

**2002 No. 3175**

**SEEDS, ENGLAND**

**The Vegetable Seed (England) Regulations 2002**

*Made* .. .. . 18th December 2002

*Laid before Parliament* .. .. . 20th December 2002

*Coming into force* .. .. . 31st January 2003

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The Secretary of State in exercise of the powers conferred on her by sections 16(1), (1A), (2), (3), (4), (5) and (5A) and 36 of the Plant Varieties and Seeds Act 1964 (a) after consultation in accordance with section 16(1) of that Act with representatives of such interests as appear to her to be concerned, hereby makes the following Regulations:

## PART I GENERAL

### **Title, extent and commencement**

1. These Regulations may be cited as the Vegetable Seed (England) Regulations 2002, shall extend to England and shall come into force on 31st January 2003.

### **General interpretation**

2.—(1) In these Regulations

“the Act” means the Plant Varieties and Seeds Act 1964;

“Annex V(C) document” means an official document of the type specified in the second indented sub-paragraph of Article 36(2) of the Vegetable Seed Directive containing the particulars specified in Part C of Annex V to the Directive;

“another member State” means an EEA State other than the United Kingdom;

“authorised officer” means an officer authorised for the purposes of these Regulations by the Secretary of State, the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development;

“blended seed lot” means a seed lot obtained by blending seed where the seed that goes into the blend is —

(a) of the same variety;

(b) has come from different sources; and

(c) either —

(i) has been officially certified;

(ii) has not been officially certified but has been harvested from a seed crop for which a field inspection report has been issued showing that the crop met the Directive crop conditions for the relevant category of seed; or

(iii) is made up of seed that has been officially certified and seed that has not but for which a field inspection report of the type specified in sub-paragraph (ii) has been issued;

“breeder”—

(a) in relation to a variety that has not been entered in a National List or the Common Catalogue, includes any person lawfully multiplying (on his own account) seed bred by another, and

(b) in relation to a variety that has been so entered, means the maintainer of the variety;

“breeder’s seed” means seed which has been produced by or under the responsibility of the breeder and which is intended for the production of pre-basic or basic seed;

“Common Catalogue” means the Common Catalogue of varieties of vegetables species published in the Official Journal of the European Communities;

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(a) 1964 c.14; section 16 was amended by section 4(1) of, and paragraph 5(1), (2) and (3) of Schedule 4 to, the European Communities Act 1972 (c.68), S.I. 1977/1112 and section 2 of the Agriculture Act 1986 (c.49); see section 38(1) for a definition of “the Secretary of State”. Under the Transfer of Functions (Wales) (No.1) Order 1978 (S.I. 1978/272), article 2(1) and Schedule 1, the functions of the Minister of Agriculture, Fisheries and Food under the Plant Varieties and Seeds Act 1964 were, so far as they are exercisable in relation to Wales, transferred to the Secretary of State and under the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2(1) and Schedule 1, the functions transferred to the Secretary of State by the 1978 transfer Order were transferred to the National Assembly for Wales. Under the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794) the functions of the Minister of Agriculture, Fisheries and Food under the Plant Varieties and Seeds Act 1964 were, so far as they are exercisable in relation to England, transferred to the Secretary of State.

“component” means a component of a hybrid variety;

“control plot” means a plot sown with seed from an official sample of seed from a seed lot (whether the official sample of the seed submitted with a regulation 6 application in accordance with regulation 6(2) or another official sample of the seed);

“Department of Agriculture and Rural Development” means the Department of Agriculture and Rural Development in Northern Ireland;

“Directive crop conditions” means the conditions laid down in Annex I to the Vegetable Seed Directive;

“Directive seed conditions” means the conditions laid down in Annex II to the Vegetable Seed Directive;

“EC minimum percentage of germination” means the appropriate percentage of germination specified in column 2 of the table in paragraph 4 of Schedule 4;

“EEA State” means a State that is a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992(a) as adjusted by the Protocol signed at Brussels on 17th March 1993(b);

“entered seed lot” means a seed lot in respect of which an application has been made under regulation 6 in accordance with regulation 6(2)(a), (b)(i) and (c);

“genetically modified” has the same meaning as for the purposes of Council Directive 2001/18/EC(c) on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC;

“germination condition” means the condition in paragraph 4 of Schedule 4;

“homogeneous seed lot” means a seed lot that has been subject to appropriate mixing and blending techniques so that the seed in the lot is as uniform as practicable;

“late entered seed lot” means a seed lot in respect of which an application has been made under regulation 6(1) in accordance with regulation 6(2)(a), (b)(ii) and (c);

“licensed seed sampler” means a person who has been granted a licence under regulation 18 of the Seed (Registration, Licensing and Enforcement)(England) Regulations 2002(d) or by the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development under provisions equivalent to that regulation;

“listed variety” means a plant variety that is entered in a National List or the Common Catalogue;

“listing” means the entry of a variety on a National List or the Common Catalogue and “listed” shall be construed accordingly;

“maintainer” means a person who is indicated in a National List or in the Common Catalogue as responsible for maintaining a plant variety in accordance with the characteristics to which regard was had when the plant variety was entered in the List or the Common Catalogue;

“marketing extension” means an extension granted by the Secretary of State, the Scottish Ministers, the National Assembly for Wales, the Department of Agriculture and Rural Development or the competent seed certification authority in another member State pursuant to Article 15 of the Vegetable Seed Directive allowing an extended period for the certification and marketing of seed of a variety that has been deleted from its catalogue and the Common Catalogue;

“marketing year” means the year from 1st July to 30th June inclusive;

“member State” means an EEA State;

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- (a) Cmnd 2073.  
(b) Cmnd 2847.  
(c) O.J. No.L106, 17.4.2001, p.1.  
(d) S.I. 2002/3176.

“a National List” means a list of varieties of vegetable species for the time being published in accordance with the Seeds (National Lists of Varieties) Regulations 2001(a);

“official label” means a label issued or authorised by or on behalf of the Secretary of State, the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development;

“official measures” includes —

- (a) the disposal and determination, where applicable, of applications made in accordance with regulation 6, 8, 9, 10, 11, 12, 13, 18 and 19, including the growing and assessment of control plots and the carrying out of field inspections and seed testing in connection with the disposal and determination of such applications; and
  - (b) the receipt and acknowledgement of notifications given under regulation 7,
- and such other activities as may be necessary for those purposes;

“official sample” means a sample of seed taken from a seed lot in accordance with regulation 22 and “official sampling” shall be construed accordingly;

“official UK field inspection” means a field inspection carried out by or on behalf of the Secretary of State, the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development;

“official UK seed test” means a seed test carried out by or on behalf of the Secretary of State, the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development;

“previously listed variety” means a plant variety that was previously entered in —

- (a) a National List or, in the case of another member State, the catalogue maintained by that State pursuant to Article 3(2) of the Vegetable Seed Directive, and
- (b) the Common Catalogue,

but which has been removed from both of them;

“registered person” means a person registered under regulation 5 of the Seed (Registration, Licensing and Enforcement)(England) Regulations 2002 as a person who may engage in a relevant seed industry activity;

“regulation 18 authorisation” means an authorisation granted in accordance with regulation 18;

“regulation 19 authorisation” means an authorisation granted in accordance with regulation 19;

“Schedule 4 germination test” means a test to determine whether the seed being tested attains the percentage of germination specified in column 2 of the table in paragraph 4 of Schedule 4;

“the Secretary of State” means the Secretary of State for Environment, Food and Rural Affairs;

“seed industry activity” has the same meaning as in regulation 2 of the Seed (Registration, Licensing and Enforcement) (England) Regulations 2002;

“seed lot” means an identifiable consignment of seeds of a weight that does not exceed the weight specified in column 2 of the table in Schedule 7 for the species specified in column 1 of that table by more than 5% and that bears a unique seed lot reference number, and includes a blended seed lot and a seed lot that contains seed from different crops of the same variety grown on the same holding and combined on the grower’s holding prior to processing;

“small package” in relation to a package of seed means —

- (a) a package of seed containing a net weight of not more than 5 kilograms of legume seed;
- (b) a package of seed containing a net weight of not more than 500 grams of asparagus, beetroot, carrot, chard or spinach beet, gourd, marrow, onion, radish, spinach or turnip seed; or
- (c) a package of seed containing a net weight of not more than 100 grams of seed of any species of seed specified in Schedule 2 other than a species specified in paragraph (a) or (b);

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(a) S.I. 2001/3510.

“third country” means a country other than a member State;

“unlisted variety” means a variety that is not a listed variety;

“the Vegetable Seed Directive” means Council Directive 2002/55/EC(a) on the marketing of vegetable seed; and

“whenever carried out” —

- (a) in relation to an official UK field inspection of a crop being grown to produce seed of a listed variety or a component of a listed hybrid variety, means an inspection carried out before or after the listing of the variety or hybrid variety;
- (b) in relation to an official UK field inspection of a crop being grown to produce seed of a previously listed variety or a component of a previously listed hybrid variety, means an inspection carried out while the variety or hybrid variety was listed or after it became unlisted;
- (c) in relation to an official UK seed test of seed of a listed variety or a component of a listed hybrid variety, means a test carried out before or after the listing of the variety or hybrid variety; and
- (d) in relation to an official UK seed test of seed of a previously listed variety or a component of a previously listed hybrid variety, means a test carried out while the variety or hybrid variety was listed or after it became unlisted.

(2) All applications, approvals, authorisations, notices, notifications and statements to which these Regulations apply shall be made in writing.

(3) “Writing” in paragraph (2) shall include an electronic communication within the meaning of the Electronic Communications Act 2000(b) provided that —

- (a) any document of the type referred to in paragraph (2) shall only be sent to the Secretary of State by an electronic communication if the Secretary of State has represented that electronic communication is a means by which persons can send such a document to her, and
- (b) notifications required to be made by the Secretary of State to any person shall only be made by an electronic communication if the intended recipient has himself used the same form of electronic communication in communicating with the Secretary of State for the purpose of these Regulations or has otherwise represented that that form of electronic communication is a means by which the Secretary of State can communicate with him.

(4) Expressions in these Regulations which are not defined in this regulation or elsewhere in these Regulations or in a Schedule to these Regulations and which appear in the Vegetable Seed Directive have the same meaning in these Regulations as they have in that Directive.

(5) Schedule 1, which contains definitions of pre-basic seed and similar expressions, basic seed and similar expressions, CS seed and similar expressions, standard seed and similar expressions and expressions relating to imported not finally certified seed, shall apply to the interpretation of these Regulations.

### **Definitions relating to plant species**

3. In these Regulations —

“asparagus” means plants of the species *Asparagus officinalis* L.;

“beetroot” means plants of the species *Beta vulgaris* L. var *conditiva* Alef also commonly known as red beet;

“broad bean” means plants of the species *Vicia faba* L. (partim);

“Brussels sprouts” means plants of the species *Brassica oleracea* L. convar *oleracea* var *gemmifera* DC.;

“carrot” means plants of the species *Daucus carota* L.;

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(a) O.J. No. L193, 20.7.2002, p.33.

(b) 2000 c.7.

“cauliflower” means plants of the species *Brassica oleracea* L. convar *botrytis* (L.) Alef var *botrytis*;

“celery” means plants of the species *Apium graveolens* L. including plants commonly known as celeriac;

“chard and spinach beet” means plants of the species *Beta vulgaris* L. var *vulgaris*;

“Chinese cabbage” means plants of the species *Brassica pekinensis* (Lour) Rupr;

“cucumber and gherkin” means plants of the species *Cucumis sativus* L.;

“curly kale” means plants of the species *Brassica oleracea* L. convar. *acephala* (DC.) Alef var *sabellica* L.;

“endive” means plants of the species *Cichorium endivia* L.;

“French bean” means plants of the species *Phaseolus vulgaris* L.;

“gourd” means plants of the species *Cucurbita maxima* Duchesne;

“kohlrabi” means plants of the species *Brassica oleracea* L. convar. *acephala* (DC.) Alef var *gongylodes*;

“large-leaved chicory and Witloof chicory” means plants of the species *Cichorium intybus* L. (partim);

“leek” means plants of the species *Allium porrum* L.;

“legume” means broad beans, French beans, runner beans and peas;

“lettuce” means plants of the species *Lactuca sativa* L.;

“marrow” means plants of the species *Cucurbita pepo* L.;

“melon” means plants of the species *Cucumis melo* L.;

“onion” means plants of the species *Allium cepa* L. ;

“parsley” means plants of the species *Petroselinum crispum* (Miller) Nyman ex A W Hill;

“pea” means plants of the species *Pisum sativum* L. (partim);

“radish” means plants of the species *Raphanus sativus* L.;

“red cabbage” means plants of the species *Brassica oleracea* L. convar *capitata* L Alef var *rubra* DC.;

“runner bean” means plants of the species *Phaseolus coccineus* L.;

“Savoy cabbage” means plants of the species *Brassica oleracea* L. convar *capitata* L Alef var *sabauda* L.;

“spinach” means plants of the species *Spinacia oleracea* L.;

“sprouting broccoli” means plants of the species *Brassica oleracea* L. convar *botrytis* (L.) Alef var *cymosa* Duch including plants commonly known as calabrese;

“tomato” means plants of the species *Lycopersicon lycopersicum* (L.) Karsten ex Farw.;

“turnip” means plants of the species *Brassica rapa* L. var *rapa*; and

“white cabbage” means plants of the species *Brassica oleracea* L. convar *capitata* L. Alef var *alba* DC.

#### **Definition of marketing**

4.—(1) Subject to paragraph (2), in these Regulations “marketing” means —

- (a) selling, holding with a view to sale or offering for sale, or
- (b) any disposal, supply or transfer for the purpose of commercial exploitation of seed to third parties,

whether or not for consideration, and “market” and “marketed” shall be construed accordingly.

- (2) Trade in seed not aimed at commercial exploitation of the variety, such as the following operations —
- (a) the supply of seed to official testing and inspection bodies, and
  - (b) the supply of seed to a person who provides processing or packaging services but who does not thereby acquire title to the seed supplied,
- shall not be regarded as marketing of seed of that variety.

**Seed to which these Regulations apply**

5.—(1) Subject to paragraph (2), these Regulations apply to vegetable seed of the species specified in Schedule 2 that are intended to be used for agricultural or horticultural production other than for ornamental purposes.

- (2) These Regulations shall not apply to seed that is intended for export to a third country.

## PART II

### PROCEDURES RELATING TO THE OFFICIAL CERTIFICATION OF SEED

**Entry of seed lots**

6.—(1) Subject to paragraph (2), an application to enter a seed lot from which it is intended that a crop is to be produced from which pre-basic, basic or CS seed is to be harvested may be made to the Secretary of State by a registered person.

