

## SCHEDULE 2

Regulation 7

### Transitory modifications: application of the Seed Marketing Regulations 2011

## PART 1

### General

1. The 2011 Regulations, in their application to heterogeneous material produced under a licence granted under regulation 21A of the 2011 Regulations, are to be read as if they were amended as follows.
2. In this Schedule—
  - (a) references to a regulation are to a regulation of the 2011 Regulations<sup>(1)</sup> unless otherwise specified;
  - (b) references to a Schedule are to a Schedule to the 2011 Regulations, unless otherwise specified.

## PART 2

### Transitory modifications: certification

3. Regulation 3 (interpretation of other terms)<sup>(2)</sup> is to be read as if—
  - (a) after paragraph (1)(c) there were inserted—

“(ca) “the HM Regulations” means the Seed Marketing (Heterogeneous Material) (Temporary Experiment) (England) Regulations 2023;”;
  - (b) after paragraph (2) there were inserted—

“(3) References to a regulation or to a Schedule should be read as referring, as the case may be, to a regulation of, or to a Schedule to, these Regulations subject to the transitory modifications made by Schedule 2 to the HM Regulations.”.
4. Regulation 5 (categories of seed) is to be read as if after paragraph (g) there were inserted—

“(ga) certified seed, heterogeneous material (“HM”);”.
5. Regulation 10 (overriding requirements: the building blocks necessary for certification)<sup>(3)</sup> is to be read as if—
  - (a) the existing text were renumbered paragraph (1);
  - (b) in paragraph (1), as renumbered, in the opening words after “regulation 5” there were inserted “except for category (ga) (certified seed, heterogeneous material)”;
  - (c) after paragraph (1), as renumbered, there were inserted—

“(2) To be certified as category (ga) of regulation 5, heterogeneous material must—

    - (a) be a seed population produced under a licence granted under regulation 21A; and
    - (b) meet the requirements for certification specified in the HM Regulations and in Schedule 2.”.

(1) S.I. 2011/463; relevant amendments were made by S.I. 2011/2992, 2012/3035, 2016/613 and 2019/131 (as amended by S.I. 2020/1388).

(2) Regulation 3 was amended by S.I. 2011/2992, 2012/3035 and 2019/131 (as amended by S.I. 2020/1388).

(3) Regulation 10 was amended by S.I. 2019/131 (as amended by S.I. 2020/1388).

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6. Regulation 11 (detailed requirements for certification) is to be read as if in paragraph (3)—
- (a) in the opening words and in sub-paragraph (a), after “Schedule 2” there were inserted “and, in relation to heterogeneous material, the HM Regulations”; and
  - (b) sub-paragraph (b) and the preceding “or” were omitted.
7. Regulation 13 (standard of seed at time of marketing) is to be read as if for that regulation there were substituted—
- “13. At the time of marketing the seed must—
- (a) as a minimum, comply with the standards in Schedule 2 relating to that type of seed; or
  - (b) in relation to heterogeneous material, comply with the applicable standards in Schedule 2 and the HM Regulations.”.
8. In regulation 15 (control plots and tests), paragraph (2) is to be read as if after “varietal purity” there were inserted “or, in relation to heterogeneous material, the applicable certification requirements in Schedule 2 and the HM Regulations,”.
9. In regulation 17 (labelling), paragraph (1) is to be read as if after “Schedule 3” there were inserted “or, in relation to heterogeneous material, in accordance with regulation 17 of the HM Regulations”.
10. In regulation 20 (operations requiring a licence from the Secretary of State), paragraph (2) is to be read as if in sub-paragraph (a), for “as defined in Schedule 3”, there were substituted “not exceeding 15 kg in weight”.
11. Regulation 23 (withdrawing certification) is to be read as if in paragraph (1)—
- (a) the “or” after sub-paragraph (b) were omitted; and
  - (b) after sub-paragraph (c)(ii), there were inserted—  
“; or
  - (d) in relation to heterogeneous material, the seed of a population did not meet the conditions in regulation 13 or 16 of the HM Regulations”.
12. Regulation 28 (appeals) is to be read as if in paragraph (1), after sub-paragraph (a), there were inserted—
- “(aa) in relation to heterogeneous material—
- (i) refuse to grant a licence under regulation 21A,
  - (ii) vary the conditions attached to such a licence in accordance with regulation 8 of the HM Regulations,
  - (iii) suspend or revoke such a licence in accordance with regulation 9 of those Regulations,”.

### PART 3

#### Transitory modification: Schedule 2 to the 2011 Regulations

13. Schedule 2 (certification requirements) is to be read as if for paragraph 12 (meaning of “certified seed”) there were substituted—

“12.—(1) Certified seed is seed which meets the requirements of either paragraph (2) or paragraph (3).

- (2) Certified seed within this paragraph is seed—
  - (a) of rye, maize, triticale or any hybrid of barley, oats, wheat, durum wheat or spelt wheat;
  - (b) that has been produced directly from basic seed or, if the breeder so requests, from seed of a generation prior to basic seed that satisfies the conditions for basic seed; and
  - (c) that is intended for purposes other than the production of cereal seed.
- (3) Certified seed within this paragraph is seed from a population—
  - (a) produced under a licence granted under regulation 21A; and
  - (b) which meets the requirements for certification in—
    - (i) the HM Regulations; and
    - (ii) these Regulations.”.

**14.** In paragraph 15 (crop and seed requirements)(4), sub-paragraph (1) is to be read as if, at the end, there were inserted “save that, as regards HM seed, the seed is not required to satisfy the conditions in paragraphs 3 and 4 of that Annex”.

**15.** In paragraph 17 (additional requirements for barley, wheat, durum wheat and spelt wheat), sub-paragraph (b)(ii) is to be read as if, after “C1” there were inserted “, HM”.

**16.** In paragraph 18 (seed from other plants), the table (seed of other species) is to be read as if, in the first column, in the third row, after “C2” there were inserted “and HM”.

**17.** In paragraph 19 (ergot and sclerotia), sub-paragraph (b) is to be read as if for “C1 or C2” there were substituted “C1, C2 or HM”.

## PART 4

### Transitory modification: Schedule 3 to the 2011 Regulations

**18.** The 2011 Regulations are to be read as if Schedule 3 (labelling and loose sales) did not apply in relation to in relation to heterogeneous material.

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(4) Paragraph 15 was amended by [S.I. 2019/131](#), [2020/682](#) and [2022/1090](#).