

SCOTTISH STATUTORY INSTRUMENTS

2020 No. 165

The Seed and Plant Material (Miscellaneous Amendments) (Scotland) Regulations 2020

Amendment of the Vegetable Seeds Regulations 1993

2.—(1) The Vegetable Seeds Regulations 1993(1) are amended as follows.

(2) In regulation 3 (interpretation), in paragraph (1)—

(a) after the definition of “[Directive 2001/18/EC](#)” insert—

““the EU Plant Health Regulation” means Regulation (EU) 2016/2031 of the European Parliament of the Council on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives [69/464/EEC](#), [74/647/EEC](#), [93/85/EEC](#), [98/57/EC](#), [2000/29/EC](#), [2006/91/EC](#) and [2007/33/EC\(2\)](#),”

(b) after the definition of “official post control” insert—

““protected zone quarantine pest” has the meaning given in Article 32 (recognition of protected zones), paragraph 1 of the EU Plant Health Regulation,”

(c) after the definition of “region of origin” insert—

““RNQP” means a Union regulated non-quarantine pest within the meaning given in Article 36 (definition of Union regulated non-quarantine pests) of the EU Plant Health Regulation,” and

(d) after the definition of “small package” insert—

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

(3) For schedule 1 (kinds of seed to which these Regulations apply) substitute—

“SCHEDULE 1

Reg 4(1)

KINDS OF SEED TO WHICH THESE REGULATIONS APPLY

<i>Latin Name</i>	<i>Common Name / Kind</i>
<i>Allium cepa</i> L.	Cepa Group (Onion, Echalion)
<i>Allium porrum</i> L.	Leek – all varieties
<i>Apium graveolens</i> L.	Celery Group Celeriac Group

(1) [S.I. 1993/2008](#), relevantly amended by [S.S.I. 2007/305](#), [S.S.I. 2010/219](#) and [S.S.I. 2013/326](#).

(2) OJ L 317, 23.11.2016, p.4, as last amended by Regulation (EU) 2017/625 (OJ L 95, 7.4.2017, p.1) with effect from 14 December 2019.

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Latin Name	Common Name / Kind
<i>Asparagus officinalis</i> L.	Asparagus – all varieties
<i>Beta vulgaris</i> L.	Garden Beet Group (Beetroot including Cheltenham beet) Leaf Beet Group (Spinach beet or Chard)
<i>Brassica oleracea</i> L.	Kale Group (including Curly Kale and Borecole) Cauliflower Group Capitata Group (Red cabbage and White cabbage) Brussels Sprouts Group Kohlrabi Group Savoy Cabbage Group Broccoli Group (calabrese type and sprouting type) Palm Kale Group Tronchuda Group (Portuguese cabbage)
<i>Brassica rapa</i> L.	Chinese Cabbage Group Vegetable Turnip Group
<i>Cichorium endivia</i> L.	Endive – all varieties
<i>Cucumis melo</i> L.	Melon – all varieties
<i>Cucumis sativus</i> L.	Cucumber Group Gherkin Group
<i>Cucurbita maxima</i> Dutchesne	Gourd – all varieties
<i>Cucurbita pepo</i> L.	Marrow, including mature pumpkin and scallop squash, courgette, including immature scallop squash – all varieties
<i>Daucus carota</i> L.	Carrot and fodder Carrot – all varieties
<i>Lactuca sativa</i> L.	Lettuce – all varieties
<i>Solanum lycopersicum</i> L.	Tomato – all varieties
<i>Petroselinum crispum</i> (Mill.) Nyman ex A. W. Hill	Leaf Parsley Group and Root Parsley Group
<i>Phaseolus coccineus</i> L.	Runner Bean – all varieties
<i>Phaseolus vulgaris</i> L.	Dwarf French Bean Group Climbing French Bean Group

Latin Name	Common Name / Kind
<i>Pisum sativum</i> L.	Round Pea Group Wrinkled Pea Group Sugar Pea Group
<i>Raphanus sativus</i> L.	Radish Group Black Radish Group
<i>Spinacia oleracea</i> L.	Spinach – all varieties
<i>Vicia faba</i> L.	Broad bean – all varieties
<i>Zea mays</i> L.	Sweet Corn Group Popcorn Group

This table includes hybrids of the species and Groups listed.”.