- (2) An application made under this regulation —
- (a) shall be made in such form and manner as the Secretary of State may require;
  - (b) shall be made —
    - (i) at such time as the Secretary of State may require, or
    - (ii) in the case of an application to enter a seed lot made after that time, at such time as the Secretary of State may otherwise allow; and
  - (c) shall be accompanied —
    - (i) unless otherwise agreed by the Secretary of State, by an official sample of seed from the seed lot that is identified by the reference number of the seed lot from which it was taken, and
    - (ii) by such information and other documents as the Secretary of State may require, including, if required, a copy of a qualifying seed test report relating to the seed lot.

(3) At an appropriate time following the receipt of an application made under this regulation, the Secretary of State may sow a control plot with seed taken from an official sample of seed taken from the seed lot (whether the official sample submitted in accordance with paragraph (2)(c)(i) or another official sample of seed taken from the seed lot).

- (4) In this regulation —
- “appropriate time” means a time during the period when seed of the relevant species is usually sown, and
- “qualifying seed test report” means —
- (a) a seed test report issued in accordance with regulation 11(6), (7), (8) or (9), or
  - (b) in a case where an official sample taken from the seed lot has been found to meet the conditions for the category of seed for which it was tested under regulation 11(4)(b), a seed test report issued in accordance with regulation 11(10)(b).

**Entry of crop**

7.—(1) A registered person who has sown seed from an entered or late entered seed lot from which it is intended to produce a crop from which pre-basic, basic or CS seed is to be harvested shall notify the Secretary of State that he has sown the seed.



- (2) A notification under this regulation —
- (a) shall be given in such form and manner as the Secretary of State may require;
  - (b) shall be given within such time as the Secretary of State may require;
  - (c) shall specify the reference number of the seed lot from which the sown seed has been taken; and
  - (d) shall be accompanied by such information and other documents as the Secretary of State may require.
- (3) Subject to paragraph (4), the Secretary of State shall acknowledge receipt of a notification given under this regulation.
- (4) Subject to paragraph (5), unless specifically requested to do so by the applicant, the Secretary of State shall not individually acknowledge the receipt of each notification given under this regulation that she receives but shall periodically provide the applicant with a list of those crops for which she has received such a notification from him.
- (5) Where the Secretary of State has previously provided the applicant with a list of those crops for which she has received a notification under this regulation from him, any subsequent list periodically provided to the applicant under paragraph (4) shall list only those crops in respect of which the Secretary of State has received a notification under this regulation from him since last providing the applicant with the last such list.

### **Field inspection of crops**

- 8.**—(1) Subject to paragraph (2), an application may be made to the Secretary of State by a registered person for the field inspection of a crop being produced in England from an entered or late entered seed lot from which it is intended that pre-basic, basic or CS seed is to be harvested.
- (2) An application made under this regulation shall not be made in respect of a crop to produce seed of a variety that is not listed, or seed of a component of a hybrid variety that is not listed, unless —
- (a) an application for the listing of the variety or the hybrid variety has been made which has not been withdrawn or finally determined, or
  - (b) a marketing extension is in force in respect of the variety or hybrid variety.
- (3) An application made under this regulation shall be made in such form and manner and at such time as the Secretary of State may require and shall be accompanied by such information, material, records, illustrations and other documents as she may require.
- (4) Following the receipt of an application made under this regulation, the Secretary of State shall inspect the crop in accordance with the relevant provisions of paragraph 5 of Schedule 3 to determine whether the crop meets the conditions laid down in Schedule 3 and Part I of Schedule 4 for the production of —
- (a) the category of seed intended to be harvested, and
  - (b) unless requested not to do so by the applicant, any other category of seed to which paragraph (8) applies.
- (5) Subject to paragraph (7), where in the case of an application made under this regulation the inspected crop is found to satisfy the conditions laid down in Schedule 3 and Part I of Schedule 4 for the production of —
- (a) the category of seed intended to be harvested, and
  - (b) where applicable, any other category of seed to which paragraph (8) applies,

the Secretary of State shall issue a field inspection report (which she shall retain as a lodged report unless instructed not to do so by the applicant) stating (by reference to the relevant category or categories) that the crop has been found to meet those conditions and shall send the report, or (in a case where the original report is to be retained as a lodged report by the Secretary of State) a copy of the report, to the applicant.

(6) Subject to paragraph (7), where in the case of an application made under this regulation the inspected crop is found not to satisfy the conditions laid down in Schedule 3 or Part I of Schedule 4 for the production of the category of seed intended to be harvested, the Secretary of State shall issue a field inspection report (which she shall retain as a lodged report unless instructed not to do so by the applicant) —

- (a) stating that the crop has been found not to meet those conditions, and
- (b) in a case where the crop has been inspected to determine whether it meets the conditions laid down in Schedule 3 and Part I of Schedule 4 for the production of any other category of seed to which paragraph (8) applies, stating the conditions (by reference to the relevant category or categories of seed), if any, met by the crop,

and shall send the report, or (in a case where the original report is to be retained as a lodged report by the Secretary of State) a copy of the report, to the applicant.

(7) Where —

- (a) an application made under this regulation has been made in respect of a crop produced from seed which was taken from a seed lot for which a control plot has been sown, and
- (b) the results of the examination of the control plot show that the plants produced in the plot do not meet the conditions laid down in Schedule 3 or Part I or III of Schedule 4 for the production of the category of seed intended to be harvested,

the Secretary of State may take account of the results of that examination when carrying out an inspection of the crop to which the application relates and in determining whether she should issue a field inspection report under paragraph (5) or (6).

(8) This paragraph applies to the following categories of seed —

- (a) in the case of an application made under this regulation relating to a crop that has been produced from breeder's seed and from which it is intended to harvest pre-basic seed, to the category of basic seed;
- (b) in the case of an application made under this regulation relating to a crop that has been produced from officially certified pre-basic seed and from which it is intended to harvest pre-basic seed, to the categories of basic and CS seed;
- (c) in the case of an application made under this regulation relating to a crop that has been produced from breeder's seed and from which it is intended to harvest basic seed, to the category of pre-basic seed; and
- (d) in the case of an application made under this regulation relating to a crop produced from officially certified pre-basic seed and from which it is intended to harvest basic seed, to the categories of pre-basic and CS seed.

#### **Lodging of field inspection reports and similar documents**

**9.**—(1) An application to lodge a copy of a document to which paragraph (2) applies may be made to the Secretary of State by a registered person.

(2) This paragraph applies —

- (a) in relation to a crop produced in England, to a field inspection report issued under regulation 8(5) or (6);
- (b) in relation to a crop produced in the United Kingdom elsewhere than in England, to a report relating to the crop equivalent to that specified in sub-paragraph (a) issued by or on behalf of the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development; and
- (c) in relation to a crop produced in another member State, to an Annex V(C) document relating to the crop issued by or on behalf of the competent seed certification authority in the member State.

(3) An application made under this regulation —

- (a) shall be made in such form and manner as the Secretary of State may require;

- (b) shall be made within such time as the Secretary of State may require but, unless otherwise permitted by the Secretary of State, shall be made not later than the time when any seed test report relating to the seed harvested from the crop is lodged with the Secretary of State under regulation 12;
- (c) shall be accompanied —
  - (i) in relation to a crop produced in England, by a copy of the document referred to in paragraph (2)(a);
  - (ii) in relation to a crop produced in the United Kingdom elsewhere than in England, by a copy of the document referred to in paragraph (2)(b) except that this need not be provided in a case where confirmation that the crop meets the conditions for the production of the appropriate category of seed has already been provided to the Secretary of State by or on behalf of the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development (as the case may be);
  - (iii) in relation to a crop produced in another member State, by a copy of the document referred to in paragraph (2)(c); and
  - (iv) by such other information and documents as the Secretary of State may require.

### **Re-grading of crops**

**10.**—(1) An application to re-grade a crop for the production of a category of seed to which paragraph (6) applies as a crop for the production of another category of seed (“the new category”) to which that paragraph applies may be made to the Secretary of State by a registered person.

(2) An application made under this regulation shall be made in such form and manner and at such time as the Secretary of State shall require and shall be accompanied by —

- (a) a copy of the field inspection report previously issued in respect of the crop unless this has previously been lodged with her, and
- (b) such other information as the Secretary of State may require for the purpose of determining the application.

(3) Where an application has been made under this regulation in respect of a crop that has not been harvested the Secretary of State may carry out a field inspection of the crop to determine whether it meets the conditions laid down in Schedule 3 and Part I of Schedule 4 for the production of the new category of seed if the condition and stage of development of the crop permit an adequate examination.

(4) If the Secretary of State is satisfied —

- (a) in the case of an application to re-grade a crop as a crop to produce pre-basic or basic seed —
  - (i) that the crop has been produced by or under the responsibility of the breeder according to accepted practices for the maintenance of the variety, and
  - (ii) that the crop meets or (if the crop has already been harvested) would have met the conditions laid down in Schedule 3 and Part I of Schedule 4 for the production of the new category of seed, or
- (b) in the case of an application to re-grade a crop as a crop to produce CS seed, that —
  - (i) the crop has been produced directly from UK, EC or overseas tested officially certified basic seed of a listed variety, or, with the breeder’s authority, from UK, EC or overseas tested officially certified pre-basic seed of a listed variety, and
  - (ii) that the crop meets or (if the crop has already been harvested) would have met the conditions laid down in Schedule 3 and Part I of Schedule 4 for the production of CS seed,

she shall notify the applicant that the crop has been found to meet or (if the crop has already been harvested) it has been found that it would have met the conditions referred to in sub-paragraph (a)(ii) or (b)(ii), as the case may be, and that his application to re-grade the crop has been successful.

(5) If the Secretary of State is satisfied that the conditions specified in paragraph (4) have not been met she shall notify the applicant that his application to re-grade the crop has been unsuccessful.

(6) This paragraph applies to the following categories of seed —

- (a) pre-basic seed;
- (b) basic seed; and
- (c) CS seed.

### **Seed testing**

**11.**—(1) Subject to paragraph (2), an application may be made to the Secretary of State by a registered person for the testing of an official sample of a qualifying seed lot of —

- (a) seed as pre-basic seed (“a regulation 11(1)(a) seed lot”);
- (b) seed as basic seed (“a regulation 11(1)(b) seed lot”); or
- (c) seed as CS seed (“a regulation 11(1)(c) seed lot”).

(2) An application made under this regulation shall not be made in respect of seed of a variety that is not listed, or seed of a component of a hybrid variety that is not listed, unless —

- (a) an application for listing of the variety or hybrid variety has been made which has not been withdrawn or finally determined; or
- (b) a marketing extension is in force in respect of the variety or hybrid variety.

(3) An application made under this regulation —

- (a) shall be made in such form and manner and at such time as the Secretary of State may require, and
- (b) shall be accompanied by an official sample of the seed to be tested and such other information, material, seeds, records, illustrations and other documents as the Secretary of State may require.

(4) Following the receipt of an application made under this regulation the Secretary of State shall, subject to paragraph (5), test seed taken from the official sample provided under paragraph (3)(b) to determine whether it meets the conditions laid down in Part II of Schedule 4 —

- (a) for the category of seed for which the application is being made, and
- (b) unless requested not to do so by the applicant, for any other category of seed to which paragraph (12) applies.

(5) Where a seed test report has previously been issued by the Secretary of State in accordance with paragraph (6)(a) in respect of a seed lot, the Secretary of State may decide not to test any further official sample of that seed lot for the purposes of paragraph (4) if the information contained in the previously issued report contains sufficient information to enable her to determine that the official sample would meet the conditions laid down in Part II of Schedule 4 —

- (a) for the appropriate category of seed, and
- (b) where applicable, for any other category of seed to which paragraph (12) applies.

(6) Subject to paragraph (11), where —

- (a) the official sample is found to satisfy the conditions laid down in Part II of Schedule 4 for —
  - (i) the appropriate category of seed, and
  - (ii) where applicable, for any category of seed to which paragraph (12) applies, or
- (b) the provisions of paragraph (5) apply,

the Secretary of State shall issue a seed test report stating (by reference to the relevant category or categories of seed) that the seed lot has been found to meet those conditions and shall send the report to the applicant.

(7) Subject to paragraph (11), where it has been determined, by way of a Schedule 4 germination test, that the official sample taken from a regulation 11(1)(a) or (b) seed lot will not meet the applicable germination condition but the sample is found to satisfy the other conditions laid down in Part II of Schedule 4 for the appropriate category of seed, the Secretary of State shall issue a seed test report and shall send the report to the applicant containing a statement to that effect.

(8) Where (otherwise than in connection with a retest of the seed) the results of a Schedule 4 germination test of an official sample of a seed lot referred to in paragraph (1) are awaited, and, except for the result of that test, the official sample has otherwise been found to meet the other conditions laid down in Part II of Schedule 4 —

(a) for the appropriate category of seed, and

(b) where applicable, for any other category of seed to which paragraph (12) applies,

the Secretary of State shall, subject to paragraph (11), issue an interim seed test report to the applicant stating that the results of the Schedule 4 germination test for the official sample are awaited but that it has otherwise been found to meet the other conditions laid down in Part II of Schedule 4 for the appropriate category of seed, and, where applicable, for any other category of seed to which paragraph (12) applies, and shall send the report to the applicant.

(9) Where, following the issue of an interim seed test report under paragraph (8), the tested seed is found to meet the applicable germination condition, the Secretary of State shall, subject to paragraph (11), issue a seed test report to the applicant stating that the official sample has been found to meet the conditions laid down in Part II of Schedule 4 for the appropriate category of seed, and, where applicable, for any other category of seed to which paragraph (12) applies.

(10) Subject to paragraphs (7) and (8), where an official sample of a seed lot referred to in paragraph (1) is found not to satisfy the conditions laid down in Part II of Schedule 4 for the appropriate category of seed, the Secretary of State shall issue a seed test report —

(a) stating that the official sample has been found not to meet those conditions, and

(b) subject to paragraph (11), in a case where the seed has been tested to determine whether it meets the conditions laid down in Part II of Schedule 4 for any other category of seed to which paragraph (12) applies, stating (by reference to the relevant category) whether the seed has been found to meet the conditions for any such category,

and shall send the report to the applicant.

(11) If it appears to the Secretary of State that an official sample of the seed lot taken for the purpose of a test in order to ascertain whether it met the appropriate conditions laid down in Part II of Schedule 4 was not taken in accordance with the requirements of regulation 22 the Secretary of State may refuse to issue a seed test report in accordance with paragraph (6), (7), (8), (9) or (10)(b), and, in such a case, shall notify the applicant of her decision and the reason for it.

(12) This paragraph applies to the following categories of seed —

(a) in the case of an application made under this regulation relating to a regulation 11(1)(a) seed lot, to the categories of basic and CS seed, and

(b) in the case of an application made under this regulation relating to a regulation 11(1)(b) seed lot, other than a component of a hybrid, to the category of CS seed.

