

SCHEDULE 2

Certification requirements

PART 5

Vegetables

Scope of Part 5

44. This Part regulates the types of vegetables in Schedule 1.

Permitted types of vegetable seed

45.—(1) Vegetable seed must be—

- (a) pre-basic seed;
- (b) basic seed;
- (c) certified seed; or
- (d) standard seed.

(2) The seed may be a mixture of different varieties of the same vegetable species provided that each variety in the mixture is standard seed.

Meaning of “pre-basic seed”

46. Pre-basic seed is seed—

- (a) produced from a generation prior to pre-basic seed by or under the responsibility of the breeder according to well-defined practices for the maintenance of the variety; and
- (b) intended for the production of—
 - (i) more pre-basic seed;
 - (ii) basic seed; or
 - (iii) with the breeder's written authority, certified seed.

Meaning of “basic seed”

47.—(1) Basic seed is seed—

- (a) produced under the responsibility of the breeder according to well-defined practices for the maintenance of the variety;
- (b) intended for the production of certified seed.

(2) For the avoidance of doubt this includes seeds intended as a component of a hybrid variety of vegetable.

Meaning of “certified seed”

48. Certified seed is seed—

- (a) 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;
- (b) intended mainly for the production of vegetables.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Seed Marketing (Wales) Regulations 2012*. 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](#)

Meaning of “standard seed”

49. Standard seed is seed that is intended mainly for the production of vegetables and has been approved by the Welsh Ministers as having sufficient varietal purity and varietal identity.

Crop and seed requirements

50.—(1) Crop inspections by official or licensed crop inspectors must be carried out in accordance with Article 2(4)(A) of, and Annex I to, Council Directive [2002/55/EC](#) on the marketing of vegetable seed ^{M1}, and the crop must satisfy the conditions in that Annex.

(2) The seed produced by the crop must be sampled in accordance with Article 25 of, and Annex III to, that Directive and must satisfy the conditions in Annex II to that Directive.

(3) Sub-paragraph (1) does not apply in the case of standard seed.

[^{F1}(4) The crop and seed produced by the crop must be practically free from any pests which reduce the usefulness and quality of the seed.

(4A) The crop and seed produced by the crop must comply with the requirements concerning Union quarantine pests, protected zone quarantine pests and RNQPs set out in implementing acts adopted pursuant to the EU Plant Health Regulation, and measures adopted pursuant to Article 30(1) of that Regulation.]

(5) After marketing, vegetable seed is subject to control by the Welsh Ministers for varietal identity and varietal purity.

Textual Amendments

F1 Sch. 2 para. 50(4)(4A) substituted for Sch. 2 para. 50(4) (29.8.2020) by [The Marketing of Seed, Plant and Propagating Material \(Wales\) Regulations 2020 \(S.I. 2020/833\)](#), regs. 1, **4(2)(d)**

Marginal Citations

M1 OJ No L 193, 20.7.2002, p. 33, as last amended by Commission Directive 2009/74/EC (OJ No L 166, 27.6.2009, p. 40).