(4) In schedule 4 (requirements for certain categories of seed)—

(a) in Part 1 (basic and certified seed)—

(i) for paragraph 4 substitute—

“Crop health

4. The crop must—

(a) be practically free from any pests which reduce the usefulness and quality of the propagation material; and

(b) comply with the requirements concerning Union quarantine pests, protected zone quarantine pests and RNQPs provided for in implementing acts adopted pursuant to the EU Plant Health Regulation, as well as with the measures adopted pursuant to Article 30(1) of that Regulation.”,

(ii) in paragraph 7—

(aa) for the heading “*Beta vulgaris* L. var. *vulgaris*, Spinach beet, chard” in the table substitute “*Beta vulgaris* L. – Leaf Beet Group”,

(bb) for the heading “*Beta vulgaris* L. Var. *conditiva* Alef., red beet or beetroot” in the table substitute “*Beta vulgaris* L. – Garden Beet Group”,

(iii) in paragraph 8—

(aa) for sub-paragraph (a) substitute—

“(a) for crops of those Groups listed in the first column of the table, the minimum varietal purity standards must be:—

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<i>Kind</i>	<i>Varietal purity percentage by number in crops to produce</i>	
	<i>Basic Seed</i>	<i>Certified Seed</i>
Kale Group (including Curly Kale and Borecole)	99.8	99.5
Cauliflower Group		
Capitata Group (Red cabbage and White cabbage)		
Brussels Sprouts Group		
Kohlrabi Group		
Savoy Cabbage Group		
Broccoli Group (calabrese type and sprouting type)		
Palm Kale Group		
Tronchuda Group (Portuguese cabbage)		
Chinese Cabbage Group	99.7	98.0
Vegetable Turnip Group		
Dwarf French Bean Group	99.8	99.0
Climbing French Bean Group		
Broad Beans	99.7	99.0
Round Pea Group	99.995	99.995”,
Wrinkled Pea Group		
Sugar Pea Group		

(bb) in sub-paragraph (b), for the table substitute—

<i>“Kind</i>	<i>Basic Seed</i>	<i>Certified Seed</i>
Dwarf French Bean Group	0.1	0.5
Climbing French Bean Group		
Broad Beans	NIL	NIL
Round Pea Group	NIL	NIL”,
Wrinkled Pea Group		

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“Kind	Basic Seed	Certified Seed
Sugar Pea Group		

(b) in Part 2 (conditions relating to certain categories of seed)—

(i) in paragraph 2—

(aa) in sub-paragraph (a), for the table substitute—

“Kind	Minimum analytical purity(% by weight)	Maximum content of seeds of other plant species (% by weight)	Minimum germination (% of pure seed or pellets)
Asparagus	96	0.5	70
<i>Beans</i>			
Broad bean ⁽¹⁾	98	0.1	80
Climbing French Bean Group ⁽¹⁾	98	0.1	75
Dwarf French Bean Group ⁽¹⁾	98	0.1	75
Runner bean	98	0.1	80
Garden Beet Group (Beetroot including Cheltenham beet)	97	0.5	50 (Clusters)
Leaf Beet Group (Spinach beet or Chard)	97	0.5	70 (Clusters)
<i>Brassica</i>			
Broccoli Group (calabrese type & sprouting type)	97	1	75
Brussels Sprouts Group	97	1	75
Capitata Group (Red cabbage and White cabbage)	97	1	75
Cauliflower Group	97	1	70
Chinese Cabbage Group	97	1	75
Kale Group (including Curly Kale & borecole)	97	1	75
Kohlrabi Group	97	1	75
Palm Kale Group	97	1	75
Savoy Cabbage Group	97	1	75

(1) For the categories Pre-basic Seed, Basic Seeds and Certified Seed of these kinds, the minimum submitted sample weight must be: Broad Bean 4000g, Climbing French Bean / Dwarf French Bean 3000g, Pea 2000g.