(13) In this regulation “qualifying seed lot” means a seed lot —

(a) containing seed harvested from a crop produced in England for which a field inspection report has been issued in accordance with —

(i) regulation 8(5), or

(ii) regulation 8(6) in a case where the crop has been found to meet the conditions laid down in Schedule 3 and Part I of Schedule 4 for the production of any category of seed referred to in regulation 8(6)(b);

(b) containing seed harvested from a crop produced in the United Kingdom elsewhere than in England

- (i) in respect of which the Secretary of State has received confirmation by or on behalf of the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development (as the case may be) that the crop meets conditions equivalent to those laid down in Schedule 3 and Part I of Schedule 4, or
- (ii) for which a copy of the field inspection report relating to the crop has been lodged with the Secretary of State in accordance with regulation 9; or
- (c) imported into the United Kingdom as not finally certified pre-basic, basic or CS seed harvested in another member State and for which the Annex V(C) document relating to the crop from which the seed in the seed lot was harvested has been lodged with the Secretary of State in accordance with regulation 9.

#### **Lodging of seed test reports**

**12.** —(1) A registered person to whom a final seed test report has been sent shall lodge the report with the Secretary of State —

- (a) except in relation to seed to which sub-paragraph (b) applies, within one month of the report being issued, and
- (b) in a case where the seed to which the final seed test report relates —
  - (i) is of a variety that is not listed, or
  - (ii) is a component of a hybrid variety that is not listed,

within one month of the date on which the variety or hybrid variety (as the case may be) is listed.

(2) An application to lodge a final seed test report —

- (a) shall be made in such form and manner as the Secretary of State may require, and
- (b) shall be accompanied by the final seed test report and such other information and documents as the Secretary of State may require.

(3) Subject to paragraph (4), the Secretary of State shall acknowledge receipt of each final seed test report lodged with her.

(4) Subject to paragraph (5), unless specifically requested to do so by the applicant, the Secretary of State shall not individually acknowledge the receipt of each final seed test report lodged with her by the applicant but shall periodically provide the applicant with a list of those seed lots for which the applicant has lodged a final seed test report with her.

(5) Where the Secretary of State has previously provided the applicant with a seed test report list, the list periodically provided to the applicant under paragraph (4) shall list only those seed lots for which the applicant has lodged a final seed test report with her during the period since she last provided the applicant with a seed test report list.

(6) In this regulation “final seed test report” means a seed test report issued in accordance with regulation 11(6), (7), (9) or (10).

#### **Re-grading of seed**

**13.**—(1) An application to re-grade seed of any category specified in entry 1 or 2 in column 1 of the table in Schedule 5 as seed of any category (“the new category”) specified in entry 1 or 2 respectively in column 2 of the table may be made to the Secretary of State by a registered person.

(2) An application made under this regulation shall be made in such form and manner and at such time as the Secretary of State shall require and, if required by the Secretary of State, shall be accompanied by —

- (a) an official sample of the seed to which the application relates;
- (b) an application made under regulation 11 for the testing of an official sample of the seed lot; and
- (c) such other information and other documents as the Secretary of State may require for the purpose of determining the application.

(3) The Secretary of State —

- (a) may test an official sample of a seed lot in respect of which an application has been made under this regulation to re-grade —
  - (i) UK, EC or overseas tested officially certified pre-basic seed of a listed variety as UK officially certified basic seed of a listed variety, or
  - (ii) UK, EC or overseas tested officially certified basic seed of a listed variety as UK officially certified pre-basic seed of a listed variety, and
- (b) subject to paragraph (4), shall test an official sample of the seed lot in the case of any other application made under this regulation,

to determine whether it meets the conditions laid down in Part II of Schedule 4 for the new category of seed.

(4) Where a seed test report has previously been issued in accordance with regulation 11(6)(a) in respect of a seed lot for which an application has been made under this regulation, the Secretary of State may decide not to test the official sample referred to in paragraph (2) for the purposes of paragraph 3(b) if the information contained in the previously issued report contains sufficient information to enable her to determine that the official sample would meet the conditions laid down in Part II of Schedule 4 for the appropriate category of seed.

(5) Where —

- (a) in the case of an application to re-grade seed as pre-basic or basic seed, the Secretary of State is satisfied that the seed has been produced by or under the responsibility of the breeder according to accepted practices for the maintenance of the variety;
- (b) in the case of an application to re-grade pre-basic seed as CS seed, the Secretary of State is satisfied that the seed has been produced from UK, EC or overseas tested officially certified pre-basic seed of a listed variety;
- (c) in the case of an application to re-grade basic seed as CS seed, the Secretary of State is satisfied that the seed has been harvested from a crop produced, with the breeder's written authority, directly from UK, EC or overseas tested officially certified pre-basic seed of a listed variety;
- (d) the Secretary of State is satisfied that the seed was harvested from a crop that met the conditions laid down in Schedule 3 and Part I of Schedule 4 for the production of the new category of seed;
- (e) in a case where the official sample referred to in paragraph (2) has been tested, it has been found to satisfy the conditions laid down in Part II of Schedule 4 for the new category of seed; and
- (f) in a case where the official sample referred to in paragraph (2) has not been tested, the Secretary of State is satisfied on the basis of the information contained in a seed test report previously issued in respect of the lot —
  - (i) by or on behalf of the Secretary of State, the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development or by a licensed seed testing station, or
  - (ii) by or on behalf of the competent seed certification authority in another member State, that the seed in the lot satisfies the conditions laid down in Part II of Schedule 4 for the new category of seed,

the Secretary of State shall notify the applicant that his application to re-grade the seed lot has been successful.

(6) Where the Secretary of State is satisfied that the conditions specified in paragraph (5) for the relevant category of seed have not been met, she shall notify the applicant that his application to re-grade the seed lot has been unsuccessful.

## **Withdrawals**

**14.**—(1) The Secretary of State may withdraw the official certification in respect of a seed lot, or any part of a seed lot, if —

- (a) the findings or results obtained from a sample of seed submitted or taken in connection with an application made under regulation 6, 11 or 13 relating to the seed lot, or from plants grown in a control plot that has been sown with seed from that sample, are to be disregarded in accordance with regulation 22(7);
- (b) on the basis of information received by the Secretary of State she is satisfied that the crop from which the seed in the seed lot was harvested did not meet the conditions laid down in Schedule 3 or Part I of Schedule 4; or
- (c) on the basis of information received by the Secretary of State she is satisfied that the seed in the lot, or part of the lot —
  - (i) did not meet the conditions laid down in Part II or III of Schedule 4 at the time the seed was tested for seed certification purposes, or
  - (ii) although it met the requirements of Part II of Schedule 4 at the time of such testing it no longer meets them.

(2) The Secretary of State may withdraw the official certification in respect of a seed lot, or any part of a seed lot, by giving notice to —

- (a) the person who made an application under regulation 11 in respect of the seed lot, or
- (b) any person marketing, or who has marketed, any of the seed.

(3) Where the official certification of a seed lot, or part of a seed lot, is withdrawn under this regulation, the Secretary of State may notify —

- (a) the person who made an application under regulation 11 in respect of the seed lot;
- (b) any person marketing, or who has marketed, any of the seed; and
- (c) any person who has purchased, or been supplied with, any of the seed,

that the official certification in respect of the lot, or part of the lot (as the case may be) has been withdrawn.

(4) Where the official certification of a seed lot, or part of a seed lot, is withdrawn under this regulation, the person to whom notice is given under paragraph (2) shall, as soon as practicable, and in any case not later than seven days after receiving the notice, notify any person to whom he has sold or supplied any of the seed of such withdrawal.

(5) Any person who has purchased seed from a seed lot, or part of a seed lot, for which official certification has been withdrawn under this regulation (not being a person notified under paragraph (2)) shall notify any person to whom he has sold or supplied any of the seed of the withdrawal as soon as practicable after receiving notice of it —

- (a) pursuant to paragraph (3), by the Secretary of State, or
- (b) pursuant to paragraph (4), by the person who sold or supplied the seed to him,

and, in any case, not later than seven days after receiving such notice.

## **PART III CONTROL OF VEGETABLE SEED**

### **Marketing of seed**

**15.**—(1) Subject to paragraph (2) and regulations 18 to 21, no person shall market any seed to which these Regulations apply except for seed listed in Schedule 6.

(2) Paragraph (1) shall not apply to the marketing of seed, as grown, for processing, provided that the identity of the seed is ensured.



(3) Any person marketing seed that has been imported from a third country and exceeds two kilograms shall supply the Secretary of State, in writing and within one month of the first marketing of the seed, with the following particulars relating to the seed —

- (a) the species;
- (b) the variety;
- (c) the category;
- (d) the country of production and the official inspection authority;
- (e) the country of despatch;
- (f) the importer; and
- (g) the quantity of seed.

#### **Marketing of officially certified lower germination seed**

16. No person shall market officially certified pre-basic or basic seed that has been found by the competent seed certification authority that certified the seed not to satisfy the germination condition for such seed, or (regardless of the findings of the competent seed certification authority) the person marketing the seed knows does not satisfy that condition, unless —

- (a) the official label contains a statement that the minimum percentage of germination of the seed is less than the EC minimum percentage of germination for the relevant category of seed;
- (b) the person marketing the seed guarantees a specific minimum percentage of germination for the seed; and
- (c) another label is attached to the outside of the package containing the seed specifying the specific minimum percentage of germination guaranteed by the person marketing the seed, his name and address and the reference number of the seed lot.

#### **Marketing of officially certified early movement seed**

17.—(1) No person shall market officially certified early movement pre-basic or basic seed unless —

- (a) he guarantees a minimum percentage of germination for the seed that is —
  - (i) the same as the EC minimum percentage of germination for the relevant species of seed and the same as or less than the percentage of germination for the seed ascertained by the provisional analysis on which the certification of the seed was based, or
  - (ii) less than the EC minimum percentage of germination for the relevant species of seed and the same as the percentage of germination ascertained by the provisional analysis on which the certification of the seed was based, and
- (b) he provides the purchaser, upon or before delivery of the seed, with a statement —
  - (i) stating that the seeds are being marketed before the completion of the official germination test;
  - (ii) specifying the guaranteed minimum percentage of germination; and
  - (iii) specifying the name and address of the person marketing the seed and the reference number of the seed lot.

(2) No person shall market officially certified early movement CS seed unless —

- (a) he guarantees a minimum percentage of germination for the seed that is —
  - (i) the same as the EC minimum percentage of germination for the relevant species of seed, and
  - (ii) the same as, or less than, the percentage of germination for the seed ascertained by the provisional analysis on which the certification of the seed was based, and
- (b) he provides the purchaser, upon or before delivery of the seed, with a statement —

- (i) stating that the seeds are being marketed before the completion of the official germination test;
  - (ii) specifying the guaranteed minimum percentage of germination; and
  - (iii) specifying the name and address of the person marketing the seed and the reference number of the seed lot.
- (3) Where any person —
- (a) markets seed in accordance with paragraph (1) or (2), and
  - (b) the official germination test shows that the percentage of germination of the seed is less than the minimum percentage of germination guaranteed in accordance with the requirements of paragraph (1)(a) or (2)(a) as the case may be,

he shall provide the purchaser with the result of the completed official germination test as soon as practicable and, in any event, not later than seven days after being informed of it.

#### **Exception for scientific purposes and selection work**

**18.—**(1) The prohibition in regulation 15(1) shall not apply to the marketing by a producer of small quantities of seed for scientific purposes or selection work for which —

- (a) an authorisation has been granted to the producer by the Secretary of State in accordance with this regulation, or
  - (b) an authorisation has been granted to the producer by or on behalf of —
    - (i) the Scottish Ministers;
    - (ii) the National Assembly for Wales;
    - (iii) the Department of Agriculture and Rural Development; or
    - (iv) a competent seed certification authority in another member State, pursuant to Article 23(1)(a) of the Vegetable Seed Directive.
- (2) A producer in England may apply to the Secretary of State for a regulation 18 authorisation.
- (3) An application made under this regulation shall be made in such form and manner and at such time as the Secretary of State shall require and shall be accompanied by such information as the Secretary of State may require for the purpose of determining whether to grant an authorisation.
- (4) The Secretary of State shall not grant a regulation 18 authorisation in respect of seed of a genetically modified variety unless an authorisation is in force in respect of the variety concerned under Part C of Council Directive 2001/18/EC<sup>(a)</sup> on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC.
- (5) A regulation 18 authorisation may —
- (a) specify the amount of seed that may be marketed under it, and
  - (b) impose such conditions as the Secretary of State may think necessary or desirable having regard to the nature of the scientific purpose or selection work involved and the nature of the seed to which the authorisation relates, including a condition relating to the keeping of records in respect of the marketing of the seed.

#### **Exception for market testing**

**19.—**(1) The prohibition in regulation 15(1) shall not apply to the marketing of seed by or on behalf of a breeder of the seed in a case where —

- (a) an authorisation has been granted to the breeder by the Secretary of State in accordance with this regulation, or
- (b) an authorisation has been granted to the breeder by or on behalf of —
  - (i) the Scottish Ministers;

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(a) O.J. No.L106, 17.4.2001, p.1.

- (ii) the National Assembly for Wales;
- (iii) the Department of Agriculture and Rural Development; or
- (iv) a competent seed certification authority in another member State,

pursuant to Article 23(1)(b) of the Vegetable Seed Directive.

(2) A breeder established in England may apply to the Secretary of State for a regulation 19 authorisation.

(3) An application made under this regulation shall be made in such form and manner and at such time as the Secretary of State shall require and shall be accompanied by such information as the Secretary of State may require for the purpose of determining whether to grant an authorisation including, if required, data on distinctness, uniformity and stability of the variety of seed concerned.

(4) The Secretary of State shall not grant a regulation 19 authorisation unless —

(a) an application has been submitted to the relevant authority —

(i) under regulation 4(1)(a) of the Seeds (National Lists of Varieties) Regulations 2001<sup>(a)</sup> for acceptance of the variety concerned on a National List, or

(ii) in another member State for inclusion of the variety in a national catalogue equivalent to a National List,

that has not been withdrawn or finally determined and for which any technical information that may be required in support of such an application has been submitted, and

(b) in the case of seed of a genetically modified variety, an authorisation is in force in respect of the variety concerned under Part C of Council Directive 2001/18/EC on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC.

(5) A regulation 19 authorisation —

(a) shall remain in force during the period specified in the authorisation, and

(b) may impose such conditions as the Secretary of State may think necessary or desirable having regard to the nature of the seed to which the authorisation relates, including a condition relating to the keeping of records in respect of the marketing of the seed.

### **General exemptions**

**20.**—(1) The prohibition in regulation 15(1) shall not apply to the marketing of seed that is authorised by a general licence made by the Secretary of State under this regulation but in all other respects the provisions of these Regulations shall continue to apply in relation to the marketing of the seed.

(2) Subject to paragraph (3), the Secretary of State may, by a general licence, exempt any person or class of persons, or persons generally, from compliance with any provision of these Regulations.

