
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 317

The Oil and Fibre Plant Seed (Scotland) Regulations 2004

PART IV

**PACKAGING AND LABELLING
REQUIREMENTS FOR FULLY CERTIFIED SEED**

Sealing of packages of fully certified seed

16.—(1) Subject to regulation 18, no person shall market in accordance with regulations 6(1), 9, 11 or 12 a package (other than a small package sealed in accordance with paragraph (4)) of Commercial Seed, Pre-basic Seed, Basic Seed, Seed of a Certified Generation, a varietal association to which regulation 9 applies, lower germination seed or early movement seed unless, subject to paragraph (2), it has been—

- (a) (i) not later than at the time of sampling; or
(ii) in the case of seed which is wholly or partly re packaged, the original package has been not later than at the time of sampling,

sealed in Scotland by the Scottish Ministers or a licensed seed sampler with a sealing device in such a manner that when the package is opened the sealing device will be broken and cannot be re used; or

- (b) sealed—
 - (i) in the United Kingdom but not in Scotland; or
 - (ii) in an EEA State other than the United Kingdom,in accordance with the provisions of Article 11(1) (sealing of packages) of the Oil and Fibre Plant Seed Directive.

(2) In the case of a package of seed in respect of which the Scottish Ministers have issued an official certificate under regulation 14(3)—

- (a) paragraph (1)(a) shall apply as if the words “not later than at the time of sampling” were omitted; and
- (b) subject to sub paragraph (a), the package of seed shall be sealed in accordance with paragraph (1)(a) within 7 days of the issue of the official certificate.

(3) If a package of seed which has been sealed in accordance with paragraph (1) is opened it may not be marketed in accordance with regulations 6(1), 9, 11 or 12 unless it is re sealed or further re sealed—

- (a) in Scotland by the Scottish Ministers or a licensed seed sampler with a sealing device in such a manner that when the package is opened the sealing device is broken and cannot be re-used; or
- (b) (i) in the United Kingdom but not in Scotland; or
(ii) in an EEA State other than the United Kingdom,

in accordance with the provisions of Article 11(2) (re sealing of packages) of the Oil and Fibre Plant Seed Directive.

(4) No person shall market in accordance with regulations 6(1), 9, 11 or 12 a small package of Commercial Seed, Pre basic Seed, Basic Seed, Seed of a Certified Generation, a varietal association to which regulation 9 applies, lower germination seed or early movement seed, unless it has been, or in the case of seed which is wholly or partly re packaged, the original package has been, sealed by the Scottish Ministers, a licensed seed sampler or a person registered by a National Authority in any part of the United Kingdom as a seed merchant, seed packer or seed processor under regulation 4(1) (registration of seed merchants, seed packers and seed processors) of the Seeds (Registration, Licensing and Enforcement) Regulations 1985⁽¹⁾ or provisions equivalent to that regulation, not later than at the time of sampling in the United Kingdom with a sealing device in such a manner that when the package is opened the sealing device is broken and cannot be re used.

(5) If a small package of seed which has been sealed in accordance with paragraph (4) is opened, it may not be marketed in accordance with regulations 6(1), 9, 11 or 12 unless it is re-sealed or further re-sealed by the Scottish Ministers, a licensed seed sampler or a person registered by a National Authority in any part of the United Kingdom as a seed merchant, seed packer or seed processor under regulation 4(1) (registration of seed merchants, seed packers and seed processors) of the Seeds (Registration, Licensing and Enforcement) Regulations 1985 or provisions equivalent to that regulation, with a sealing device, in such a manner that when the package is opened the sealing device is broken and cannot be re-used.

(6) No person shall market in accordance with regulation 6(1) a package of Breeder's Seed unless it is marketed in a package which has been sealed with a sealing device in such a manner that when the package is opened the sealing device is broken and cannot be re-used.

(7) If a package of Breeder's Seed which has been sealed in accordance with paragraph (6) is opened it may not be marketed in accordance with regulation 6(1) unless it is re-sealed or further re-sealed with a sealing device in such a manner that when the package is opened the sealing device is broken and cannot be re-used.

Labelling of packages of fully certified seed

17.—(1) Subject to regulation 18, no person shall market in accordance with regulations 6(1), 9, 11 or 12 any Commercial Seed, Pre basic Seed, Basic Seed, Seed of a Certified Generation, a varietal association to which regulation 9 applies, lower germination seed or early movement seed, except in a package which, not later than at the time of sealing, is labelled, inscribed or otherwise dealt with in accordance with this regulation.

