

## SCHEDULE 1

### INTERPRETATION

#### PART II

#### Meaning of basic seed and similar expressions

##### **Basic seed**

**8.—**(1) In these Regulations, other than in relation to a component of a hybrid variety of fodder kale, “basic seed” means seed—

- (a) that has been produced—
  - (i) by or under the responsibility of the breeder according to accepted practices for the maintenance of the variety, or
  - (ii) under the supervision of the Secretary of State from seeds recognised by her to be of a local variety and grown within a specific area, and
- (b) that is intended to be used for the production of—
  - (i) in the case of seed, other than field beans, field peas, Lucerne *Medicago sativa*, lupins and vetches, CS seed;
  - (ii) in the case of field beans, field peas, Lucerne *Medicago sativa*, lupins and vetches, C1 seed; or
  - (iii) in the case of field beans and field peas, C2 seed.

(2) In these Regulations, in relation a component of a hybrid variety of fodder kale, “basic seed” means seed of the component—

- (i) that has been produced by or under the responsibility of the breeder, and
- (ii) that is intended to be used for the production of CS seed of the hybrid variety.

##### **UK officially certified basic seed of a listed variety**

**9.—**(1) In these Regulations “UK officially certified basic seed of a listed variety” means seed to which paragraph (2), (3) or (4) applies.

- (2) This paragraph applies to—
  - (a) seed of a listed variety officially certified as basic seed by or on behalf of the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development, and
  - (b) seed of a previously listed variety officially certified as basic seed by or on behalf of the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development and for which a marketing extension is in force.
- (3) This paragraph applies to—
  - (a) basic seed of a listed variety—
    - (i) that has been harvested from a crop produced in the United Kingdom for which a field inspection report has been issued stating that the crop has been found by an official UK field inspection (whenever carried out) to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which basic seed is to be produced;

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- (ii) that satisfies the conditions laid down in Parts II and III of Schedule 4 for basic seed or satisfies all of those conditions except for the germination condition; and
  - (iii) for which a seed test report has been issued stating that it has been found by an official UK seed test or by a UK seed test carried out under official supervision (in either case whenever carried out) to satisfy the conditions laid down in Part II of Schedule 4 for basic seed or that it has been found by such a test to satisfy all of those conditions except for the germination condition;
- (b) basic seed of a previously listed variety that complies with the requirements of paragraph (a)(i) to (iii) and for which a marketing extension is in force;
- (c) basic seed of a listed variety—
- (i) that has been imported into the United Kingdom as not finally certified basic seed harvested in another member State, and
  - (ii) that complies with the requirements of paragraph (a)(ii) and (iii);
- (d) basic seed of a previously listed variety—
- (i) that has been imported into the United Kingdom as not finally certified basic seed harvested in another member State;
  - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
  - (iii) for which a marketing extension is in force; and
- (e) basic seed—
- (i) that has been imported into the United Kingdom as not finally certified basic seed harvested in another member State;
  - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
  - (iii) is of a variety that was unlisted at the time when the seed was imported into the United Kingdom but has since been listed,
- other than seed to which paragraph (2) applies and seed for which an application for official certification has been made to the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development that has not been finally determined.
- (4) Seed of a listed variety, or seed of a previously listed variety for which a marketing extension is in force, in respect of which a successful application has been made to the Secretary of State under regulation 13 to re-grade it as basic seed.

**EC officially certified basic seed of a listed variety**

- 10.** In these Regulations “EC officially certified basic seed of a listed variety” means—
- (a) basic seed of a listed variety officially certified as basic seed by or on behalf of the competent seed certification authority in another member State, and
  - (b) basic seed of a previously listed variety officially certified as basic seed by or on behalf of the competent seed certification authority in another member State and for which a marketing extension is in force.