(3) The Secretary of State shall not exercise the power to issue a general licence under paragraph (2) except —

(a) to the extent that the provisions of the general licence are permitted in accordance with a temporary experiment organised under Article 33 of the Vegetable Seed Directive;

(b) to give effect to the provisions of a Council Decision made under Article 37(c) or (d) of the Vegetable Seed Directive and amendments made to such a Decision; or

(c) to the extent that the provisions of the general licence are permitted in accordance with measures taken pursuant to Article 38(1) of the Vegetable Seed Directive.

(4) A general licence issued under paragraph (2) —

(a) shall have effect during the period specified in it unless the Secretary of State revokes it earlier, and

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(a) S.I. 2001/3510.

- (b) may impose such conditions as the Secretary of State may think necessary or desirable having regard to the marketing permitted by the general licence and the nature of the seed to which it relates, including a condition relating to the keeping of records in respect of the marketing of the seed.

### **Mixtures**

**21.**—(1) The prohibition in regulation 15(1) shall not apply to the marketing by a producer in the United Kingdom of —

- (a) a mixture of different varieties of standard seed of lettuce, or
- (b) a mixture of different varieties of standard seed of radish,

marketed in a package containing not more than 50 grams of seed.

(2) The prohibition in regulation 15(1) shall not apply to the marketing of a mixture of seeds permitted by the Fodder Plant Seed (England) Regulations 2002(a) that includes seed of a species to which these Regulations apply and that complied with the provisions of these Regulations before mixing with the fodder plant seed.

### **Sampling**

**22.**—(1) A sample of seeds taken in connection with a regulation 6, 11 or 13 application shall be drawn —

- (a) subject to paragraph (2), by an authorised officer;
- (b) in accordance with the method laid down in Schedule 5 of the Seed (Registration, Licensing and Enforcement)(England) Regulations 2002(b); and
- (c) from a homogeneous seed lot.

(2) A sample of breeder's seed taken in connection with a regulation 6 application shall be drawn by a licensed seed sampler.

(3) Subject to paragraph (4), the maximum weight of a seed lot shall be that set out in column (2) of the table in Schedule 7.

(4) A seed lot may exceed the maximum weight for a seed lot set out in column (2) of the table in Schedule 7 by not more than 5%.

(5) Subject to paragraph (6), the minimum weight of a sample shall be that set out in column (3) of the table in Schedule 7.

(6) In the case of a component of an F1 hybrid variety or an F1 hybrid variety of seed the minimum weight of a sample shall be a quarter of that set out in column (3) of the table in Schedule 7, except that no sample shall weigh less than 5 grams or consist of less than 400 seeds.

(7) If a sample of seeds submitted or taken in connection with an application made under regulation 6, 11 or 13 —

- (a) is found not to have been taken in accordance with paragraph (1) or (2);
- (b) is taken from a seed lot that does not comply with paragraph (3); or
- (c) does not comply with paragraph (5) or (6);

no further use of that sample shall be made under these Regulations, and any findings or results already obtained from testing seed taken from that sample, or from inspecting plants grown in a control plot that has been sown with seed from that sample, shall be disregarded.

### **Packaging**

**23.**—(1) No person shall market any —

- (a) officially certified pre-basic, basic or CS seed, or
- (b) standard seed,

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(a) S.I. 2002/3172.  
(b) S.I. 2002/3176.

unless it is marketed in a sufficiently homogeneous seed lot or in part of such a seed lot.

(2) Subject to paragraph (3), no person shall market any —

- (a) breeder's seed;
- (b) officially certified pre-basic, basic or CS seed; or
- (c) standard seed,

unless it is in a properly sealed package.

(3) Paragraph (2) shall not apply in the case of the marketing of —

- (a) legume seed not exceeding three kilograms in weight, or
- (b) seed of a species specified in Schedule 2, other than legume seed, not exceeding one kilogram in weight,

to the final consumer.

(4) In this regulation, in the case of breeder's seed, "properly sealed package" means a sealed package of seed that has been sealed in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the label or package.

(5) In this regulation, in the case of a package of seed to which paragraph (6) applies and that has been sealed only once, "properly sealed package" means —

- (a) in the case of a package of seed sealed in England, a sealed package of seed that has been sealed —
  - (i) no later than at the time of official sampling;
  - (ii) by a person to whom regulation 24(2) applies;
  - (iii) using a non-reusable sealing system or some other sealing system that includes the use of an official label or the affixing of an official seal; and
  - (iv) in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the official label or package, and
- (b) in the case of a package of seed sealed in —
  - (i) in the United Kingdom, elsewhere than in England, or
  - (ii) in another member State,

a sealed package of seed that has been sealed in accordance with the provisions of Article 27(1) of the Vegetable Seed Directive.

(6) This paragraph applies to a package of officially certified pre-basic, basic or CS seed other than —

- (a) a small package of pre-basic or basic seed sealed in the United Kingdom, and
- (b) a small package of CS seed.

(7) In this regulation, in the case of a small package of officially certified pre-basic or basic seed that has been sealed in the United Kingdom "properly sealed package" means a sealed package of seed that has been sealed in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the label or package.

(8) In this regulation, in the case of a small package of officially certified CS seed that has been sealed only once, "properly sealed package" means —

- (a) in the case of a package of seed sealed in England, a sealed package of seed that has been sealed in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the label or package, and
- (b) in the case of a package of seed sealed in —
  - (i) the United Kingdom, elsewhere than in England, or
  - (ii) another member State,

a sealed package of seed that has been sealed in accordance with the relevant provisions of Article 27(3) of the Vegetable Seed Directive.

(9) In this regulation, in the case of a package of seed to which paragraph (10) applies and that has been sealed more than once, “properly sealed package” means —

- (a) in the case of a package of seed that has been resealed in England, a sealed package of seed that, on each occasion it has been resealed, has been resealed —
  - (i) by a person to whom regulation 24(5) applies, and
  - (ii) in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the official label or package, and
- (b) in the case of a package of seed that has been resealed in —
  - (i) the United Kingdom, elsewhere than in England, or
  - (ii) another member State,

a sealed package of seed that, on each occasion it has been resealed, has been resealed in accordance with the provisions of Article 27(2) of the Vegetable Seed Directive.

(10) This paragraph applies to a package of officially certified pre-basic, basic or CS seed including a small package of CS seed but excluding a small package of pre-basic or basic seed sealed in the United Kingdom.

(11) In this regulation, in the case of a package of standard seed, other than a small package of standard seed, “properly sealed package” means a sealed package of seed that has been sealed in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the label or package and to which a lead or an equivalent sealing device has been attached by the person responsible for attaching the label referred to in regulation 25(8).

(12) In this regulation, in the case of a small package of standard seed, “properly sealed package” means a sealed package of seed that has been sealed in such a manner that it cannot be opened without damaging the sealing system or without leaving evidence of tampering on the label or package.

### **Sealing of packages**

**24.**—(1) Subject to paragraph (3), no person shall seal a package of officially certified pre-basic, basic or CS seed except a person to whom paragraph (2) applies.

(2) This paragraph applies to an authorised officer and any person being supervised by such a person.

(3) Paragraph (1) shall not apply to the sealing of a small package of officially certified pre-basic, basic or CS seed.

(4) Subject to paragraph (6), no person shall reseal a package (including a small package) of officially certified pre-basic, basic or CS seed except a person to whom paragraph (5) applies.

(5) This paragraph applies to —

- (a) an authorised officer and any person being supervised by such a person, and
- (b) a licensed seed sampler and any person being supervised by such a person.

(6) Paragraph (4) shall not apply where a package has been resealed which had previously been opened by the final consumer of the seed for the purpose of using some of the seed in the package.

### **Labelling of packages**

**25.**—(1) Subject to paragraphs (2) and (3), no person shall market —

- (a) breeder’s seed;
- (b) officially certified pre-basic, basic or CS seed; or
- (c) standard seed,

except in a package that is labelled in accordance with the following paragraphs of this regulation.

(2) Paragraph (1) shall not apply to the marketing of seed, as grown, for processing provided the identity of the seed is ensured.

(3) A person may market any seeds otherwise than in a package that complies with the other provisions of this regulation where —

- (a) the seeds are sold in a quantity —
  - (i) not exceeding three kilograms in the case of legume seed, and
  - (ii) not exceeding one kilogram in the case of seed of a species specified in Schedule 2 other than legume seed, and
- (b) the seeds are taken, in the presence of the final consumer, from a container on which there is clearly and visibly marked or near which there is clearly and visibly displayed a statement containing particulars of the matters specified in paragraph 1 of Schedule 8.

(4) A package of breeder's seed shall be labelled in accordance with paragraphs 2 and 3 of Schedule 8.

(5) A package of officially certified pre-basic seed shall be labelled —

- (a) in the case of a package of seed sealed in England, in accordance with paragraphs 4 to 8 of Schedule 8, and
- (b) in the case of a package of seed sealed —
  - (i) in the United Kingdom, elsewhere than in England, or
  - (ii) in another member State,

in accordance with the provisions of Article 35(c) of the Vegetable Seed Directive.

(6) A package of officially certified basic or CS seed, other than a small package of CS seed, shall be labelled —

- (a) in the case of a package of seed sealed in England, in accordance with paragraphs 9 to 14 of Schedule 8, and
- (b) in the case of a package of seed sealed —
  - (i) in the United Kingdom, elsewhere than in England, or
  - (ii) in another member State,

in accordance with the provisions of Article 28(1) of the Vegetable Seed Directive.

(7) A small package of officially certified CS seed shall be labelled —

- (a) in the case of a package of seed sealed in England, in accordance with paragraphs 15 to 17 of Schedule 8, and
- (b) in the case of a package of seed sealed —
  - (i) in the United Kingdom, elsewhere than in England, or
  - (ii) in another member State,

in accordance with the provisions of Article 28(3) of the Vegetable Seed Directive.

(8) A package of standard seed, other than a small package of such seed, shall be labelled —

- (a) in the case of a package of seed sealed in England, in accordance with paragraphs 18 to 22 of Schedule 8, and
- (b) in the case of a package of seed sealed —
  - (i) in the United Kingdom, elsewhere than in England, or
  - (ii) in another member State,

in accordance with the provisions of the first and second sub-paragraphs of Article 28(3) of the Vegetable Seed Directive.

(9) A small package of standard seed, other than a small package of a mixture of standard seeds of the type specified in regulation 21(1), shall be labelled —

- (a) in the case of a package of seed sealed in England, in accordance with paragraphs 23 to 26 of Schedule 8, and
- (b) in the case of a package of seed sealed —
  - (i) in the United Kingdom, elsewhere than in England, or
  - (ii) in another member State,

in accordance with the provisions of the first sub-paragraph of Article 28(3) of the Vegetable Seed Directive.

(10) A small package of a mixture of standard seeds of the type specified in regulation 21(1) shall be labelled in accordance with paragraphs 27 to 30 of Schedule 8.

(11) A package of officially certified basic or CS seed (other than a small package of CS seed) shall contain a document which —

- (a) in the case of a package of seed sealed in England —
  - (i) is of the same colour as the official label fixed to the outside of the package in accordance with the provisions of paragraph (6)(a) in the case of basic and CS seed, and
  - (ii) that contains at least the particulars specified in paragraph 9(c), (e), (f) and (g) of Schedule 8, and
- (b) in the case of a package of seed sealed —
  - (i) in the United Kingdom, elsewhere than in England, or
  - (ii) in another member State,

is in accordance with the provisions of Article 28(1)(b) of the Vegetable Seed Directive.

(12) The provisions of paragraph (11) shall not apply if —

- (a) the particulars specified in paragraph (11)(a)(ii) are printed indelibly on the outside of the package;
- (b) the official label is inside a transparent package and can be read through the package; or
- (c) the official label is an adhesive or a tear resistant label.

(13) In the case of seed of a variety that has been genetically modified —

- (a) any label or document, official or otherwise, which is fixed to or accompanies a seed lot or any part of a seed lot under the provisions of these Regulations, and
- (b) any particulars given under paragraph (3),

shall clearly indicate that the variety has been genetically modified.

(14) If any breeder's seed or officially certified pre-basic, basic, CS or standard seed has been subjected to any chemical treatment then this fact and the nature of the treatment or the proprietary name of the chemical used in the treatment shall be stated either —

- (a) in a case where paragraph (3) applies, with the particulars given in accordance with that paragraph; and
- (b) in a case where paragraph (3) does not apply —
  - (i) on a separate supplier's label on the package; or
  - (ii) on the label required under paragraph (4), (5), (6), (7), (8), (9) or (10);

and also, except where the information prescribed by this paragraph is given on an adhesive or tear-resistant label, either on the outside of the package or on a document enclosed inside the package.

(15) If a package of officially certified pre-basic, basic or CS seed (other than a small package of such seed) shall have been resealed this fact shall be stated on the official label together with the date of resealing and the name of the authority responsible for the resealing.



(16) The particulars and the information given in accordance with this regulation shall be given in one of the official languages of any member State.

(17) Subject to the provisions of the Act and of these Regulations, no person shall, in the course of the marketing or the preparation for marketing of any seed by himself or another person, wilfully reproduce, remove, alter, deface, conceal or misuse in any way any label fixed to, contained in or marked on any package of seed or which is to be so fixed, contained or marked.

#### **Special provisions that apply in connection with the marketing of standard seed**

**26.**—(1) A person who in the course of marketing of any standard seed affixes a label or prints or stamps any particulars, or causes any of those things to be done, in accordance with regulation 25(8), (9) or (10), shall maintain and keep available for inspection by an authorised officer a record of the dates on which and of the packages on which such each label was affixed or particulars printed or stamped and shall, if required by the Secretary of State, furnish her with a copy of such record.

(2) A person to whom paragraph (1) applies shall keep and retain for a period of at least three years a record of the seed lots of standard seed marketed by him and, if so required by the Secretary of State, shall produce such record to her.

(3) A person to whom paragraph (1) applies shall keep and retain for a period of at least two years a sample of the seed lots of standard seed marketed by him of at least the appropriate minimum weight specified in Schedule 7 and, if so required by the Secretary of State, shall deliver any such sample to her.

## **PART IV**

### **MISCELLANEOUS AND SUPPLEMENTAL PROVISIONS**

#### **Civil liability of sellers of seeds**

**27.**—(1) Particulars given to a purchaser by the seller of seed in pursuance of these Regulations, whether given expressly or by implication arising from the description under which the seed is sold, shall constitute a statutory warranty for the purpose of section 17 of the Act in so far as they relate to the category of seed, the percentage germination of the seed, the percentage analytical purity of the seed, the content of seed of other plant species and the varietal identity and varietal purity of the seed or, in the case of a mixture of seed permitted by regulation 21, of each of its constituents to which these Regulations apply.

(2) Section 17(2) of the Act shall apply to any particulars given to a purchaser by the seller of seed, being particulars given or implied as in paragraph (1), in so far as they relate to the percentage germination, the percentage analytical purity or the content of seed of other plant species and there are hereby prescribed in respect of such matters the limits of variation set out in Schedule 9.

