, by reason only of Article 3(2) (component varieties) of the Common Catalogue Directive.”,
- (5) For regulation 6A (importation from outside the European Union)(7) substitute—

“Importation into the United Kingdom

- 6A.**—(1) Subject to paragraph (2), seed imported into the United Kingdom 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.
- (2) Paragraph (1) does not apply to seed imported from a European Single Market State before the end of the period of two years beginning with the day after the day on which exit day falls.”.
- (6) For regulation 7(1) (general exemptions), substitute—
 - “(1) The Scottish Ministers may, by a general licence, authorise 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.
 - (1A) The duration of a temporary experiment must not exceed 7 years.”.
- (7) In regulation 8 (exception for scientific purposes or selection work)—
 - (a) for paragraph (1)(b) substitute—
 - “(b) an authorisation has been granted to the producer in respect of small quantities of seed for scientific purposes or selection work—
 - (i) by a National Authority other than the Scottish Ministers, in accordance with the applicable requirements in the relevant part of the United Kingdom;
 - (ii) before the end of the period of two years beginning with the day after the day on which exit day falls, by the competent seed certification authority of a European Single Market State, in accordance with Article 6(1)(a) of the Beet Seed Directive.”,
 - (b) for paragraph (4) substitute—

(7) Regulation 6A is inserted by Part 2 of this instrument.

- “(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 exit 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
 - (b) an authorisation which has been granted to the producer—
 - (i) by a National Authority other than the Scottish Ministers, in accordance with the applicable requirements in the relevant part of the United Kingdom;
 - (ii) before the end of the period of two years beginning with the day after the day on which exit day falls, by the competent seed certification authority of a European Single Market State, in accordance with Article 6(1)(b) of the Beet Seed Directive.”.
 - (b) in paragraph (4), 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 exit 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”.
 - (d) in paragraph (9), omit “or the Common Catalogue”.
 - (e) in paragraph (10), for “names of the EEA states” substitute “country”.
- (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 “the United Kingdom”,
 - (b) in the second paragraph—
 - (i) for “each Member State”, there were substituted “the United Kingdom”,

- (ii) for “the Member State” in both places where it occurs, there were substituted “the United Kingdom”.”.
- (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—
 - (i) by a National Authority other than the Scottish Ministers, in accordance with the applicable requirements in the relevant part of the United Kingdom;
 - (ii) before the end of the period of two years beginning with the day after the day on which exit day falls, by the competent seed certification authority of a European Single Market State, in accordance with Article 5(a) (marketing of lower germination seed) of the Beet Seed Directive; 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—
 - (aa) by a National Authority other than the Scottish Ministers, in accordance with the applicable requirements in the relevant part of the United Kingdom, irrespective of the findings of the National Authority;
 - (bb) before the end of the period of two years beginning with the day after the day on which exit day falls, by the competent seed certification authority of a European Single Market State, in accordance with Annex I(B) of the Beet Seed Directive, irrespective of the finding of the relevant competent seed certification authority.”
 - (b) for paragraph (3) substitute—
 - “(3) Paragraph (1) does not apply to seed which has been imported into the United Kingdom from—
 - (a) a European Single Market State, after the end of the period of two years beginning with the day after the day on which exit day falls, or
 - (b) a country other than a European Single Market State.”.
- (11) In regulation 12 (marketing of early movement seed)—
 - (a) in paragraph (1)—
 - (i) in sub-paragraph (a), for “the Common Catalogue” substitute “accepted on to the Common Catalogue at any time before the end of the period of two years beginning with the day after the day on which exit day falls”,
 - (ii) for sub-paragraph (b) substitute—
 - “(b) any seed lot has been certified by a National Authority other than the Scottish Ministers in order to make seed rapidly available, and the

provisional germination report on the seed has been presented by the producer to the Scottish Ministers,”

