

POLICY NOTE

THE CEREAL SEED (SCOTLAND) AMENDMENT REGULATIONS 2023

SSI 2023/193

The above instrument was made in exercise of the powers conferred by sections 16(1), (3) and (4) and 36 of the Plant Varieties and Seeds Act 1964. The instrument is subject to the negative procedure.

Purpose of the instrument.

To amend the Cereal Seed (Scotland) Regulations 2005 to allow for a lower varietal purity standard for hybrid wheat produced by using the cytoplasmic male sterility (CMS) technique.

Policy Objectives

As with other agricultural seeds, cereal seed can only be marketed in lots following analysis and certification, and must meet the specific minimum seed quality standards for growers. One of these standards is for crop varietal purity.

Hybrid wheat varieties created using the CMS technique can result in improvements in disease resistance and yields. However, the specific blend production system applied in the field, in combination with weather related risks during the flowering period, can affect the varietal purity of the plants seen in the crop and therefore a lower standard has been set and recognised by the EU and OECD.

Commission Implementing Directive 2021/1927 legislates for a lower varietal purity rate for hybrid wheat created using the CMS technique. The EU is Scotland's main provider of cereal seeds and therefore we should remain aligned. If Scotland does not implement the lower standard for hybrid wheat varieties created using the CMS technique, growers will not be able to accept any seed coming from the EU or OECD countries, as it will have been certified using the 85% standard for varietal purity.

To enable Scottish farmers to gain the best from these new hybrid cereal varieties when growing them in their fields, the current standard of 90% needs to be reduced to 85% for hybrid varieties created using the CMS technique.

Consultation

Due to the proposals affecting only a small handful of cereal breeders a six week consultation document was issued to relevant stakeholders on 27 May 2023, including:-

- the British Society of Plant Breeders,
- the National Farmers Union (Scotland),
- the Scottish Seed Trade Association and
- Agricultural Industries Confederation, Scotland,

as well as being placed on the SASA website.

On 8th June Scottish Government received 3 responses from Breeders, who all welcomed the proposed change to reduce the varietal purity standard.

Impact Assessments

As the change to legislation is of a technical nature, and does not result in new costs or burdens for businesses, there are no cost implications for the crop inspection or Scottish Government and therefore a BRIA is not required.

There are no equality/children's/privacy, etc. impact issues.

Financial Effects

The Cabinet Secretary for Rural Affairs, Land Reform and Islands confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
ARE Directorate

23 June 2023