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STATUTORY INSTRUMENTS

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**2005 No. 2671**

**SEEDS, ENGLAND**

**The Beet Seed (England) (Amendment) Regulations 2005**

*Made* - - - - 25th September 2005  
*Laid before Parliament* 28th September 2005  
*Coming into force* - - 26th October 2005

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

**Title and commencement**

1. These Regulations may be cited as the Beet Seed (England) (Amendment) Regulations 2005 and come into force on 26th October 2005.

**Amendment of the Beet Seed (England) Regulations 2002**

2.—(1) The Beet Seed (England) Regulations 2002<sup>(3)</sup> shall be amended in accordance with the provisions of this regulation.

(2) In regulation 2(1)—

(a) for the definition of “the Beet Seed Directive” there shall be substituted the following definition—

““the Beet Seed Directive” means Council Directive 2002/54/EC<sup>(4)</sup> on the marketing of beet seed as last amended by Council Directive 2004/117/EC<sup>(5)</sup>”;

(b) for the definition of “equivalent third country” there shall be substituted the following definition—

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(1) 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 Minister”.

(2) 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.

(3) S.I. 2002/3171 as amended by S.I. 2004/2385.

(4) O.J. No. L193, 20.7.2002, p12.

(5) O.J. No. L14, 18.1.2005, p18.

““equivalent third country” means Bulgaria, Chile, Croatia, New Zealand, Romania, Serbia and Montenegro, Turkey and the United States of America;”;

(c) in the definition of “licensed EC crop inspector”, for the words “Article 2(3)(i)(c)” there shall be substituted the words “Article 2(3)A(a)(iii)”;

(d) for the definition of “licensed EC seed testing station” there shall be substituted the following definition—

““licensed EC seed testing station” means a seed testing laboratory authorised by the competent seed certification authority in another member State, pursuant to Article 2(3)B(a) of the Beet Seed Directive, to carry out seed testing in that member State;”;

(e) for the definition of “licensed third country seed testing station” there shall be substituted the following definition—

““licensed third country seed testing station” means a seed testing laboratory authorised by the approved seed certification authority in an equivalent third country, pursuant to Rule 6(4)(2)(3) of, and Appendix 8B to, the OECD Beet Seed Scheme, to carry out seed testing in that country;”;

(f) for the definition of the “OECD Decision” there shall be substituted the following definition—

““OECD Decision” means the Decision of the OECD Council revising the OECD Schemes for Varietal Certification or the Control of Seed Moving in International Trade(6) as last amended by OECD Council Decision C(2005)38(7);”.

(3) In paragraph 25(2)(a)(ii) of part III of Schedule I, for the words “the Annex” there shall be substituted the words “Annex II”.

*Bach*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural  
Affairs

25th September 2005

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(6) C(2000)146/Final.

(7) C(2005)38.

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## EXPLANATORY NOTE

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

These Regulations amend the Beet Seed (England) Regulations 2002 ([SI 2002/3171](#)) as amended by the Beet Seed (England) (Amendment) Regulations 2004 ([SI 2004/2385](#)) (the “2002 Regulations”) and come into force on 26th October 2005.

The amendments to the 2002 Regulations—

- (a) update definitions to take account of Council Directive [2004/117/EC](#) (O.J. No. L14, 18.1.2005, p. 18) on examinations carried out under official supervision and equivalence of seed produced in third countries (*Regulations 2(2)(a), 2(2)(c) and 2(2)(d)*);
- (b) update references to reflect amendments to the Decision of the OECD Council revising the OECD Schemes for Varietal Certification or the Control of Seed Moving in International Trade (C(2000)146/Final) (*Regulations 2(2)(e) and 2(2)(f)*); and
- (c) correct errors (*Regulations 2(2)(b) and 2(3)*).

A Transposition Note has been prepared for these Regulations and a copy has been placed in the library of each House of Parliament. Copies of the Transposition Note 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.

A regulatory impact assessment has not been prepared for this instrument, as it has no impact on the cost of businesses, charities or voluntary bodies.