SCHEDULE 2

OFFICIAL CERTIFICATES AND BREEDER'S CONFIRMATIONS

PART II

BREEDER'S CONFIRMATIONS

Applications

5. On receipt of an application made in accordance with regulation 16 for the issue of a breeder's confirmation in respect of a seed lot, as Pre-Basic Seed or Basic Seed, the Scottish Ministers shall, subject to paragraphs 6 and 7, issue in respect of that seed lot a breeder's confirmation containing the particulars specified in paragraph 2 of Schedule 3.

When applications will be refused

6. The Scottish Ministers shall refuse to issue a breeder's confirmation in respect of a seed lot unless—

(a) an application has been made to the Scottish Ministers in writing in such form and manner and at such time as the Scottish Ministers may require, and has been accompanied by such information, material, records, illustrations and other documents as they may require, in respect of—

(i) the seed lot or seed lots to be used for the production of the crop or crops from which is to be or has been obtained the seed lot in respect of which the application for a breeder's confirmation has been made; and

(ii) the crop or crops from which the seed lot is to be or has been obtained;

(b) an official examination of the crop or crops from which was obtained the seed lot in respect of which the application for a breeder's confirmation has been made has shown that the crop or crops meet the standards specified in Part I of Schedule 4 appropriate to the category referred to in the application; and

(c) an official examination of a sample taken from the seed lot has shown that the seed lot meets the standards specified in Part II of Schedule 4 appropriate to the relevant category of seed referred to in the application except that a breeder's confirmation can be issued for Pre-Basic Seed or Basic Seed in respect of seed which attains a lower percentage of germination than that specified in Part II of Schedule 4.

When applications may be refused

7. The Scottish Ministers may refuse to issue a breeder's confirmation in respect of a seed lot if—

(a) it appears to them that a sample taken from the seed lot for the purpose of an official examination to ascertain whether the seed lot meets the appropriate standards specified in Part II of Schedule 4 has not been taken in accordance with regulation 17(1);

(b) it appears to them that an official examination of a control plot sown with a sample of the seed lot shows that the crop does not meet the appropriate standards specified in Part I of Schedule 4;

(c) it appears to them that there has been a breach of seeds regulations in relation to the seed lot in respect of which an application for a breeder's confirmation has been made; or

(d) the breeder applying for the breeder's confirmation in respect of the seed lot notifies them that the application to have the relevant variety accepted on to a UK National List (or to an equivalent list in an EEA state) has been withdrawn or refused.