(2) In the case of a package of seed in respect of which the Scottish Ministers have issued an official certificate under regulation 14(3)—

- (a) paragraph (1) shall apply as if the words “not later than at the time of sealing” were omitted; and
- (b) subject to sub-paragraph (a), the package of seed shall be re labelled in accordance with this regulation within 7 days of the issue of the official certificate.

(3) In the case of seed of a variety which has been genetically modified, any label, document, printing or stamp, whether official or otherwise, affixed to or accompanying a seed lot or any part of a seed lot in accordance with the provisions of this regulation, and any particulars given under regulation 18, shall clearly indicate that the variety has been genetically modified.

(4) A package of Breeder's Seed shall have affixed on the outside a label containing, as appropriate to the seed, particulars of the matters specified, and being of the colour also specified,

(1) S.I.1985/980, as relevantly amended by S.I. 1987/1098, 1990/611 and 1993/2530.

in paragraph 3 of Part II of Schedule 6, which shall be either an adhesive label or tear-proof label and shall be affixed, in either case, not later than at the time of sealing.

(5) Subject to paragraph (10), a package (other than a small package sealed in the United Kingdom in accordance with regulation 16(4)) of Commercial Seed, Pre basic Seed, Basic Seed, Seed of a Certified Generation, a varietal association of seed to which regulation 9 applies, lower germination seed or early movement seed—

- (a) which is sealed in Scotland shall have affixed on the outside an official label—
 - (i) containing, as appropriate to the category of seed and the seed itself, particulars of the matters specified, and being of at least the size and of the colour also specified, in the relevant paragraph of Part II of Schedule 6; and
 - (ii) which shall be either an adhesive label or a label secured to the package by a sealing device approved by the Scottish Ministers and shall be affixed, in either case, by the Scottish Ministers or a licensed seed sampler; and

(b) which is sealed—

- (i) in the United Kingdom but not in Scotland; or
- (ii) in an EEA State other than the United Kingdom,

in accordance with the provisions of Articles 11(2) (re sealing), 12(1)(a) (labelling of packages) and 18(c) (labelling of packages of Pre-basic Seed) of the Oil and Fibre Plant Seed Directive appropriate to the relevant category of seed and the seed itself.

(6) If in accordance with regulation 11 a person shall market any lower germination seed—

- (a) the official label shall contain a statement that the minimum percentage of germination of the seed is less than the minimum percentage of germination for Basic Seed; and
- (b) a label affixed to the outside of the package shall contain a statement of the specific minimum percentage of germination of the seed guaranteed by the person marketing the seed in accordance with regulation 11(2) together with the name and address of the seller and the reference number of the seed lot.

(7) If in accordance with regulation 12 a person shall market any early movement seed, a label affixed to the outside of the package shall contain—

- (a) a statement that the seed is being sold before the official examination of the germination of that seed lot has been concluded; and
- (b) a statement of the specific minimum percentage of germination guaranteed by the person marketing the seed in accordance with regulation 12(2)(c), together with the name and address of the seller and the reference number of the seed lot.

(8) Subject to paragraph (9), a package (other than a small package sealed in the United Kingdom in accordance with regulation 16(4)) of Commercial Seed, Pre-basic Seed, Basic Seed, Seed of a Certified Generation, a varietal association of seed to which regulation 9 applies, lower germination seed or early movement seed—

- (a) which is sealed in Scotland shall contain an official inner label which shall be of the same colour as, and in addition to, the official label affixed to the outside of the package in accordance with paragraph (5) and shall contain particulars of the matters specified in the items numbered—
 - (i) in the case of Pre basic Seed and lower germination seed to which paragraph 4 of Part II of Schedule 6 is relevant, paragraph 4(a)(iii) to (v) of Part II of Schedule 6;
 - (ii) in the case of Basic Seed, Seed of a Certified Generation, or lower germination seed to which paragraph 5 of Part II of Schedule 6 is relevant, paragraph 5(a)(iv) to (vi) of Part II of Schedule 6;

(iii) in the case of Commercial Seed, paragraph 6(a)(iv) to (vi) of Part II of Schedule 6; and

(iv) in the case of a varietal association to which regulation 9 applies, paragraph 7(a)(iv) to (vi) of Part II of Schedule 6; and

(b) which is sealed in–

(i) the United Kingdom but not in Scotland; or

(ii) an EEA State other than the United Kingdom,

shall contain an official document in accordance with Article 12(1)(b) (official documents) of the Oil and Fibre Plant Seed Directive.