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 2 para. 7(6) inserted by [S.I. 2019/368 reg. 4\(11\)\(a\)\(iii\)](#)
- Sch. 2 para. 15(2A) inserted by [S.I. 2019/368 reg. 4\(11\)\(b\)\(iii\)](#)
- Sch. 2 para. 28(1A) inserted by [S.I. 2019/368 reg. 4\(11\)\(c\)\(ii\)](#)
- Sch. 2 para. 42(1A) inserted by [S.I. 2019/368 reg. 4\(11\)\(d\)\(ii\)](#)
- Sch. 2 para. 50(2A) inserted by [S.I. 2019/368 reg. 4\(11\)\(f\)\(iii\)](#)
- Sch. 2 para. 7(6)(b)(i)(bb) word substituted in earlier amending provision S.I. 2019/368, reg. 4(11)(a)(iii) by [S.I. 2020/1573 reg. 4\(3\)\(h\)\(i\)](#)
- Sch. 4 para. 12(1) Sch. 4 para. 12 renumbered as Sch. 4 para. 12(1) by [S.I. 2019/368 reg. 4\(13\)\(h\)\(i\)](#)
- Sch. 4 para. 7(5A) inserted by [S.I. 2019/368 reg. 4\(13\)\(d\)\(i\)](#)
- Sch. 4 para. 8(8) inserted by [S.I. 2019/368 reg. 4\(13\)\(e\)\(iv\)](#)
- Sch. 4 para. 10(9) inserted by [S.I. 2019/368 reg. 4\(13\)\(f\)\(iii\)](#) (This amendment not applied to legislation.gov.uk. Reg. 4(13)(f) substituted immediately before IP completion day by S.I. 2020/1573, regs. 1(2)(b), 4(3)(j)(iv))
- Sch. 4 para. 12(1)(c)(2) inserted by [S.I. 2019/368 reg. 4\(13\)\(h\)\(ii\)\(dd\)](#)
- Sch. 4 para. 12(1)(a) word omitted by [S.I. 2019/368 reg. 4\(13\)\(h\)\(ii\)\(bb\)](#)
- Sch. 4 para. 7(5A) word substituted in earlier amending provision S.I. 2019/368, reg. 4(13)(d)(i) by [S.I. 2020/1573 reg. 4\(3\)\(j\)\(i\)\(bb\)](#)
- Sch. 4 para. 12(1)(a) word substituted in earlier amending provision S.I. 2019/368, reg. 4(13)(h)(ii)(bb) by [S.I. 2020/1573 reg. 4\(3\)\(j\)\(vi\)](#)
- Sch. 4 para. 12(1)(a) words inserted by [S.I. 2019/368 reg. 4\(13\)\(h\)\(ii\)\(bb\)](#)
- Sch. 4 para. 12(1)(b) words inserted by [S.I. 2019/368 reg. 4\(13\)\(h\)\(ii\)\(cc\)](#)
- Sch. 4 para. 12(1) words omitted by [S.I. 2019/368 reg. 4\(13\)\(h\)\(ii\)\(aa\)](#)
- reg. 3(1)(d)(e) inserted by [S.I. 2019/368 reg. 4\(2\)](#) (This amendment not applied to legislation.gov.uk. Reg. 4(2) substituted immediately before IP completion day by S.I. 2020/1573, regs. 1(2)(b), 4(3)(a))
- reg. 8A inserted by [S.I. 2019/368 reg. 4\(5\)](#) (This amendment not applied to legislation.gov.uk. Reg. 4(5) omitted immediately before IP completion day by virtue of S.I. 2020/1573, regs. 1(2)(b), 4(3)(d))
- reg. 10(a)(i)(ii) and word substituted for words by [S.I. 2019/368 reg. 4\(6\)](#) (This amendment not applied to legislation.gov.uk. Reg. 4(6) substituted immediately before IP completion day by S.I. 2020/1573, regs. 1(2)(b), 4(3)(e))
- reg. 27(4) inserted by [S.I. 2019/368 reg. 4\(9\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Reg. 4(9)(c) omitted immediately before IP completion day by virtue of S.I. 2020/1573, regs. 1(2)(b), 4(3)(f)(iv))
- reg. 32A32B inserted by [S.I. 2019/368 reg. 4\(10\)](#)
- reg. 32A word substituted in earlier amending provision S.I. 2019/368, reg. 4(10) by [S.I. 2020/1573 reg. 4\(3\)\(g\)\(i\)](#)
- reg. 32B word substituted in earlier amending provision S.I. 2019/368, reg. 4(10) by [S.I. 2020/1573 reg. 4\(3\)\(g\)\(ii\)\(aa\)](#)
- reg. 32B word substituted in earlier amending provision S.I. 2019/368, reg. 4(10) by [S.I. 2020/1573 reg. 4\(3\)\(g\)\(ii\)\(bb\)](#)