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STATUTORY INSTRUMENTS

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**2009 No. 1274**

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

**PART 3**

**Amendments to the Fodder Plant Seed (England) Regulations 2002**

**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.

(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.

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**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Seed (Conservation Varieties Amendments) (England) Regulations 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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(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.”.

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**Changes and effects yet to be applied to :**

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