**Third country officially certified basic seed of a listed variety**

- 11.—**(1) In these Regulations “third country officially certified basic seed of a listed variety” means seed to which sub-paragraph (2) or (3) applies.
- (2) This sub-paragraph applies to basic seed of a listed variety—

- (a) that was harvested from a crop that was produced in an equivalent third country from a preceding generation of seed that was produced in accordance with the provisions specified in paragraph 6 of Part II(B) of the Annex to the Third Country Equivalence Decision;
  - (b) that has been officially certified as basic seed by the approved seed certification authority in that country in accordance with—
    - (i) in the case of seed other than crucifers, the OECD Grass and Legume Seed Scheme, and
    - (ii) in the case of crucifers, the OECD Crucifer and Oil and Fibre Seed Scheme; and
    - (iii) in both cases, the conditions specified in paragraphs 1 and 3 of Part II(B) of the Annex to the Third Country Equivalence Decision;
  - (c) that has been packed in packages that have been officially closed and marked in accordance with—
    - (i) in the case of seed other than crucifers, the OECD Grass and Legume Seed Scheme, and
    - (ii) in the case of crucifers, the OECD Crucifer and Oil and Fibre Seed Scheme;and, as regards the packaging, in accordance with the relevant conditions specified in paragraph 4 of Part II(B) of the Annex to the Third Country Equivalence Decision; and
  - (d) that has been imported into the United Kingdom and was accompanied by—
    - (i) an OECD Certificate issued by the approved seed certification authority in respect of the seed lot from which the seed was taken approving the seed in that lot as basic seed; and
    - (ii) subject to paragraph (iii), an Orange or Green International Seed Lot Certificate issued under the Rules of ISTA showing that it has been found to satisfy the relevant Directive seed conditions for basic seed other than those relating to varietal identity and varietal purity; or
    - (iii) in a case where the seed has been certified in Canada or the United States of America, a Lot Inspection Certificate issued by the Official Seed Testing Laboratory under the authority of the State Seed Testing Agency showing that it has been found to satisfy those conditions instead of a certificate of the type referred to in paragraph (ii).
- (3) This sub-paragraph applies to basic seed—
- (a) of a previously listed variety that is on the OECD List and for which a marketing extension is in force, and
  - (b) that complies with the requirements of sub-paragraph (2)(a) to (d).

**Overseas tested officially certified basic seed of a listed variety**

12.—(1) In these Regulations “overseas tested officially certified basic seed of a listed variety” means basic seed to which sub-paragraph (2) or (3) applies.

- (2) This sub-paragraph applies to basic seed—
- (a) that has been harvested from a crop produced in a member State (including the United Kingdom) for which a field inspection report was issued by or on behalf of the competent seed certification authority in the member State stating that the crop has been found to satisfy the relevant Directive crop conditions for basic seed;
  - (b) for which a seed test report has been issued—

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- (i) by or on behalf of the competent seed certification authority in the member State, or in a member State, other than the United Kingdom, into which the seed was subsequently imported, or
- (ii) by a licensed EC seed testing station in either of the member States referred to in paragraph (i),  
stating that the seed has been found to satisfy the relevant Directive seed conditions for basic seed;
- (c) that has been imported into the United Kingdom as basic seed of a variety that was unlisted at the time when the seed was imported but has since been listed; and
- (d) that is accompanied by—
  - (i) an Annex V(C) document relating to the seed issued by or on behalf of the competent seed certification authority in the member State referred to in paragraph (a), and
  - (ii) the seed test report referred to in paragraph (b).
- (3) This sub-paragraph applies to basic seed—
  - (a) that complies with the requirements of paragraph 11(2)(a) to (d), and
  - (b) that was imported into the United Kingdom as basic seed of a variety that was unlisted at the time when the seed was imported but has since been listed.

**UK officially certified early movement basic seed of a listed variety**

**13.—**(1) In these Regulations “UK officially certified early movement basic seed of a listed variety” means seed to which paragraph (2), (3) or (4) applies.

