
STATUTORY INSTRUMENTS

2009 No. 1274

**The Seed (Conservation Varieties
Amendments) (England) Regulations 2009**

PART 3

Amendments to the Fodder Plant Seed (England) Regulations 2002

Amendment

10. The Fodder Plant Seed (England) Regulations 2002 are amended as follows.

Regulation 2 (general interpretation)

11. In regulation 2(1)—

(a) after the definition of “breeder’s seed”, insert—

““Commission Directive 2008/62” means Commission Directive [2008/62/EC](#) providing for certain derogations for acceptance of agricultural landraces and varieties which are naturally adapted to the local and regional conditions and threatened by genetic erosion and for marketing of seed and seed potatoes of those landraces and varieties;”;

(b) after the definition of “component”, insert—

““conservation variety” means a variety which is listed as a conservation variety in accordance with the Seeds (National Lists of Varieties) Regulations 2001;”.

Insertion of new regulation 20A

12. After regulation 20, insert—

“Exception for conservation varieties

20A.—(1) The prohibition in regulation 15(1) does not apply to the marketing of seed of a conservation variety, provided that the requirements of this regulation are met.

(2) The seed must be descended from seed produced according to well defined practices for maintenance of the variety.

(3) The seed must have been harvested from a crop that—

(a) has been produced in the region of origin for the variety, and

(b) satisfies the conditions laid down in Schedule 3 and Part I of Schedule 4 for a crop from which CS, C1 or C2 seed (whichever is the final generation) for the species in question is to be produced, except for the conditions in respect of minimum varietal purity and those concerning official examination or examination under official supervision.

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(4) The seed must satisfy the conditions laid down in Parts II, III and IV of Schedule 4 for CS, C1 or C2 seed (whichever is the final generation) for the species in question, except for the conditions in respect of minimum varietal purity and those concerning official examination or examination under official supervision.

(5) The seed may only be marketed in its region of origin.

(6) A person proposing to produce seed of a conservation variety must supply the Secretary of State, in such manner and form as the Secretary of State requires, with details in writing of the size and location of the area to be used to produce that seed.

(7) For the purposes of Articles 14 and 15(2) of Commission Directive 2008/62 (quantitative restrictions), the Secretary of State may specify the maximum amount of conservation variety seed which may be marketed in any given production season; and different maxima for different persons or classes of persons may be specified.

(8) The amount of seed marketed by a person must not exceed any maximum amount specified under paragraph (7) in relation to that person.

(9) Any person marketing seed of a conservation variety must supply the Secretary of State, on request, with details in writing of the amount and variety of the seed placed on the market during each production season.

(10) In this regulation—

- (a) “official examination or examination under official supervision” means an official UK field inspection, a UK field inspection carried out under official supervision, or a seed test carried out by an official testing station or under official supervision by a licensed seed testing laboratory;
- (b) “region of origin” has the meaning given to it by regulation 2(1) of the Seeds (National Lists of Varieties) Regulations 2001, but also includes any other area approved by the Secretary of State for the purposes of the second paragraph of Article 11(1) of Commission Directive 2008/62.”.

Regulation 23 (sampling)

13. After regulation 23(1), insert—

“(1A) A sample of seed taken from a conservation variety for the purpose of checking compliance with these Regulations must be taken from a homogeneous seed lot.”.

Regulation 24 (packaging)

14.—(1) Regulation 24(1) is amended as follows.

(2) In paragraph (2)—

- (a) after each of sub-paragraphs (b) and (c), omit “or”;
- (b) after sub-paragraph (d), insert “or”, and after that insert—
 - “(e) seed of a conservation variety,”.

(3) In paragraph (4), after “breeder’s seed”, insert “and seed of a conservation variety”.

Regulation 26 (labelling of packages)

15.—(1) Regulation 26(2) is amended as follows.

(2) In paragraph (1)—

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- (1) Regulation 24 has been amended by [S.I. 2004/2387](#) and [2006/2314](#).
 - (2) Regulation 26 has been amended by [S.I. 2004/2387](#), [2006/2314](#), and [2007/1872](#).

- (a) after each of sub-paragraphs (b) and (c), omit “or”;
 - (b) after sub-paragraph (d), insert “or”, and after that insert—
 - “(e) seed of a conservation variety,”.
 - (3) In paragraph (4), after “test and trial seed”, insert “or seed of a conservation variety”.
 - (4) After paragraph (16A), insert—
 - “(16B) A package of seed of a conservation variety must be labelled—
 - (a) in the case of a package of seed sealed in England, in accordance with paragraph 45(3) 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 18 of Commission Directive 2008/62.”.

Schedule 8 (labelling)

16. After paragraph 44(4) of Schedule 8, insert—

“Part IX

Labelling of Packages of Seed of a Conservation Variety

Supplier’s label or notice for a package of seed of a conservation variety

45.—(1) The package must be labelled, not later than the time of sealing, on the outside with a supplier’s label, or a printed or stamped notice, containing the following particulars—

- (a) the words “EC rules and standards”;
- (b) the name and address, or the registration number, of the person responsible for affixing the label or notice;
- (c) the year of sealing, or the year of last sampling for the purposes of the last testing of germination, expressed by the word “sealed” or “sampled” (as the case may be), followed by the year in question;
- (d) the species;
- (e) the denomination of the conservation variety;
- (f) the words “conservation variety”;
- (g) the region of origin;
- (h) where the region of seed production is different from the region of origin, the indication of the region of seed production;
- (i) the reference number of the lot given by the person responsible for affixing the label;
- (j) the declared net or gross weight or declared number of seeds; and
- (k) where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the chemical treatment or additive and

(3) Paragraph 45 is inserted by regulation 16.

(4) Paragraph 44 was inserted by [S.I. 2006/2314](#).

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the approximate ratio between the weight of clusters of pure seeds and the total weight.

(2) The label or notice must be coloured brown.”.

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Changes and effects yet to be applied to :

- Regulations revoked by [S.I. 2010/2605 reg. 34\(w\)](#)