- (b) in paragraph (3)—
 - (i) for “European” substitute “National”,
 - (ii) omit “or Annex I(B) of the Beet Seed Directive”,
- (c) for paragraph (4) substitute—
 - “(4) Paragraph (1) does not apply to seed which has been imported into the United Kingdom from—
 - (a) a European Single Market State, after the end of the period of two years beginning with the day after the day on which exit day falls, or
 - (b) a country other than a European Single Market State.”.
- (12) In regulation 15 (official certificates)—
 - (a) in paragraph (3), for “(or an equivalent in another EEA state)” and “(or an equivalent list in another EEA state)” where those each occur, substitute “(or entered into an equivalent list in a European Single Market State before the end of the period of two years beginning with the day after the day on which exit day falls)”,
 - (b) in paragraph (4)(d), after “licensed crop inspector or” insert “, where paragraph (4A) applies, the”,
 - (c) after paragraph (4) insert—
 - “(4A) This paragraph applies where a licensed EU crop inspector as mentioned in paragraph (4)(d) inspected the crop before the end of the period of two years beginning with the day after the day on which exit day falls.”.
- (13) In regulation 16 (breeder’s confirmation)—
 - (a) for paragraph (1)(c) substitute—
 - “(c) shall only be made—
 - (i) for seed of a variety for which an application has been made to have that variety accepted on to—
 - (aa) a UK National List, or
 - (bb) an equivalent list in a European Single Market State, before the end of the period of two years beginning with the day after the day on which exit day falls; or
 - (ii) for seed of a component of a hybrid variety for which an application has been made to have that hybrid variety accepted on to—
 - (aa) a UK National List, or
 - (bb) an equivalent list in a European Single Market State, before the end of the period of two years beginning with the day after the day on which exit day falls.”.
 - (b) in paragraphs (5) and (6), for “another EEA state” substitute “a European Single Market State”.
- (14) In regulation 17(1)(a) (sampling), for “European Authority” substitute “National Authority”.
- (15) In regulation 18 (sealing of packages of seed)—
 - (a) for paragraph (2)(b) substitute—
 - “(b) sealed—

- (i) in any other part of the United Kingdom, in accordance with the applicable requirements for sealing in the relevant part of the United Kingdom,
 - (ii) before the end of the period of two years beginning with the day after the day on which exit day falls, in a European Single Market State, in accordance with Article 11 (sealing of packages) of the Beet Seed Directive.”,
 - (b) in paragraphs (5) and (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—
 - “(b) where it is sealed—
 - (i) in any other part of the United Kingdom, shall—
 - (aa) 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
 - (bb) contain an official document in accordance with the applicable requirements for official documents in the relevant part of the United Kingdom,
 - (ii) in a European Single Market State, before the end of the period of two years beginning with the day after the day on which exit day falls, shall—
 - (aa) be labelled in accordance with Articles 11 (sealing of packages) and 12 (labelling of packages) of the Beet Seed Directive appropriate to the relevant category of seed, and
 - (bb) contain an official document in accordance with Articles 12(b) (official documents) and 22(2) (packing and labelling requirements for seed harvested in the European Union and intended for certification) of the Beet Seed Directive.”,
 - (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

23A. Any seed certified and labelled in a Crown Dependency 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 exit day

23B. A label pre-printed before exit 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 two years beginning with the day after the day on which exit day falls.”.

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

(a) in the definition of “Pre-Basic Seed”, for paragraph 2(c)(ii) substitute—

“(ii) has been certified—

(aa) by a National 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;
or

(bb) before the end of the period of two years beginning with the day after the day on which exit day falls, by the competent seed certification authority of a European Single Market State as satisfying the conditions specified in sub-paragraphs (a) and (b) and the requirements for Basic Seed specified in Annex I (conditions for certification) of the Beet Seed Directive.”.

(b) in the definition of “Basic Seed”, for paragraph 2(c)(ii) substitute—

“(ii) has been certified—

(aa) by a National 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;
or

(bb) before the end of the period of two years beginning with the day after the day on which exit day falls, by the competent seed certification authority of a European Single Market State as satisfying the conditions specified in sub-paragraphs (a) and (b) and the requirements for Basic Seed specified in Annex I (conditions for certification) of the Beet Seed Directive.”.