- (2) This paragraph applies to—
  - (a) seed of a listed variety officially certified as early movement basic seed by or on behalf of the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development, and
  - (b) seed of a previously listed variety officially certified as early movement basic seed by or on behalf of the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development and for which a marketing extension is in force.
- (3) This paragraph applies to—
  - (a) basic seed of a listed variety—
    - (i) that has been harvested from a crop produced in the United Kingdom for which a field inspection report has been issued stating that the crop has been found by an official UK field inspection (whenever carried out) to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which basic seed is to be produced;
    - (ii) that, subject to sub-paragraph (iii), satisfies the conditions laid down in Parts II and III of Schedule 4 for basic seed;
    - (iii) for which the results of a Schedule 4 germination test are awaited but for which a provisional analytical report has been obtained indicating what the percentage of germination of the seed is likely to be; and
    - (iv) for which a seed test report has been issued stating that it has been found, subject to the results of the awaited Schedule 4 germination test, by an official UK seed test or by a UK seed test carried out under official supervision (in either case whenever carried out), to satisfy the conditions laid down in Part II of Schedule 4 for basic seed;

- (b) basic seed of a previously listed variety that complies with the requirements of paragraph (a)(i) to (iv) and for which a marketing extension is in force;
- (c) basic seed of a listed variety—
  - (i) that has been imported into the United Kingdom as not finally certified basic seed harvested in another member State, and
  - (ii) that complies with the requirements of paragraph (a)(ii) to (iv); and
- (d) basic seed of a previously listed variety—
  - (i) that has been imported into the United Kingdom as not finally certified basic seed harvested in another member State;
  - (ii) that complies with the requirements of paragraph (a)(ii) to (iv); and
  - (iii) for which a marketing extension is in force,other than seed to which paragraph (2) applies and seed for which an application for official certification has been made to the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development that has not been finally determined.

(4) Seed of a listed variety, or seed of a previously listed variety for which a marketing extension is in force, in respect of which a successful application has been made to the Secretary of State under regulation 13 to re-grade it as early movement basic seed.

#### **EC officially certified early movement basic seed of a listed variety**

**14.** In these Regulations “EC officially certified early movement basic seed of a listed variety” means—

- (a) basic seed of a listed variety officially certified as early movement basic seed by or on behalf of the competent seed certification authority in another member State, and
- (b) basic seed of a previously listed variety officially certified as early movement basic seed by or on behalf of the competent seed certification authority in another member State and for which a marketing extension is in force.

#### **UK officially certified basic seed of a component of a listed hybrid variety**

**15.—(1)** In these Regulations “UK officially certified basic seed of a component of a listed hybrid variety” means seed to which paragraph (2) or (3) applies.

(2) This paragraph applies to—

- (a) seed of a component of a listed hybrid variety officially certified as basic seed by or on behalf of the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development, and
- (b) seed of a component of a previously listed hybrid variety officially certified as basic seed by or on behalf of the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development and for which a marketing extension is in force in respect of seed of the hybrid variety.

(3) This paragraph applies to—

- (a) basic seed of a component of a listed hybrid variety—
  - (i) that has been harvested from a crop produced in the United Kingdom for which a field inspection report has been issued stating that the crop has been found by an official UK field inspection (whenever carried out) to satisfy the conditions laid

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- down in Schedule 3 and Part I of Schedule 4 for a crop from which basic seed is to be produced;
- (ii) that satisfies the conditions laid down in Parts II and III of Schedule 4 for basic seed or satisfies all of those conditions except for the germination condition; and
  - (iii) for which a seed test report has been issued stating that it has been found by an official UK seed test or by a UK seed test carried out under official supervision (in either case whenever carried out) to satisfy the conditions laid down in Part II of Schedule 4 for basic seed or that it has been found by such a test to satisfy all of those conditions except for the germination condition;
- (b) basic seed of a component of a previously listed hybrid variety that complies with the requirements of paragraph (a)(i) to (iii) and for which a marketing extension is in force in respect of seed of the hybrid variety;
- (c) basic seed of a component of a listed hybrid variety—
- (i) that has been imported into the United Kingdom as not finally certified basic seed harvested in another member State, and
  - (ii) that complies with the requirements of sub-paragraph (a)(ii) and (iii);
- (d) basic seed of a component of a previously listed hybrid variety—
- (i) that has been imported into the United Kingdom as not finally certified basic seed harvested in another member State;
  - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
  - (iii) for which a marketing extension is in force in respect of seed of the hybrid variety;
- (e) basic seed—
- (i) that has been imported into the United Kingdom as not finally certified basic seed harvested in another member State;
  - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
  - (iii) that is a component of a hybrid variety that was unlisted at the time when the seed was imported into the United Kingdom but has since been listed,
- other than seed to which paragraph (2) applies and seed for which an application for official certification has been made to the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development that has not been finally determined.