(3) Section 17(3) of the Act shall apply to any particulars given to a purchaser by the seller of the seed, being particulars given or implied as in paragraph (1), in so far as they relate to the percentage germination, the percentage analytical purity or the content of seed of other plant species.

(4) A purchaser who intends to obtain a test of seed for the purposes of section 17(3) of the Act shall, not more than ten days after delivery to him of the seed, give to the seller notice of his intention and thereupon the seller may indicate a day (not being more than twenty-one days after the delivery of the seed to the purchaser) and a reasonable time on that day at which a sample of the seed may be taken in the presence of himself or his representative and the purchaser shall afford to the seller reasonable facilities for that purpose.

(5) On the day and at the time appointed by the seller in accordance with paragraph (4) or, if the seller shall have failed to appoint such a day and time, on a day not more than twenty-eight days after delivery of the seed to the purchaser, the purchaser or his representative may, and if the seller or his representative is present shall, take a sample of seed.

(6) A sample taken in accordance with the requirements of paragraph (5) shall be taken and divided by the purchaser or his representative into two parts in accordance with the requirements contained in Schedule 5 of the Seed (Registration, Licensing and Enforcement) (England) Regulations 2002, of which one part shall be sent to the chief officer of an official testing station for the purpose of being tested and the other part delivered or tendered to the seller or his representative or, if he or his representative was not present when the sample was taken, sent to him by post.

(7) Where a sample is taken in accordance with the requirements of paragraph (5) and divided into two parts in accordance with paragraph (6) each part of the divided sample shall be of at least the appropriate minimum weight specified in Schedule 7 (lots and sample weights) of these Regulations.

#### **Arrangements for official measures**

**28.**—(1) Subject to the following provisions of this regulation, the Secretary of State may make arrangements, in such form as she is of the opinion may be necessary or desirable, for the purpose of enabling any person to act under her responsibility in carrying out official measures.

(2) The Secretary of State shall not make an arrangement under this regulation unless she is satisfied that it will make provision for the purpose of preventing the person with whom the arrangement is made, and any other person, from —

- (a) deriving any private gain from any official measures carried out under the arrangement, and
- (b) carrying out any official measures under the arrangement except under the supervision of the Secretary of State.

(3) An arrangement under this regulation may include such conditions as the Secretary of State is of the opinion are necessary or desirable for the purposes referred to in paragraphs (1) and (2) above, including conditions —

- (a) specifying —
  - (i) the official measures that the person with whom the arrangement is made shall carry out under it;
  - (ii) the species and category of seed in respect of which he may carry out the official measures;
  - (iii) the methods to be used in connection with the official measures he carries out under the arrangement;
  - (iv) the fees that may be charged by the person with whom the arrangement is made in relation to the official measures he carries out under it; and
  - (v) the records that must be kept by the person with whom the arrangement is made in connection with the official measures he carries out;
- (b) prohibiting the person with whom the arrangement is made from —
  - (i) carrying out the official measures except under official supervision, and
  - (ii) charging fees in relation to the official measures he carries out under the arrangement except to the extent that these do not exceed the costs he incurs in carrying them out; and
- (c) prohibiting the person with whom the arrangement is made from making any further arrangement for any purpose in connection with the carrying out of any of the official measures he has arranged with the Secretary of State to carry out, unless —
  - (i) the Secretary of State has first approved all the conditions of the further arrangement and the person with whom the arrangement was made has received the prior approval of the Secretary of State to make the further arrangement;
  - (ii) the further arrangement includes a condition prohibiting the making of any subsequent arrangements for any purpose in connection with the carrying out of any of the official measures in respect of which the Secretary of State made the arrangement;
  - (iii) the further arrangement includes an acknowledgement by the person with whom it is made that the Secretary of State may vary, suspend or revoke the further arrangement, whether or not she also varies, suspends or revokes the arrangement she made with the person seeking her approval for the further arrangement; and
  - (iv) the further arrangement includes the conditions specified in sub-paragraphs (a) and (b).

(4) The Secretary of State shall not approve the making of a further arrangement by any person with whom she makes an arrangement under this regulation unless she is satisfied that the person with whom the further arrangement is to be made —

- (a) will not derive any private gain from any official measures he is to be authorised to carry out under the further arrangement, and
- (b) will not carry out any official measures under the further arrangement except under official supervision.

(5) The Secretary of State may vary, suspend or revoke an arrangement or the conditions of an arrangement made under this regulation, or a further arrangement or any of the conditions of a further arrangement under this regulation, by giving notice to the person with whom the arrangement or further arrangement is made, and a further arrangement may be varied, suspended or revoked under this paragraph notwithstanding that the arrangement in respect of which it was made is not also varied, suspended or revoked.

(6) A notice of a variation, suspension or revocation of an arrangement or further arrangement, or of a condition of an arrangement or further arrangement, shall specify —

- (a) in respect of a variation or a revocation, a date on and after which the variation or revocation shall have effect, and
- (b) in respect of a suspension, a period during which suspension shall have effect,

and the variation, suspension or revocation shall have effect in accordance with the notice.

(7) When a variation, suspension or revocation has effect the Secretary of State may, for any purposes in relation to these Regulations or a determination under these Regulations, continue to have regard to such of the official measures carried out under an arrangement which was varied, suspended or revoked as appear to her to be official measures carried out in accordance with the provisions of these Regulations.

#### **Fees**

**29.**—(1) The Secretary of State may charge any person reasonable fees in respect of costs reasonably incurred by the Secretary of State in carrying out official measures for the purposes of these Regulations.

(2) The Secretary of State may charge any person concerned in any matter connected with these Regulations reasonable fees in respect of costs reasonably incurred by the Secretary of State in connection with that matter for the purposes of these Regulations, including the costs reasonably incurred by an officer authorised for the purposes of these Regulations by the Secretary of State in connection with —

- (a) the taking of samples in accordance with regulation 22;
- (b) the sealing of packages in accordance with regulations 23 and 24; and
- (c) the labelling of packages in accordance with regulation 25.

(3) A person carrying out official measures in accordance with an arrangement or further arrangement under regulation 28 may charge any person, including any other person with whom an arrangement or further arrangement has been made under regulation 28, reasonable fees in respect of costs he reasonably incurs in carrying out official measures under the responsibility of the Secretary of State in accordance with these Regulations.

(4) All fees payable under these Regulations in connection with any application shall be payable —

- (a) at the time the application is made, or
- (b) with the agreement of the Secretary of State or a person carrying out official measures in accordance with an arrangement or further arrangement under regulation 28 (as the case may be), within twenty-eight days following notice from the Secretary of State or that person (as the case may be) demanding the fee payable in respect of such application.

(5) All other fees payable under these Regulations shall be payable within twenty-eight days following the issue of a notice under these Regulations demanding the payment of the fee.

(6) A fee charged in accordance with this regulation shall be recoverable as a debt from the person by whom the fee is payable.

## Service of notices

**30.**—(1) Any notice required by virtue of these Regulations to be given to any person by the Secretary of State may be given by her —

- (a) by delivering it to him or by leaving it at his proper address or by sending it by post to him at that address;
- (b) if the person is a body corporate other than a limited liability partnership, by giving it in accordance with paragraph (a) to the secretary of the body;
- (c) if the person is a limited liability partnership, by giving it in accordance with paragraph (a) to a member of the partnership; or
- (d) if the person is a partnership, by giving it in accordance with paragraph (a) to a partner or a person having control of the management of the partnership business.

(2) For the purposes of this section and section 7 of the Interpretation Act 1978(a) (service of documents by post) in its application to this section, the proper address of any person to whom a notice is to be given shall be his last known address, except that —

- (a) in the case of a body corporate (other than a limited liability partnership) or its secretary, it shall be the address of the registered or principal office of the body;
- (b) in the case of a limited liability partnership or a member of the partnership, it shall be the address of the registered or principal office of the partnership; and
- (c) in the case of a partnership or a partner or a person having the control or management of a partnership business, it shall be the address of the principal office of the partnership.

(3) Paragraph (4) applies if a person to be given a notice under these Regulations by the Secretary of State has specified to her an address within the United Kingdom other than his proper address (as determined under paragraph (2)) as the one at which he or someone on his behalf will accept notices of that description.

(4) In relation to that notice, that address shall be treated as his proper address for the purposes of this regulation and section 7 of the Interpretation Act 1978 in its application to this regulation, instead of that determined under paragraph (2).

## Index of defined words and expressions

**31.** Schedule 10 contains an index of defined words and expressions used in these Regulations.

## Revocations and transitional provisions

**32.**—(1) Subject to paragraphs (2) and (3) —

- (a) the Vegetable Seeds Regulations 1993(b), the Vegetable Seeds (Amendment) Regulations 1996(c) and the Vegetable Seeds (Amendment) Regulations 1999(d) are revoked as regards England;
- (b) the Vegetable Seeds (Amendment) (England) Regulations 2000(e) are revoked;
- (c) the Seeds (Fees) Regulations 1985(f) are revoked in so far as they apply to England in relation to matters arising under the Vegetable Seeds Regulations 1993; and
- (d) the Seeds (Fees) (Amendment) (England) Regulations 2002(g) are revoked in relation to matters arising under the Vegetable Seeds Regulations 1993.

(2) The provisions of these Regulations shall not apply to seed harvested on or before 31st December 2002 until 1st July 2003.

(3) The provisions of these Regulations shall not apply to the marketing on or before 31st December 2005 of standard seed of —

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- (a) 1978 c.30.
  - (b) S.I. 1993/2008, relevant amending instruments are S.I. 1996/1452, 1997/616, 1999/1863, 2000/1790.
  - (c) S.I. 1996/1452.
  - (d) S.I. 1999/1863.
  - (e) S.I. 2000/1790.
  - (f) S.I. 1985/981, amended by S.I. 2002/1563.
  - (g) S.I. 2002/1563.

- (a) asparagus;
  - (b) broccoli; or
  - (c) large-leaved chicory and Witloof chicory,
- of a variety that is not a listed variety.

(4) Section 17 of the Interpretation Act 1978 shall not apply in relation to general licences made under the Vegetable Seeds Regulations 1993.

Michael Meacher  
Minister of State

18th December 2002

Department for Environment, Food and Rural Affairs

## SCHEDULE 1

### INTERPRETATION

#### PART I

##### MEANING OF PRE-BASIC SEED AND SIMILAR EXPRESSIONS

###### **Pre-basic seed**

1. In these Regulations “pre-basic seed” means seed of a generation prior to basic seed that —
- (a) has been produced by or under the responsibility of the breeder according to accepted practices for the maintenance of the variety, and
  - (b) is intended to be used for the production of more pre-basic seed, basic seed, or, with the breeder’s authority, CS seed.

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

2.—(1) In these Regulations “UK officially certified pre-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 pre-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 pre-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) pre-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 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 (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) pre-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) pre-basic seed of a listed variety —
  - (i) that has been imported into the United Kingdom as not finally certified pre-basic seed harvested in another member State, and
  - (ii) that complies with the requirements of paragraph (a)(ii) and (iii);
- (d) pre-basic seed of a previously listed variety —
  - (i) that has been imported into the United Kingdom as not finally certified pre-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) pre-basic seed —
  - (i) that has been imported into the United Kingdom as not finally certified pre-basic seed harvested in another member State;
  - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
  - (iii) that 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 pre-basic seed.

#### **EC officially certified pre-basic seed of a listed variety**

3. In these Regulations “EC officially certified pre-basic seed of a listed variety” means —

- (a) pre-basic seed of a listed variety officially certified as pre-basic seed by or on behalf of the competent seed certification authority in another member State, and
- (b) pre-basic seed of a previously listed variety officially certified as pre-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.

#### **Overseas tested officially certified pre-basic seed of a listed variety**

4. In these Regulations “overseas tested officially certified pre-basic seed of a listed variety” means pre-basic seed —

- (a) that was 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 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, 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 pre-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).

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

5.—(1) In these Regulations “UK officially certified early movement pre-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 pre-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 pre-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) pre-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 (whenever carried out), to satisfy the conditions laid down in Part II of Schedule 4 for basic seed;
- (b) pre-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) pre-basic seed of a listed variety —
  - (i) that has been imported into the United Kingdom as not finally certified pre-basic seed harvested in another member State, and
  - (ii) that complies with the requirements of paragraph (a)(ii) to (iv); and
- (d) pre-basic seed of a previously listed variety —
  - (i) that has been imported into the United Kingdom as not finally certified pre-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 pre-basic seed.

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

6. In these Regulations “EC officially certified early movement pre-basic seed of a listed variety” means —

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

**Officially certified pre-basic seed**

7. In these Regulations “officially certified pre-basic seed” means —

- (a) UK officially certified pre-basic seed of a listed variety;
- (b) EC officially certified pre-basic seed of a listed variety;
- (c) overseas tested officially certified pre-basic seed of a listed variety;
- (d) UK officially certified early movement pre-basic seed of a listed variety; and
- (e) EC officially certified early movement pre-basic seed of a listed variety.



## 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, “basic seed” means seed —

- (a) that has been produced by or under the responsibility of the breeder according to accepted practices for the maintenance of the variety, and
- (b) that is intended to be used for the production of CS seed.

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

- (a) that has been produced by or under the responsibility of the breeder, and
- (b) that is intended to be used for the production of CS seed of a 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;
  - (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 (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.

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

**11.** In these Regulations “overseas tested officially certified basic seed of a listed variety” means 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 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, 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).

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

**12.—(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 (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**

13. 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**

14.—(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 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 (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 of a component of a hybrid variety 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**

**15.** 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 and for which a marketing extension is in force in respect of seed of the hybrid variety.

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

**16.** In these Regulations “overseas tested officially certified basic seed of a component of a listed hybrid variety” means 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 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, 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).

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

**17.—(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 (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 of a component of a hybrid variety 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**

**18.** 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 for which a marketing extension is in force in respect of seed of the hybrid variety.

**Officially certified basic seed**

**19.** 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) overseas tested officially certified basic seed of a listed variety;
- (d) UK officially certified early movement basic seed of a listed variety;
- (e) EC officially certified early movement basic seed of a listed variety;
- (f) UK officially certified basic seed of a component of a listed hybrid variety;
- (g) EC officially certified basic seed of a component of a listed hybrid variety;
- (h) overseas tested officially certified basic seed of a component of a listed hybrid variety;
- (i) UK officially certified early movement basic seed of a component of a listed hybrid variety; and
- (j) EC officially certified early movement basic seed of a component of a listed hybrid variety.

## PART III

### MEANING OF CS SEED AND SIMILAR EXPRESSIONS

**CS seed**

**20.** In these Regulations “CS seed” means seed that —

- (a) has been produced directly from officially certified basic seed or, with the breeder’s authority, from officially certified pre-basic seed, and
- (b) is intended for purposes other than the production of vegetable seed.