(c) in the definition of “Certified Seed”, for paragraph 4(b)(ii) substitute—

“(ii) has been certified—

(aa) by a National 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; or

(bb) before the end of the period of two years beginning with the day after the day on which exit day falls, by the competent seed certification authority of a European Single Market State as satisfying the conditions specified in sub-paragraph (a) and the requirements for Certified Seed specified in Annex I (conditions for certification) of the Beet Seed Directive.”.

(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”.

(ii) 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 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), a European Single Market State 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 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), a European Single Market State 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 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), a European Single Market State 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 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 European Single Market State, an official certificate may only be issued under sub-paragraph (1)

- (a) before the end of the period of two years beginning with the day after the day on which exit day falls, and
- (b) provided that the seed—

- (i) has been harvested from a crop which has been found by official field inspection to satisfy the crop conditions specified in Annex I(A) (crop conditions) of the Beet Seed Directive for the relevant category of seed,
- (ii) has been packed in a sealed package in accordance with the requirements of Article 11 (sealing of packages) of the Beet Seed Directive and has been labelled in accordance with the requirements of Article 12 (labelling of packages) of the Beet Seed Directive, and
- (iii) is accompanied by a document of the type specified in Article 22(2) (packing and labelling requirements for seed harvested in the European Union and intended for certification) of the Beet Seed Directive, containing the particulars specified in Part C (information required for the document provided for seed not finally certified, harvested in another member state) of Annex IV of the Beet Seed Directive, which has been issued by the competent seed certification authority in the European Single Market State.”,

- (b) in Part II (breeder’s confirmations), in paragraph 7(d) (when applications may be refused), for “(or to an equivalent list in an EEA state)” substitute “(or to an equivalent list in a European Single Market State where the application was made before the end of the period of two years beginning with the day after the day on which exit day falls)”.

(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), in paragraph 2 (varietal identify and varietal purity), for “, an equivalent list in another EEA state or the Common Catalogue” substitute “or before the end of the period of two years beginning with the day after the day on which exit day falls accepted on to an equivalent list in a European Single Market State or the Common Catalogue”.

(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 “UK”,
 - (ii) in sub-paragraph (ii), for “EEA state or their commonly used initials”, substitute “country or country initials”,

- (c) in paragraph 6(a)(ii) (official label for a package of test and trial seed), for “EEA State or their distinguishing abbreviation”, substitute “country or country initials”,
- (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 “UK”,
 - (ii) for sub-paragraph (2) substitute—
 - “(2) Where a package of seed of a Conservation Variety is sealed—
 - (a) in any other part of the United Kingdom, it must be labelled in accordance with the requirements for labelling applicable in the relevant part of the United Kingdom,
 - (b) in a European Single Market State, before the end of the period of two years beginning with the day after the day on which exit day falls, it must be labelled in accordance with the provisions of Article 18 (labelling) of Commission Directive 2008/62.”,
- (e) in Part III (small EC packages)—
 - (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”,
- (f) 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)—
 - (i) in the heading, for “a country which is not an EEA State” substitute “outside the United Kingdom”,
 - (ii) the existing text becomes sub-paragraph (1),
 - (iii) in sub-paragraph (1), for “a country which is not an EEA State” substitute “outside the United Kingdom”,
 - (iv) after sub-paragraph (1) insert—
 - “(2) Sub-paragraph (1) does not apply to seed imported from a European Single Market State before the end of the period of two years beginning with the day after the day on which exit day falls.”,
- (g) 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 other than the United Kingdom” substitute “a European Single Market State”,
 - (ii) for “EEA state other than the United Kingdom” substitute “European Single Market State”,
 - (iii) for “in that EEA state” substitute “in that European Single Market State before the end of the period of two years beginning with the day after the day on which exit day falls”.