(9) The official inner label or document referred to in paragraph (8) shall not be required if the particulars specified in paragraphs (3), (8) and (13) are printed indelibly on the outside of the package or if the official label is an adhesive or a tear resistant label.

(10) Notwithstanding paragraph (5), but subject to paragraphs (6) and (7), a package (other than a small package sealed in the United Kingdom in accordance with regulation 16(4)) of Commercial Seed, Basic Seed, Seed of a Certified Generation, a varietal association of seed to which regulation 9 applies, lower germination seed or early movement seed may be marketed if–

(a) the appropriate particulars of the matters specified in Part II of Schedule 6 and paragraphs (3), (12) and (13) for packages sealed in Scotland, and in Articles 5 (lower germination and early movement seed), 11(2) (re-sealing) 12(1)(a) (labelling) and 14 (identification of genetically modified varieties) and Annex IV (labels) of the Oil and Fibre Plant Seed Directive for packages sealed in either–

(i) the United Kingdom but not in Scotland; or

(ii) an EEA State other than the United Kingdom,

are printed or stamped indelibly on the package in a panel of at least the size and of the colour so specified; and

(b) the requirements of paragraphs 11 to 16 of Part VI of Schedule 6 are satisfied, in the case of a package sealed in Scotland; and

(c) the requirements of paragraph 17 of Part VI of Schedule 6 are satisfied in the case of a package sealed in either–

(i) the United Kingdom but not in Scotland; or

(ii) an EEA State other than the United Kingdom.

(11) A small package sealed in the United Kingdom shall have affixed on the outside a label containing, as appropriate to the category of the seed and the seed itself, particulars of the matters specified in paragraphs (3), (12) and (13) and the relevant paragraph of Part II of Schedule 6, and being of the colour specified in the relevant paragraph of Part II of Schedule 6, except that subject to paragraphs (6) and (7)–

(a) if such particulars are printed indelibly on the outside of the package in a panel of the colour so specified, the label shall not be required; and

(b) if the packaging material is transparent the label may be placed inside the package provided it can be read through the packaging.

(12) Subject to paragraph (10) or (11), if a package of seed has been re sealed in accordance with regulation 16(3) or 20(4) this fact shall be stated on the official label required under paragraph (5) or the label required under paragraph (11), as the case may be, together with the month and year of re sealing and the name of the authority responsible for the re sealing.

(13) If any seed has been subjected to any chemical treatment this fact and the nature of the treatment or the proprietary name of the chemical used in the treatment shall be stated either–

- (a) in a case where regulation 18 applies, with the particulars given in accordance with that regulation;
- (b) in a case where regulation 18 does not apply–
 - (i) on a separate label on the package; or
 - (ii) on the label referred to in paragraph (4), (5) or (11), the official inner label or document referred to in paragraph (8), or the printing or stamp referred to in paragraph (9), (10) or (11),

and also, except where the information prescribed by this paragraph is given on an adhesive or tear resistant label, either on the outside of the package or on a document enclosed inside the package.

(14) The particulars and information given in accordance with this regulation shall be given in one of the official languages of the European Community.

(15) Subject to the provisions of the Act and of these Regulations, no person shall, in the course of the marketing or the preparation for marketing of any seed by that person or by any other person, wilfully reproduce, remove, alter, deface, conceal or misuse in any way any label affixed to, contained in or marked on any package of seed or which is to be so affixed, contained or marked.

Marketing of unpacketed seed

18. Subject to regulation 17(3) and (13) a person may sell any seed otherwise than in a package which is sealed, labelled, inscribed or otherwise dealt with in accordance with regulations 16 and 17 where–

- (a) the seed is sold in a quantity not exceeding 5 kilograms to the final consumer; and
- (b) the seed is taken, in the presence of the final consumer, from a container on which there is clearly and visibly marked, or near which there is clearly and visibly displayed, a statement containing particulars of the matters specified in paragraph 9 of Part IV of Schedule 6.