**UK officially certified CS seed of a listed variety**

**21.—(1)** In these Regulations “UK officially certified CS 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 CS 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 CS 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) CS 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 CS seed is to be produced;
    - (ii) that satisfies the conditions laid down in Parts II and III of Schedule 4 for CS seed; and
    - (iii) for which a seed test report has been issued stating that it has been found by an official UK seed test (whenever carried out) to satisfy the conditions laid down in Part II of Schedule 4 for CS seed;
  - (b) CS 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) CS seed of a listed variety —
    - (i) that has been imported into the United Kingdom as not finally certified CS seed harvested in another member State, and
    - (ii) that complies with the requirements of paragraph (a)(ii) and (iii);
  - (d) CS seed of a previously listed variety —
    - (i) that has been imported into the United Kingdom as not finally certified CS 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) CS seed —
    - (i) that has been imported into the United Kingdom as not finally certified CS seed harvested in another member State or an equivalent third country;
    - (ii) that complies with the requirements of paragraph (a)(ii) and (iii); and
    - (iii) 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 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 CS seed.

#### **EC officially certified CS seed of a listed variety**

**22.** In these Regulations “EC officially certified CS seed of a listed variety” means —

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

### **Overseas tested officially certified CS seed of a listed variety**

**23.** In these Regulations “overseas tested officially certified CS seed of a listed variety” means CS 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 had been found to satisfy the relevant Directive crop conditions for CS seed;
- (b) for which a seed test report has been issued 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, stating that the seed has been found to satisfy the relevant Directive seed conditions for CS seed;
- (c) that has been imported into the United Kingdom as CS 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).

### **UK officially certified early movement CS seed of a listed variety**

**24.—(1)** In these Regulations “UK officially certified early movement CS 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 CS 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 CS 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) CS 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 CS 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 CS seed;
  - (iii) for which the results of a Schedule 4 germination test are awaited to determine whether the seed will satisfy the applicable germination standard for CS seed but for which a provisional analytical report has been obtained indicating that the seed is likely to meet that standard; 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 (whenever carried out) to satisfy the conditions laid down in Part II of Schedule 4 for CS seed;
- (b) CS 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) CS seed of a listed variety —
  - (i) that has been imported into the United Kingdom as not finally certified CS seed harvested in another member State, and
  - (ii) that complies with the requirements of paragraph (a)(ii) to (iv); and



- (d) CS seed of a previously listed variety —
  - (i) that has been imported into the United Kingdom as not finally certified CS 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 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 CS seed.

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

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

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

#### **Officially certified CS seed**

**26.** In these Regulations “officially certified CS seed” means —

- (a) UK officially certified CS seed of a listed variety;
- (b) EC officially certified CS seed of a listed variety;
- (c) overseas tested officially certified CS seed of a listed variety;
- (d) UK officially certified early movement CS seed of a listed variety; and
- (e) EC officially certified early movement CS seed of a listed variety.

#### **Early multiplication**

**27.—(1)** The requirement contained in paragraph 20(a) (that CS seed be produced directly from officially certified basic seed, or, with the breeder’s authority, from officially certified pre-basic seed) shall be treated as having been complied with in relation to CS seed in a case where —

- (a) the CS seed (“the harvested CS seed”) was harvested from a crop produced from pre-basic seed to which sub-paragraph (2) applies or basic seed to which sub-paragraph (3) or (4) applies, and
- (b) the variety of the harvested CS seed was not listed at the time when the pre-basic or basic seed referred to in paragraph (a) was sown but was subject to an application for listing at that time which was subsequently granted.

**(2)** This sub-paragraph applies to pre-basic seed —

- (a) that has been harvested from a crop —
  - (i) produced in the United Kingdom and found by an official UK field inspection 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, or
  - (ii) produced in another member State and found by a field inspection of the crop carried out by or on behalf of the competent seed certification authority in that State to satisfy the Directive crop conditions for basic seed;
- (b) that —

- (i) was found by an official UK seed test to satisfy the conditions laid down in Part II of Schedule 4 for basic seed, or
  - (ii) was found by seed testing carried out by or on behalf of the competent seed certification authority in another member State to satisfy the Directive seed conditions for basic seed; and
- (c) that was of the same variety as the harvested CS seed.
- (3) This sub-paragraph applies to basic seed —
- (a) that has been harvested from a crop —
    - (i) produced in the United Kingdom and found by an official UK field inspection 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, or
    - (ii) produced in another member State and found by a field inspection of the crop carried out by or on behalf of the competent seed certification authority in that State to satisfy the Directive crop conditions for basic seed;
  - (b) that —
    - (i) was found by an official UK seed test to satisfy the conditions laid down in Part II of Schedule 4 for basic seed, or
    - (ii) was found by seed testing carried out by or on behalf of the competent seed certification authority to satisfy the Directive seed conditions for basic seed; and
  - (c) that was of the same variety as the harvested CS seed.
- (4) This sub-paragraph applies to basic seed of a component of a hybrid variety —
- (a) that complied with the requirements of sub-paragraph (3)(a) and (b), and
  - (b) that was a component in the production of the harvested CS seed of the hybrid variety.

## PART IV

### MEANING OF STANDARD SEED

#### **Standard seed**

- 28.** In these Regulations “standard seed” means seed of a listed variety —
- (a) that is intended mainly for the production of vegetables, and
  - (b) satisfies the conditions laid down in Annex II to the Vegetable Seed Directive.

## PART V

### MEANING OF EXPRESSIONS RELATING TO IMPORTED NOT FINALLY CERTIFIED SEED

#### **Not finally certified pre-basic seed harvested in another member State**

- 29.—(1)** In these Regulations “not finally certified pre-basic seed harvested in another member State” means pre-basic seed —
- (a) to which sub-paragraph (2) applies;
  - (b) that has been harvested from a crop produced in another member State and has been found by a field examination of the crop carried out by or on behalf of the competent seed certification authority in the member State to satisfy the Directive crop conditions for basic seed;
  - (c) that has been packed in a sealed package in accordance with the requirements of Article 27(1) of the Vegetable Seed Directive and is labelled with a grey label;
  - (d) that has been imported into the United Kingdom as not finally certified seed; and

- (e) that is accompanied by an Annex V(C) document relating to the seed issued by or on behalf of the competent seed certification authority in the member State in which the seed was harvested.
- (2) This sub-paragraph applies to pre-basic seed of —
- (a) a listed variety;
  - (b) a variety that is unlisted but in respect of which an application for listing has been made that has not been withdrawn or finally determined; or
  - (c) a previously listed variety for which a marketing extension is in force.
- (3) In this paragraph “grey label” means, in relation to the seed contained in the package on which the label is affixed, a grey coloured label containing the following particulars —
- (a) the name of the authority responsible for the field inspection of the crop and the member State or their commonly used initials;
  - (b) the species of the seed, indicated at least in Roman characters —
    - (i) under its botanical name, which may be given in abridged form and without the author’s name; or
    - (ii) under its common name; or
    - (iii) under both;
  - (c) the variety of the seed, indicated at least in Roman characters;
  - (d) the category of the seed;
  - (e) the field or lot reference number of the seed;
  - (f) the declared net or gross weight of the seed; and
  - (g) the words “seed not finally certified”.

**Not finally certified basic seed harvested in another member State**

**30.—**(1) In these Regulations “not finally certified basic seed harvested in another member State” means basic seed —

- (a) to which sub-paragraph (2) applies;
  - (b) that has been harvested from a crop produced in another member State and has been found by a field examination of the crop carried out by or on behalf of the competent seed certification authority in the member State to satisfy the Directive crop conditions for basic seed;
  - (c) that has been packed in a sealed package in accordance with the requirements of Article 27(1) of the Vegetable Seed Directive and is labelled with a grey label;
  - (d) that has been imported into the United Kingdom as not finally certified seed; and
  - (e) that is accompanied by an Annex V(C) document relating to the seed issued by or on behalf of the competent seed certification authority in the member State in which the seed was harvested.
- (2) This sub-paragraph applies to basic seed of —
- (a) a listed variety;
  - (b) a variety that is unlisted but in respect of which an application for listing has been made that has not been withdrawn or finally determined;
  - (c) a previously listed variety for which a marketing extension is in force;
  - (d) a component of a listed hybrid variety;
  - (e) a component of a hybrid variety that is unlisted but in respect of which an application for listing has been made that has not been withdrawn or finally determined; or
  - (f) a component of a previously listed hybrid variety for which a marketing extension is in force.

(3) In this paragraph “grey label” shall have the same meaning as in paragraph 29(3).

**Not finally certified CS seed harvested in another member State**

**31.**—(1) In these Regulations “not finally certified CS seed harvested in another member State” means CS seed —

- (a) to which sub-paragraph (2) applies;
  - (b) that has been harvested from a crop —
    - (i) that has been produced in another member State directly from officially certified basic seed, and
    - (ii) that has been found by a field examination of the crop carried out by or on behalf of the competent seed certification authority in the member State, to satisfy the Directive crop conditions for CS seed;
  - (c) that has been packed in a sealed package in accordance with the requirements of Article 27(1) of the Vegetable Seed Directive and is labelled with a grey label;
  - (d) that has been imported into the United Kingdom as not finally certified seed; and
  - (e) that is accompanied by an Annex V(C) document relating to the seed issued by or on behalf of the competent seed certification authority in the member State in which the seed was harvested.
- (2) This sub-paragraph applies to CS seed of —
- (a) a listed variety;
  - (b) a variety that is unlisted but in respect of which an application for listing has been made that has not been withdrawn or finally determined; and
  - (c) a previously listed variety for which a marketing extension is in force.
- (3) In this paragraph “grey label” shall have the same meaning as in paragraph 29(3).

Regulations 2(1), 5(1), 23(3)(b) and 25(3)(b)

## SCHEDULE 2

### SPECIES OF SEED TO WHICH THESE REGULATIONS APPLY

1. Asparagus.
2. The following species of beans —
  - (a) broad bean;
  - (b) French bean; and
  - (c) runner bean.
3. Beetroot (also known as red beet).
4. Brussels sprouts.
5. The following species of cabbage —
  - (a) red cabbage;
  - (b) savoy cabbage; and
  - (c) white cabbage.
6. Carrot.
7. Cauliflower.
8. Celery.
9. Chard and spinach beet.
10. Chinese cabbage.

11. Cucumber and gherkin.
12. Curly kale.
13. Endive.
14. Gourd.
15. Kohlrabi.
16. Larged-leave chicory (also known as Italian chicory) and Witloof chicory.
17. Leek.
18. Lettuce.
19. Marrow.
20. Melon.
21. Onion.
22. Parsley.
23. Pea other than field pea.
24. Radish.
25. Spinach.
26. Sprouting broccoli (also known as calabrese).
27. Tomato.
28. Turnip.

Regulations 8(4), (5), (6) and (7)(b), 10(3), (4)(a) and (b)(ii), 11(13)(a) and (b), 13(5)(d) and 14(1)(b) and paragraphs 2(3)(a), 5(3)(a), 9(3)(a), 12(3)(a), 14(3)(a), 17(3)(a), 21(3)(a), 24(3)(a) and 27(2)(a) and (3)(a) of Schedule 1

### SCHEDULE 3

#### CONDITIONS RELATING TO CROPS FROM WHICH SEED IS TO BE HARVESTED

1. The crop shall have sufficient varietal identity and varietal purity.

2.—(1) Subject to paragraph 3, the crop shall conform to the following standards as regards the minimum distances from neighbouring sources of pollen which may result in undesirable foreign pollination —

<i>Crop</i>	<i>Minimum distance (metres)</i>
<i>I</i>	<i>2</i>
(a) <i>Beta vulgaris</i> —	
(i) from any pollen source of the genus <i>Beta</i> other than those specified in (ii) and (iii) below —	1,000
(ii) from any pollen source of a variety of the same sub species belonging to a different group of varieties —	
(aa) for the production of basic seed	1,000
(bb) for the production of CS seed	600
(iii) From any pollen source of a variety of the same sub species belonging to the same group of varieties —	
(aa) for the production of basic seed	1,000
(bb) for the production of CS seed	600
(b) <i>Brassica</i> species —	
(i) for the production of basic seed	1,000
(ii) for the production of CS seed	600
(c) cross fertilised species other than <i>Beta</i> and <i>Brassica</i> species —	
(i) for the production of basic seed	500
(ii) for the production of CS seed	300

(2) For the purposes of this sub-paragraph the groups of varieties of the *Beta* species shall be those set out in the following table classified in groups according to their characteristics —

(a) Beetroot	
<i>Group</i>	<i>Characteristic</i>
1	Transverse narrow elliptic or transverse elliptic shape of root longitudinal section and root flesh red or purple
2	Circular or broad elliptic shape of root longitudinal section and root flesh white
3	Circular or broad elliptic shape of root longitudinal section and root flesh yellow
4	Circular or broad elliptic shape of root longitudinal section and root flesh red or purple
5	Narrow oblong shape of root longitudinal section and root flesh red or purple
6	Narrow obtriangular shape of root longitudinal section and root flesh red or purple
(b) Chard and spinach beet	
<i>Group</i>	<i>Characteristic</i>
1	White petiole and pale green leaf blade, without anthocyanin coloration
2	White petiole and medium or dark green leaf blade, without anthocyanin coloration
3	Green petiole and medium or dark green leaf blade, without anthocyanin coloration
4	Pink petiole and medium or dark green leaf blade
5	Red petiole and leaf blade, with anthocyanin coloration

3. Paragraph 2 shall not apply if there is sufficient protection from any undesirable foreign pollination.

4. Diseases and harmful organisms which reduce the usefulness of the seed shall be at the lowest possible level.

5. —(1) A crop from which basic or CS seed is to be produced shall be examined by at least one official field inspection to determine whether the crop meets the requirements set out in this Schedule and in Part I of Schedule 4.

(2) Field inspections shall be carried out at a time when the cultural condition of the field and the stage of development of the crop permit the varietal identity, varietal purity and health status of the crop to be adequately checked.

6. For the purpose of determining whether a crop from which pre-basic seed is to be produced meets the conditions laid down in this Schedule, the crop from which such seed is to be produced shall be treated in the same way as a crop from which basic seed is to be produced.

Regulations 2(1), 8(4), (5), (6) and (7)(b), 10(3) and (4)(a) and (b), 11(4) to (11) and (13)(a), 13(4) and (5)(d) to (f), 14(1)(b) and (c)(i) and (ii) and paragraphs 2(3)(a), 5(3)(a), 9(3)(a), 12(3)(a), 14(3)(a), 17(3)(a), 21(3)(a), 24(3)(a) and 27(2)(a) and (b) and (3)(a) and (b) of Schedule 1

## SCHEDULE 4

### CONDITIONS TO BE SATISFIED BY THE SEED

#### PART I

#### CONDITIONS TO BE EXAMINED MAINLY BY FIELD INSPECTIONS

1. The seed shall have sufficient varietal identity and varietal purity.
2. In the case of seed of turnips the minimum varietal purity shall be —
  - (a) 99.7% in the case of basic seed, and
  - (b) 98% in the case of CS seed.