#### **EC officially certified basic seed of a component of a listed hybrid variety**

**16.** In these Regulations “EC officially certified basic seed of a component of a listed hybrid variety” means—

- (a) basic seed of a component of a listed hybrid variety officially certified as basic seed by or on behalf of the competent seed certification authority in another member State, and
- (b) basic seed of a component of a previously listed hybrid variety officially certified as basic seed by or on behalf of the competent seed certification authority in another member State for which a marketing extension is in force in respect of seed of the hybrid variety.

#### **Third country officially certified basic seed of a component of a listed hybrid variety**

**17.—(1)** In these Regulations “third country officially certified basic seed of a component of a listed hybrid variety” means basic seed to which sub-paragraph (2) or (3) applies.

- (2) This sub-paragraph applies to basic seed of a component of a listed hybrid variety—

- (a) that was harvested from a crop that was produced—
  - (i) in an equivalent third country,
  - (ii) from a preceding generation of seed that was produced in accordance with the provisions specified in paragraph 6 of Part II(B) of the Annex to the Third Country Equivalence Decision; and
- (b) that has been officially certified as basic seed by the approved seed certification authority in that country in accordance with—
  - (i) in the case of seed other than crucifers, the OECD Grass and Legume Seed Scheme, and
  - (ii) in the case of crucifers, the OECD Crucifer and Oil and Fibre Seed Scheme; and
  - (iii) in both cases, the conditions specified in paragraphs 1 and 3 of Part II(B) of the Annex to the Third Country Equivalence Decision;
- (c) that has been packed in packages that have been officially closed and marked in accordance with—
  - (i) in the case of seed other than crucifers, the OECD Grass and Legume Seed Scheme, and
  - (ii) in the case of crucifers, the OECD Crucifer and Oil and Fibre Seed Scheme;and, as regards the packaging, in accordance with the relevant conditions specified in paragraph 4 of Part II(B) of the Annex to the Third Country Equivalence Decision; and
- (d) that has been imported into the United Kingdom and was accompanied by—
  - (i) an OECD Certificate issued by the approved seed certification authority in respect of the seed lot from which the seed was taken approving the seed in that lot as basic seed; and
  - (ii) subject to paragraph (iii), an Orange or Green International Seed Lot Certificate issued under the Rules of ISTA showing that it has been found to satisfy the relevant Directive seed conditions for basic seed other than those relating to varietal identity and varietal purity; or
  - (iii) in a case where the seed has been certified in Canada or the United States of America, a Lot Inspection Certificate issued by the Official Seed Testing Laboratory under the authority of the State Seed Testing Agency showing that it has been found to satisfy those conditions instead of a certificate of the type referred to in paragraph (ii).
- (3) This sub-paragraph applies to basic seed of a component—
  - (a) of a previously listed hybrid variety that is on the OECD List and for which a marketing extension is in force, and
  - (b) that complies with the requirements of sub-paragraph (2)(a) to (d).

**Overseas tested officially certified basic seed of a component of a listed hybrid variety**

**18.**—(1) In these Regulations “overseas tested officially certified basic seed of a component of a listed hybrid variety” means basic seed to which sub-paragraph (2) or (3) applies.

- (2) This sub-paragraph applies to basic seed of a component of a listed hybrid variety—
  - (a) that has been harvested from a crop produced in a member State (including the United Kingdom) for which a field inspection report was issued by or on behalf of the competent seed certification authority in the member State stating that the crop has been found to satisfy the relevant Directive crop conditions for basic seed;
  - (b) for which a seed test report has been issued—

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- (i) by or on behalf of the competent seed certification authority in the member State, or in a member State, other than the United Kingdom, into which the seed was subsequently imported, or
  - (ii) by a licensed EC seed testing station in either of the member States referred to in paragraph (i),
- stating that the seed has been found to satisfy the relevant Directive seed conditions for basic seed;
- (c) that has been imported into the United Kingdom as a component of a hybrid variety that was unlisted at the time when the seed was imported into the United Kingdom but has since been listed, and
  - (d) that is accompanied by—
    - (i) an Annex V(C) document relating to the seed issued by or on behalf of the competent seed certification authority in the member State referred to in paragraph (a), and
    - (ii) the seed test report referred to in paragraph (b).
- (3) This sub-paragraph applies to basic seed of a component of a listed hybrid variety—
- (a) that complies with the requirements of paragraph 17(2)(a) to (d), and
  - (b) that was imported into the United Kingdom as basic seed of a component of a hybrid variety that was unlisted at the time when the seed was imported into the United Kingdom but has since been listed.