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“Kind	Minimum analytical purity(% by weight)	Maximum content of seeds of other plant species (% by weight)	Minimum germination (% of pure seed or pellets)
Tronchuda Group (Portuguese cabbage)	97	1	75
Vegetable Turnip Group	97	1	80
Carrot and fodder Carrot	95	1	65
Celeriac Group	97	1	70
Celery Group	97	1	70
Cepa Group (Onion, Echalion)	97	0.5	70
Cucumber Group	98	0.1	80
Endive	95	1	65
Gherkin Group	98	0.1	80
Leek	97	0.5	65
Lettuce	95	0.5	75
Marrow, including mature pumpkin and scallop squash, courgette, including immature scallop squash	98	0.1	75
Melon	98	0.1	75
Parsley – Leaf and Root Group	97	1	65
<i>Pea</i>			
Round Pea Group	98	0.1	80
Sugar Pea Group	98	0.1	80
Wrinkled Pea Group	98	0.1	80
Radish and Black Radish Groups	97	1	70
Spinach	97	1	75
Sweet Corn / Popcorn Groups	98	0.1	85
Tomato	97	0.5	75”

(1) For the categories Pre-basic Seed, Basic Seeds and Certified Seed of these kinds, the minimum submitted sample weight must be: Broad Bean 4000g, Climbing French Bean / Dwarf French Bean 3000g, Pea 2000g.

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

“(b) The presence of RNQPs on vegetable seed must, at least upon visual inspection, not exceed the respective thresholds set out in the following table:—

Bacteria		
Column 1	Column 2	Column 3
RNQPs or symptoms caused by RNQPs	Genus or species of vegetable seed	Threshold for the presence of RNQPs on the vegetable seed
<i>Clavibacter michiganensis</i> ssp. <i>michiganensis</i> (Smith) Davis <i>et al.</i> [CORBMI]	Tomato – all varieties	0%
<i>Xanthomonas axonopodis</i> pv. <i>phaseoli</i> (Smith) Vauterin <i>et al.</i> [XANTPH]	Dwarf French bean group and Climbing French bean group	0%
<i>Xanthomonas euvesicatoria</i> Jones <i>et al.</i> [XANTEU]	Tomato – all varieties	0%
<i>Xanthomonas fuscans</i> subsp. <i>fuscans</i> Schaad <i>et al.</i> [XANTFF]	Dwarf French bean group and Climbing French bean group	0%
<i>Xanthomonas gardneri</i> (ex Šutič 1957) Jones <i>et al.</i> [XANTGA]	Tomato – all varieties	0%
<i>Xanthomonas perforans</i> Jones <i>et al.</i> [XANTPF]	Tomato – all varieties	0%
<i>Xanthomonas vesicatoria</i> (ex Doidge) Vauterin <i>et al.</i> [XANTVE]	Tomato – all varieties	0%
Insects and mites		
Column 1	Column 2	Column 3
RNQPs or symptoms caused by RNQPs	Genus or species of vegetable seed	Threshold for the presence of RNQPs on the vegetable seed
<i>Acanthoscelides obtectus</i> (Say) [ACANOB]	Runner beans – all varieties, Dwarf French bean group and Climbing French bean group	0%
<i>Bruchus pisorum</i> (Linnaeus) [BRCHPI]	Round pea group, wrinkled pea group and sugar pea group	0%

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Bacteria		
Column 1	Column 2	Column 3
RNQPs or symptoms caused by RNQPs	Genus or species of vegetable seed	Threshold for the presence of RNQPs on the vegetable seed
<i>Bruchus rufimanus</i> Boheman [BRCHRU]	Broad beans – all varieties	0%
Nematodes		
Column 1	Column 2	Column 3
RNQPs or symptoms caused by RNQPs	Genus or species of vegetable seed	Threshold for the presence of RNQPs on the vegetable seed
<i>Ditylenchus dipsaci</i> (Kuehn) [DITYDI]	Cepa group (onion, echalion), Leek – all varieties	0%
Viruses, viroids, virus-like diseases and phytoplasmas		
Column 1	Column 2	Column 3
RNQPs or symptoms caused by RNQPs	Genus or species of vegetable seed	Threshold for the presence of RNQPs on the vegetable seed
Pepino mosaic virus [PEPMV0]	Tomato – all varieties	0%
Potato spindle tuber viroid [PSTVD0]	Tomato – all varieties	0%”,