**PART II**  
**CONDITIONS TO BE EXAMINED BY SEED TESTING**

3. The seed shall conform to the following standards or other conditions as regards analytical purity and the content of seeds of other plant species —

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Species</i>	<i>Minimum analytical purity (percentage by weight)</i>	<i>Maximum content of seeds of other plant species (percentage by weight)</i>
(a) asparagus	96	0.5
(b) beans of the following species —		
(i) broad bean	98	0.1
(ii) French bean	98	0.1
(iii) runner bean	98	0.1
(c) beetroot	97	0.5
(d) Brussels sprouts	97	1.0
(e) red, Savoy and white cabbage	97	1.0
(f) carrot	95	1.0
(g) cauliflower	97	1.0
(h) celery	97	1.0
(i) chard and spinach beet	97	0.5
(j) Chinese cabbage	97	1.0
(k) cucumber and gherkin	98	0.1
(l) curly kale	97	1.0
(m) endive	95	1.0
(n) gourd	98	0.1
(o) kohlrabi	97	1.0
(p) large-leaved chicory and Witloof chicory	95	1.5
(q) leek	97	0.5
(r) lettuce	95	0.5
(s) marrow	98	0.1
(t) melon	98	0.1
(u) onion	97	0.5
(v) parsley	97	1.0
(w) pea	98	0.1
(x) radish	97	1.0
(y) spinach	97	1.0
(z) sprouting broccoli	97	1.0
(aa) tomato	97	0.5
(bb) turnip	97	1.0



4.—(1) It shall be determined, by way of a germination test, whether the seed attains the applicable percentage of germination set out in column 2 of the table below —

<i>Column 1</i>	<i>Column 2</i>
<i>Species</i>	<i>Minimum germination (percentage clusters or pure seed)</i>
(a) asparagus	70
(b) beans of the following species —	
(i) broad bean	80
(ii) French bean	75
(iii) runner bean	80
(c) beetroot —	
(i) all except the Cheltenham variety	70
(ii) the Cheltenham variety	50
(d) Brussels sprouts	75
(e) red, Savoy and white cabbage	75
(f) carrot	65
(g) cauliflower	70
(h) celery	70
(i) chard and spinach beet	70
(j) Chinese cabbage	75
(k) cucumber and gherkin	80
(l) curly kale	75
(m) endive	65
(n) gourd	80
(o) kohlrabi	75
(p) large-leaved chicory and Witloof chicory	65
(q) leek	65
(r) lettuce	75
(s) marrow	75
(t) melon	75
(u) onion	70
(v) parsley	65
(w) pea	80
(x) radish	70
(y) spinach	75
(z) sprouting broccoli	75
(aa) tomato	75
(bb) turnip	80

5. The seed shall not be contaminated by live *Acarina* (commonly known as mites).
6. Seed of broad beans, French beans, runner beans and peas shall not be contaminated by —
- (a) *Acanthoscelides obtectus* Sag.;
  - (b) *Bruchus affinis* Froel.;
  - (c) *Bruchus atomarius* L.;
  - (d) *Bruchus pisorum* L.; or
  - (e) *Bruchus rufimanus* Boh.

### PART III OTHER CONDITIONS

7. Diseases and harmful organisms which reduce the usefulness of the seed shall be at the lowest possible level that can be achieved.

### PART IV GENERAL PROVISIONS

8. For the purpose of determining whether seed meets the conditions laid down in this Schedule pre-basic seed shall be treated in the same way as basic seed.

Regulation 13(1)

### SCHEDULE 5 RE-GRADING OF SEED

<i>Column (1)</i>	<i>Column (2)</i>
1. (a) UK, EC or overseas tested officially certified pre-basic seed of a listed variety	(a) UK officially certified pre-basic seed of a listed variety
(b) UK, EC or overseas tested officially certified basic seed of a listed variety	(b) UK officially certified basic seed of a listed variety
(c) UK, EC or overseas tested officially certified CS seed of a listed variety	(c) UK officially certified CS seed of a listed variety
2. (a) UK and EC officially certified early movement pre-basic seed of a listed variety	(a) UK officially certified early movement pre-basic seed of a listed variety
(b) UK and EC officially certified early movement basic seed of a listed variety	(b) UK officially certified early movement basic seed of a listed variety
(c) UK and EC officially certified early movement CS seed of a listed variety	(c) UK officially certified early movement CS seed of a listed variety

Regulation 15(1)

### SCHEDULE 6 CATEGORIES OF SEED THAT MAY BE MARKETED

**Breeder's seed**

1. Breeder's seed.

**Pre-basic seed of a listed variety**

2. UK officially certified pre-basic seed of a listed variety.
3. EC officially certified pre-basic seed of a listed variety.

4. Overseas tested officially certified pre-basic seed of a listed variety.

**Basic seed of a listed variety**

5. UK officially certified basic seed of a listed variety.
6. EC officially certified basic seed of a listed variety.
7. Overseas tested officially certified basic seed of a listed variety.

**CS seed of a listed variety**

8. UK officially certified CS seed of a listed variety.
9. EC officially certified CS seed of a listed variety.
10. Overseas tested officially certified CS seed of a listed variety.

**Early movement pre-basic seed of a listed variety**

11. UK officially certified early movement pre-basic seed of a listed variety.
12. EC officially certified early movement pre-basic seed of a listed variety.

**Early movement basic seed of a listed variety**

13. UK officially certified early movement basic seed of a listed variety.
14. EC officially certified early movement basic seed of a listed variety.

**Early movement CS seed of a listed variety**

15. UK officially certified early movement CS seed of a listed variety.
16. EC officially certified early movement CS seed of a listed variety.

**Basic seed of a component of a listed hybrid variety**

17. UK officially certified basic seed of a component of a listed hybrid variety.
18. EC officially certified basic seed of a component of a listed hybrid variety.
19. Overseas tested officially certified basic seed of a component of a listed hybrid variety.

**Early movement basic seed of a component of a listed hybrid variety**

20. UK officially certified early movement basic seed of a component of a listed hybrid variety.
21. EC officially certified early movement basic seed of a component of a listed hybrid variety.

**Standard seed**

22. Standard seed.

**SCHEDULE 7**  
**LOT AND SAMPLE WEIGHTS**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Species</i>	<i>Maximum weight of a lot</i>	<i>Minimum weight of a sample to be drawn from a lot</i>
	<i>(tonnes)</i>	<i>(grams)</i>
1. Asparagus	10	100
2. Beans of the following species —		
(a) Broad bean	25	1,000
(b) French bean	25	700
(c) Runner bean	20	1,000
3. Beetroot	20	100
4. Brussels sprouts	10	25
5. Cabbages of the following species —		
(a) Red cabbage	10	25
(b) Savoy Cabbage	10	25
(c) White cabbage	10	25
6. Carrot	10	25
7. Cauliflower	10	25
8. Celery	10	25
9. Chard and spinach beet	20	100
10. Chinese cabbage	10	25
11. Cucumber and gherkin	20	25
12. Curly kale	10	25
13. Endive	10	25
14. Gourd	20	250
15. Kohlrabi	10	25
16. Large-leaved chicory and Witloof chicory	10	25
17. Leek	10	25
18. Lettuce	10	25
19. Marrow	20	150
20. Melon	20	100
21. Onion	10	25
22. Parsley	10	25
23. Pea	25	500
24. Radish	10	50
25. Spinach	10	75
26. Sprouting broccoli	10	25
27. Tomato	10	25
28. Turnip	10	25

## SCHEDULE 8

### LABELLING

#### PART I

#### PARTICULARS TO BE MARKED OR DISPLAYED ON THE SALE OF UNPACKAGED SEED (LOOSE SALES)

1. The following particulars shall be given —
  - (a) “complies with legal standards”;
  - (b) the species, indicated at least in Roman characters; and
  - (c) the variety.

#### PART II

#### LABELLING OF PACKAGES OF BREEDER’S SEED

2. Subject to paragraph 31, the package shall be labelled, not later than the time of sealing, on the outside with a supplier’s label containing the following particulars —
  - (a) the name and address of the supplier responsible for affixing the labels or his registration number;
  - (b) the reference number of the lot;
  - (c) the species;
  - (d) the variety;
  - (e) the words “breeder’s seed”; and
  - (f) the declared net or gross weight or declared number of seeds,except where those particulars are printed indelibly on the outside of the package.
3. The label referred to in paragraph 2 shall be coloured buff.

#### PART III

#### LABELLING OF PACKAGES OF OFFICIALLY CERTIFIED PRE-BASIC SEED

##### **Official label for a package of officially certified pre-basic seed**

4. Subject to paragraph 31, the package shall be labelled, not later than the time of sealing, on the outside with an official label which has not previously been used containing the following particulars —
  - (a) the certification authority and member State or their commonly used initials;
  - (b) the reference number of the lot;
  - (c) the month and year of sealing or the month and year of the last official sampling for the purposes of certification, expressed respectively as follows —
    - (i) by the word “Sealed” followed by the month and year of sealing, or
    - (ii) by the word “Sampled” followed by the month and year of official sampling;
  - (d) the species, indicated at least in Roman characters —
    - (i) under its botanical name, which may be given in abridged form and without the author’s name; or
    - (ii) under its common name; or
    - (iii) under both;
  - (e) the variety, indicated at least in Roman characters;

- (f) the description “pre-basic seed”;
  - (g) the number of generations by which the seed precedes CS seed;
  - (h) the country of production;
  - (i) the declared net or gross weight or declared number of seeds; and
  - (j) where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of pure seeds and the total weight.
- 5.** Subject to paragraph 32, a reference to any maintenance of the variety may be included on the official label.
- 6** The label referred to in paragraph 4 shall be coloured white with a diagonal violet line.
- 7.** The minimum size of the label referred to in paragraph 4 shall be 110 mm x 67 mm.
- 8.** The label referred to in paragraph 4—
- (a) shall be —
    - (i) an adhesive label, or
    - (ii) a label secured to the package by a sealing device approved by the Secretary of State, the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development, and
  - (b) shall be fixed to the package by —
    - (i) an authorised officer or any person being supervised by such a person, or
    - (ii) in a case where the package is being relabelled, by a licensed seed sampler or any person being supervised by such a person.

## PART IV

### LABELLING OF PACKAGES OF OFFICIALLY CERTIFIED BASIC AND CS SEED

#### **Official label for a package of officially certified basic or CS seed**

**9.** Subject to paragraph 31, the package shall be labelled, not later than the time of sealing, on the outside with an official label which has not previously been used containing the following particulars —

- (a) the words “EC rules and standards”;
- (b) the name of the certifying authority and member State or their commonly used initials;
- (c) the reference number of the lot;
- (d) the month and year of sealing or the month and year of the last official sampling for the purposes of certification, expressed respectively as follows —
  - (i) by the word “Sealed” followed by the month and year of sealing, or
  - (ii) by the word “Sampled” followed by the month and year of last official sampling for the purposes of certification;
- (e) the species, indicated at least in Roman characters —
  - (i) under its botanical name, which may be given in abridged form and without the author’s name; or
  - (ii) under its common name; or
  - (iii) under both;
- (f) the variety, indicated at least in Roman characters;
- (g) the category;
- (h) the country of production;

- (i) the declared net or gross weight or declared number of seeds;
- (j) where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additives and also the approximate ratio between the weight of pure seeds and the total weight;
- (k) in the case of —
  - (i) basic seed which is a component of a hybrid variety and the component has been officially accepted on a National List or the Common Catalogue, the name under which the component has been officially accepted, with or without reference to the hybrid variety, accompanied, in the case of a component intended solely as a component for a hybrid variety, by the word “component”;
  - (ii) basic seed which is a component of a hybrid variety and the component has not been officially accepted on a National List or the Common Catalogue, the name of the component, which may be given in code form, accompanied by a reference to the final variety, with or without reference to its function (male or female) and accompanied by the word “component”; and
  - (iii) CS seed which is a hybrid, the name of the variety accompanied by the word “hybrid”.

**10.** Where at least germination has been retested, the words “retested” followed by the month and year of retesting and the authority responsible for such retesting may be indicated on the official label referred to in paragraph 9 or on an official sticker attached to the official label.

**11.** Subject to paragraph 32, a reference to any maintenance of the variety may be included on the official label referred to in paragraph 9.

**12.** The minimum size of the label referred to in paragraph 9 shall be 110 mm x 67 mm.

**13.** The label referred to in paragraph 9 shall be coloured white for basic seed and blue for CS seed.

**14.** The label referred to in paragraph 9—

- (a) shall be —
  - (i) an adhesive label, or
  - (ii) a label secured to the package by a sealing device approved by the Secretary of State, the Scottish Ministers, the National Assembly for Wales or the Department of Agriculture and Rural Development, and
- (b) shall be fixed to the package by —
  - (i) an authorised officer or any person being supervised by such a person, or
  - (ii) in a case where the package is being relabelled, by a licensed seed sampler or any person being supervised by such a person.

**Supplier’s label for a small package of officially certified CS seed**

**15.** The package shall be labelled —

- (a) subject to paragraph 31, on the outside;
- (b) with a label, a printed notice or stamp containing the following information —
  - (i) the words “EC rules and standards”;
  - (ii) the name and address of the supplier responsible for affixing the label or his identification mark;
  - (iii) the marketing year of sealing or the marketing year of last examination of germination, which may be given by reference to the end of the marketing year;
  - (iv) a reference number which enables the seed lot reference number of the seed lot from which the seed in the package has been taken to be identified;
  - (v) the species, indicated at least in Roman characters;
  - (vi) the variety, indicated at least in Roman characters;

- (vii) the words “certified seed” or the letter “C” or “Z”;
- (viii) the declared net or gross weight or declared number of seeds except in the case of a small package of seed not exceeding 500 grams in weight; and
- (ix) where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additives and also the approximate ratio between the weight of pure seeds and the total weight.

**16.** Subject to paragraph 32, a reference to any maintenance of the variety may be included on the label, printed notice or stamp referred to in paragraph 15.

**17.** The label, notice or stamp referred to in paragraph 15 shall be coloured blue.

## PART V

### LABELLING OF PACKAGES OF STANDARD SEED

#### **Supplier’s label for a package of standard seed other than a small package of such seed**

**18.** The package shall be labelled not later than the time of sealing —

- (a) subject to paragraph 31, on the outside;
- (b) with a label, a printed notice or stamp containing the following information —
  - (i) the words “EC rules and standards”;
  - (ii) the name and address of the supplier responsible for affixing the label or his identification mark;
  - (iii) the marketing year of sealing or the marketing year of last examination of germination, which may be given by reference to the end of the marketing year;
  - (iv) the species, indicated at least in Roman characters;
  - (v) the variety, indicated at least in Roman characters;
  - (vi) the words “standard seed”;
  - (vii) a reference number given by the person responsible for affixing the label which enables the seed lot from which the seed in the package has been taken to be identified;
  - (viii) the declared net or gross weight or declared number of seeds; and
  - (ix) where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additives and also the approximate ratio between the weight of pure seeds and the total weight.