**UK officially certified early movement basic seed of a component of a listed hybrid variety**

**19.**—(1) In these Regulations “UK officially certified early movement basic seed of a component of a listed hybrid variety” means seed of which paragraph (2) or (3) applies.

- (2) This paragraph applies to—
- (a) seed of a component of a listed hybrid variety officially certified as early movement basic seed by or on behalf of the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development, and
  - (b) seed of a component of a previously listed hybrid variety officially certified as early movement basic seed by or on behalf of the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development and for which a marketing extension is in force in respect of seed of the hybrid variety.
- (3) This paragraph applies to—
- (a) basic seed of a component of a listed hybrid variety—
    - (i) that has been harvested from a crop produced in the United Kingdom for which a field inspection report has been issued stating that the crop has been found by an official UK field inspection (whenever carried out) to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which basic seed is to be produced;
    - (ii) that, subject to paragraph (iii), satisfies the conditions laid down in Parts II and III of Schedule 4 for basic seed;
    - (iii) for which the results of a Schedule 4 germination test are awaited but for which a provisional analytical report has been obtained indicating what the percentage of germination of the seed is likely to be; and
    - (iv) for which a seed test report has been issued stating that it has been found, subject to the results of the awaited Schedule 4 germination test, by an official UK seed test



- or by a UK seed test carried out under official supervision (in either case whenever carried out) to satisfy the conditions laid down in Part II of Schedule 4 for basic seed;
- (b) basic seed of a component of a previously listed hybrid variety that complies with the requirements of paragraph (a)(i) to (iv) and for which a marketing extension is in force in respect of seed of the hybrid variety;
  - (c) basic seed of a component of a listed hybrid variety—
    - (i) that has been imported into the United Kingdom as not finally certified basic seed harvested in another member State, and
    - (ii) complies with the requirements of sub-paragraph (a)(ii) to (iv); and
  - (d) basic seed of a component of a previously listed hybrid variety—
    - (i) that has been imported into the United Kingdom as not finally certified basic seed harvested in another member State;
    - (ii) that complies with the requirements of paragraph (a)(ii) to (iv); and
    - (iii) for which a marketing extension is in force in respect of seed of the hybrid variety, other than seed to which paragraph (2) applies and seed for which an application for official certification has been made to the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development that has not been finally determined.

**EC officially certified early movement basic seed of a component of a listed hybrid variety**

**20.** In these Regulations “EC officially certified early movement basic seed of a component of a listed hybrid variety” means—

- (a) basic seed of a component of a listed hybrid variety officially certified as early movement basic seed by or on behalf of the competent seed certification authority in another member State, and
- (b) basic seed of a component of a previously listed hybrid variety officially certified as early movement basic seed by or on behalf of the competent seed certification authority in another member State and for which a marketing extension is in force in respect of seed of the hybrid variety.

**Officially certified basic seed**

**21.** In these Regulations “officially certified basic seed” means—

- (a) UK officially certified basic seed of a listed variety;
- (b) EC officially certified basic seed of a listed variety;
- (c) third country officially certified basic seed of a listed variety;
- (d) overseas tested officially certified basic seed of a listed variety;
- (e) UK officially certified early movement basic seed of a listed variety;
- (f) EC officially certified early movement basic seed of a listed variety;
- (g) UK officially certified basic seed of a component of a listed hybrid variety;
- (h) EC officially certified basic seed of a component of a listed hybrid variety;
- (i) third country officially certified basic seed of a component of a listed hybrid variety;
- (j) overseas tested officially certified basic seed of a component of a listed hybrid variety;
- (k) UK officially certified early movement basic seed of a component of a listed hybrid variety; and

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- (l) EC officially certified early movement basic seed of a component of a listed hybrid variety.