(ii) for paragraph 3 substitute—

“3. Seed must—

- (a) be practically free from any pests which reduce the usefulness and quality of the propagation material; and
- (b) comply with the requirements concerning Union quarantine pests, protected zone quarantine pests and RNQPs provided for in implementing acts adopted pursuant to the EU Plant Health Regulation, as well as with the measures adopted pursuant to Article 30(1) of that Regulation.”

(5) In schedule 5, Part 2 (maximum weight of a seed lot and minimum weight of a submitted sample), for the table substitute—

“Kind	Maximum lot weight (tonnes)	Minimum submitted sample weight (g)
Asparagus	10	100

- (1) For the categories Pre-basic Seed, Basic Seeds and Certified Seed of these kinds, the minimum submitted sample weight must be: Broad Bean 4000g, Climbing French Bean / Dwarf French Bean 3000g, all Pea groups 2000g.
- (2) For the category Standards Seed of these kinds the minimum submitted sample weight must be 25g.

“Kind	Maximum lot weight (tonnes)	Minimum submitted sample weight (g)
<i>Beans</i>		
Broad bean ⁽¹⁾	30	1,000
Climbing French Bean Group ⁽¹⁾	30	700
Dwarf French Bean Group ⁽¹⁾	30	700
Runner bean	30	1,000
Garden Beet Group (Beetroot including Cheltenham beet)	20	100
Leaf Beet Group (Spinach beet or Chard)	20	100
<i>Brassica</i> ⁽²⁾		
Broccoli Group (calabrese type & sprouting type)	10	50
Brussels Sprouts Group	10	50
Capitata Group (Red cabbage and White cabbage)	10	50
Cauliflower Group	10	50
Chinese cabbage Group	10	50
Kale Group (including Curly Kale & borecole)	10	50
Kohlrabi Group	10	50
Palm Kale Group	10	50
Savoy Cabbage Group	10	50
Tronchuda Group (Portuguese cabbage)	10	50
Vegetable Turnip Group	10	50
Carrot and fodder Carrot	10	25
Celeriac Group	10	
Celery Group	10	25
Cepa Group (Onion, Echalion)	10	25
Cucumber Group	20	25
Endive	10	25
Gherkin Group	20	25
Leaf & Root Parsley Groups	10	25
Leek	10	25

(1) For the categories Pre-basic Seed, Basic Seeds and Certified Seed of these kinds, the minimum submitted sample weight must be: Broad Bean 4000g, Climbing French Bean / Dwarf French Bean 3000g, all Pea groups 2000g.

(2) For the category Standards Seed of these kinds the minimum submitted sample weight must be 25g.

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“Kind	Maximum lot weight (tonnes)	Minimum submitted sample weight (g)
Lettuce ⁽²⁾	10	30
Marrow, including mature pumpkin and scallop squash, courgette, including immature scallop squash	20	150
Melon	20	100
<i>Pea</i> ⁽¹⁾		
Round Pea Group	30	500
Sugar Pea Group	30	500
Wrinkled Pea Group	30	500
Radish and Black Radish Groups	10	50
Spinach	10	75
Sweet Corn / Popcorn Groups	20	1,000
Tomato	10	25”.

- (1) For the categories Pre-basic Seed, Basic Seeds and Certified Seed of these kinds, the minimum submitted sample weight must be: Broad Bean 4000g, Climbing French Bean / Dwarf French Bean 3000g, all Pea groups 2000g.
- (2) For the category Standards Seed of these kinds the minimum submitted sample weight must be 25g.