**19.** Subject to paragraph 32, a reference to any maintenance of the variety may be included on the label, printed notice or stamp referred to in paragraph 18.

**20.** The minimum size of the label referred to in paragraph 18 shall be 110 mm x 67 mm.

**21.** The label referred to in paragraph 18 shall be coloured dark yellow.

**22.** The label referred to in paragraph 18 shall be fixed to the package by a person registered under regulation 5 of the Seed (Registration, Licensing and Enforcement) (England) Regulations 2002(a) as a person who may label standard seed of vegetables.

#### **Supplier’s label for a small package of standard seed other than a mixture**

**23.** The package shall be labelled —

- (a) subject to paragraph 31, on the outside;
- (b) with a label, a printed notice or stamp containing the following information —
  - (i) the words “EC rules and standards”;
  - (ii) the name and address of the supplier responsible for packing the seeds or his identification mark;

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(a) S.I. 2002/3176.



- (iii) the marketing year of sealing or the marketing year of last examination of germination, which may be given by reference to the end of the marketing year;
- (iv) the species, indicated at least in Roman characters;
- (v) the variety, indicated at least in Roman characters;
- (vi) the words “standard seed” or the letters “ST”;
- (vii) a reference number given by the person responsible for affixing the label which enables the seed lot from which the seed in the package has been taken to be identified;
- (viii) the declared net or gross weight or declared number of seeds except in the case of small packages not exceeding 500 grams; and
- (ix) where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additives and also the approximate ratio between the weight of pure seeds and the total weight.

**24.** Subject to paragraph 32, a reference to any maintenance of the variety may be included on the label, printed notice or stamp referred to in paragraph 23.

**25.** The label referred to in paragraph 23 shall be coloured dark yellow.

**26.** The label referred to in paragraph 23 shall be fixed to the package by a person registered under regulation 5 of the Seed (Registration, Licensing and Enforcement) (England) Regulations 2002 as a person who may label standard seed of vegetables.

**Supplier’s label for a small package of a mixture of standard seed**

**27.** The package shall be labelled —

- (a) subject to paragraph 31, on the outside;
- (b) with a label, a printed notice or stamp containing the following information —
  - (i) the words “EC rules and standards”;
  - (ii) the name and address of the supplier responsible for packing the seeds or his identification mark;
  - (iii) the marketing year of sealing;
  - (iv) the species, indicated at least in Roman characters;
  - (v) the varieties in the mixture, indicated at least in Roman characters;
  - (vi) the words “standard seed” or the letters “ST”;
  - (vii) a reference number given by the person responsible for affixing the label which enables the seed lot from which the seed in the package has been taken to be identified;
  - (viii) the declared net or gross weight or declared number of seeds; and
  - (ix) where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additives and also the approximate ratio between the weight of pure seeds and the total weight.

**28.** Subject to paragraph 32, a reference to any maintenance of a variety included in the mixture may be included on the label, printed notice or stamp referred to in paragraph 27.

**29.** The label referred to in paragraph 27 shall be coloured dark yellow.

**30.** The label referred to in paragraph 27 shall be fixed to the package by a person registered under regulation 5 of the Seed (Registration, Licensing and Enforcement) (England) Regulations 2002 as a person who may label standard seed of vegetables.

## PART VI

### GENERAL PROVISIONS

31. If the packaging material is transparent the label, printed notice or stamp referred to in paragraph 2, 4, 9, 15, 18, 23 or 27 may be placed inside the package provided it can be read through the packaging.

32.—(1) A reference to the maintenance of a variety shall not be included on the label, printed notice or stamp with which a package is labelled except where —

- (a) the existence of the variety was a matter of common knowledge —
  - (i) in Belgium, France, the Federal Republic of Germany (as it was prior to German unification), Italy, Luxembourg or the Netherlands on 1st July 1970;
  - (ii) in Denmark, Ireland or the United Kingdom on 1st July 1973; or
  - (iii) in Spain on 1st March 1986.
- (b) the Secretary of State has been notified that it is intended to include such a reference to the maintenance of the variety on the label; and
- (c) the name of the maintenance appears after the name of the variety, is separated by a dash and is given no greater prominence than the name of the variety.

(2) In this paragraph “maintenance” means a method of maintaining standard seed of a variety entered in a National List or the Common Catalogue, such method being designated by a name chosen by the person responsible for it.

Regulation 27(2)

## SCHEDULE 9

### LIMITS OF VARIATION

#### GERMINATION

<i>Stated minimum percentage of germination (expressed as an integer)</i>	<i>Limit of variation Per cent</i>
99-100	2
97-98	3
94-96	4
91-93	5
87-90	6
82-86	7
76-81	8
69-75	9
60-68	10
50-59	11

### ANALYTICAL PURITY

<i>Stated minimum percentage of analytical purity (expressed to one decimal point)</i>	<i>Limit of variation Per cent</i>
99.9–100	0.2
99.8	0.3
99.6-99.7	0.4
99.3-99.5	0.5
99.0-99.2	0.6
98.5-98.9	0.7
98.3-98.4	0.8
97.5-98.2	0.9
97.0-97.4	1.0
96.5-96.9	1.1
95.5-96.4	1.2
95.0-95.4	1.3

### CONTENT OF SEEDS OF OTHER PLANT SPECIES

<i>Stated maximum percentage of seeds of other plant species (expressed to one decimal point)</i>	<i>Limit of variation Per cent</i>
0.0	0.1
0.1-0.2	0.3
0.3-0.4	0.4
0.5-0.6	0.5
0.7-0.9	0.6
1.0-1.4	0.7
1.5	0.8

## SCHEDULE 10

### INDEX OF WORDS AND EXPRESSIONS USED IN THESE REGULATIONS

The expressions listed in the left-hand column of the following table are defined in the corresponding provisions listed in the right-hand column of the table —

<i>Expression</i>	<i>Provision of these Regulations in which the expression is defined</i>
the Act	Regulation 2(1)
Annex V(C) document	Regulation 2(1)
another member State	Regulation 2(1)
appropriate time	Regulation 6(4)
asparagus	Regulation 3
authorised officer	Regulation 2(1)
basic seed	Paragraph 8 of Schedule 1
beetroot	Regulation 3
blended seed lot	Regulation 2(1)
broad bean	Regulation 3
breeder	Regulation 2(1)
breeder's seed	Regulation 2(1)
Brussels sprouts	Regulation 3
carrot	Regulation 3
cauliflower	Regulation 3
celery	Regulation 3
chard and spinach beet	Regulation 3
Chinese cabbage	Regulation 3
Common Catalogue	Regulation 2(1)
component	Regulation 2(1)
control plot	Regulation 2(1)
CS seed	Paragraph 20 of Schedule 1
cucumber and gherkin	Regulation 3
curly kale	Regulation 3
Department of Agriculture and Rural Development	Regulation 2(1)
Directive crop conditions	Regulation 2(1)
Directive seed conditions	Regulation 2(1)
EC minimum percentage of germination	Regulation 2(1)
EC officially certified basic seed of a listed variety	Paragraph 10 of Schedule 1
EC officially certified basic seed of a component of a listed hybrid variety	Paragraph 15 of Schedule 1
EC officially certified early movement basic seed of a listed variety	Paragraph 13 of Schedule 1
EC officially certified early movement basic seed of a component of a listed hybrid variety	Paragraph 18 of Schedule 1

<i>Expression</i>	<i>Provision of these Regulations in which the expression is defined</i>
EC officially certified early movement CS seed of a listed variety	Paragraph 25 of Schedule 1
EC officially certified early movement pre-basic seed of a listed variety	Paragraph 6 of Schedule 1
EC officially certified CS seed of a listed variety	Paragraph 22 of Schedule 1
EC officially certified pre-basic seed of a listed variety	Paragraph 3 of Schedule 1
EEA State	Regulation 2(1)
endive	Regulation 3
entered seed lot	Regulation 2(1)
final seed test report	Regulation 12(6)
French bean	Regulation 3
genetically modified	Regulation 2(1)
germination condition	Regulation 2(1)
gourd	Regulation 3
grey label	Paragraph 29(3) of Schedule 1
homogeneous seed lot	Regulation 2(1)
kohlrabi	Regulation 3
large-leaved chicory and Witloof chicory	Regulation 3
late entered seed lot	Regulation 2(1)
leek	Regulation 3
legume	Regulation 3
lettuce	Regulation 3
licensed seed sampler	Regulation 2(1)
listed variety	Regulation 2(1)
listing	Regulation 2(1)
maintainer	Regulation 2(1)
maintenance	Paragraph 32(2) of Schedule 8
marketing	Regulation 4
marketing extension	Regulation 2(1)
marketing year	Regulation 2(1)
marrow	Regulation 3
melon	Regulation 3
member State	Regulation 2(1)
a National List	Regulation 2(1)
not finally certified basic seed harvested in another member State	Paragraph 30 of Schedule 1
not finally certified CS seed harvested in another member State	Paragraph 31 of Schedule 1
not finally certified pre-basic seed harvested in another member State	Paragraph 29 of Schedule 1

<i>Expression</i>	<i>Provision of these Regulations in which the expression is defined</i>
official label	Regulation 2(1)
officially certified basic seed	Paragraph 19 of Schedule 1
officially certified CS seed	Paragraph 26 of Schedule 1
officially certified pre-basic seed	Paragraph 7 of Schedule 1
official measures	Regulation 2(1)
official sample	Regulation 2(1)
official UK field inspection	Regulation 2(1)
official UK seed test	Regulation 2(1)
onion	Regulation 3
overseas tested officially certified basic seed of a listed variety	Paragraph 11 of Schedule 1
overseas tested officially certified basic seed of a component of a listed hybrid variety	Paragraph 16 of Schedule 1
overseas tested officially certified CS seed of a listed variety	Paragraph 23 of Schedule 1
overseas tested officially certified pre-basic seed of a listed variety	Paragraph 4 of Schedule 1
parsley	Regulation 3
pea	Regulation 3
pre-basic seed	Paragraph 1 of Schedule 1
previously listed variety	Regulation 2(1)
properly sealed package	Regulation 23(4), (5), (7), (8), (9), (11) and (12)
qualifying seed lot	Regulation 11(13)
qualifying seed test report	Regulation 6(4)
radish	Regulation 3
red cabbage	Regulation 3
registered person	Regulation 2(1)
regulation 18 authorisation	Regulation 2(1)
regulation 19 authorisation	Regulation 2(1)
runner bean	Regulation 3
Savoy cabbage	Regulation 3
Schedule 4 germination test	Regulation 2(1)
Secretary of State	Regulation 2(1)
seed industry activity	Regulation 2(1)
seed lot	Regulation 2(1)
small package	Regulation 2(1)
spinach	Regulation 3
sprouting broccoli	Regulation 3
standard seed	Paragraph 28 of Schedule 1

<i>Expression</i>	<i>Provision of these Regulations in which the expression is defined</i>
third country	Regulation 2(1)
tomato	Regulation 3
turnip	Regulation 3
UK officially certified basic seed of a listed variety	Paragraph 9 of Schedule 1
UK officially certified basic seed of a component of a listed hybrid variety	Paragraph 14 of Schedule 1
UK officially certified CS seed of a listed variety	Paragraph 21 of Schedule 1
UK officially certified early movement basic seed of a listed variety	Paragraph 12 of Schedule 1
UK officially certified early movement CS seed of a listed variety	Paragraph 24 of Schedule 1
UK officially certified early movement pre-basic seed of a listed variety	Paragraph 5 of Schedule 1
UK officially certified early movement basic seed of a component of a listed hybrid variety	Paragraph 17 of Schedule 1
UK officially certified pre-basic seed of a listed variety	Paragraph 2 of Schedule 1
unlisted variety	Regulation 2(1)
the Vegetable Seed Directive	Regulation 2(1)
whenever carried out	Regulation 2(1)
white cabbage	Regulation 3
writing	Regulation 2(3)

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations apply in England and come into force on 31st January 2003. They revoke and replace, with modifications, the Vegetable Seeds Regulations 1993 (S.I. 1993/2008) insofar as they apply to England. They also revoke the Vegetable Seeds (Amendment) Regulations 1996 (S.I. 1996/1452) and the Vegetable Seeds (Amendment) Regulations 1999 (S.I. 1999/1863) insofar as they apply to England and the Vegetable Seeds (Amendment)(England) Regulations 2000 (S.I. 2000/1790), all of which amended the 1993 Regulations.

The 1993 Regulations implemented the provisions of Council Directive 70/458/EEC on the marketing of vegetable seed (O.J. No. L225, 12.10.1970, p.7, OJ/SE 1970 (III) p.674). That Directive, as amended, was replaced by Council Directive 2002/55/EC on the marketing of vegetable seed (O.J. No. L193, 20.7.2002, p.33). These Regulations implement the provisions of that Directive.

The Regulations apply to the certification and marketing of vegetable seed of the species specified in Schedule 2 to these Regulations (regulation 5). They do not apply to seed harvested on or before 31st December 2002 until 1st July 2003 (regulation 33).

The Regulations include provisions that lay down the procedures relating to the certification of vegetable seed in England (Part II), including provisions relating to the entry of seed lots (regulation 6), the entry of crops (regulation 7), the field inspection of crops (regulation 8), the lodging of field inspection reports and similar documents (regulation 9), the re-grading of crops (regulation 10), seed testing (regulation 11), the lodging of seed test reports (regulation 12), the re-grading of seed (regulation 13) and the withdrawal of official certification (regulation 14).

The Regulations include provisions that prohibit the marketing of vegetable seed in England except for seed that falls into one of the categories listed in Schedule 6 (regulation 15). These categories are

defined in Schedule 1. The prohibition does not apply in the case of seed of a category that is not listed in Schedule 6 where an authorisation has been granted for scientific purposes or selection work (regulation 18) or for the market testing (regulation 19) or is authorised by a general licence made under regulation 20.

The Regulations lay down requirements relating to the sampling (regulation 22) and packaging (regulation 23) of seed and the sealing (regulation 24) and labelling of packages (regulation 25) of seed.

The Regulations enable the Secretary of State to make arrangements for any person to act under her responsibility in carrying out official measures (regulation 28) and include provisions relating to the charging of fees (regulation 29).

The contravention of these Regulations is a criminal offence (section 16(7) of the Plant Varieties and Seeds Act 1964).

A Regulatory Impact Assessment and a Transposition Note have been prepared for these Regulations. A copy of each of these documents has been placed in the library of each House of Parliament. Copies can be obtained from the Plant Variety Rights Office and Seeds Division of the Department for Environment, Food and Rural Affairs, White House Lane, Huntingdon Road, Cambridge CB3 0LF.