
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 249

**The Oil and Fibre Plant Seeds
(Amendment) (Scotland) Regulations 2000**

Amendment of regulation 5 of the principal Regulations

6. In regulation 5 (marketing of seeds)–

(a) after paragraph (1) there shall be inserted–

“(1A) Paragraph (1) above shall not prevent the marketing of seed as grown, marketed for processing, provided the identity of the seed is ensured.”;

(b) in paragraph (1)(b)(ii) for “Regulation 9(1)” there shall be substituted “regulation 9(1), (1B)”;

(c) after paragraph (1)(b) there shall be inserted–

“(c) in respect of genetically modified seeds clearly indicated, in the sales catalogue of the person marketing the seeds and in any other marketing information or marketing representations provided by that person, as having been genetically modified.”;

(d) after paragraph (2) there shall be inserted–

“(2A) Where there is an arrangement under which–

(a) seed, other than seed which contains any genetically modified material, under the control of one person (“the first person”) is used by another person (“the second person”) for the purpose of–

- (i) increasing the first person’s stock of the seed for sowing; or
- (ii) carrying out tests or trials on the seed; and

(b) everything produced from the seed, whether directly or indirectly, and any unused seed, become or remain the property of the first person,

the prohibitions in paragraph (1) above shall not apply to the marketing of the seed by the first person to the second person as part of that arrangement or to the marketing by the second person to the first person of any seed produced (whether directly or indirectly) from that seed.

(2B) The prohibitions in paragraph (1) above shall not apply to the marketing by producers of small quantities of seed, other than seed which contains any genetically modified material, for scientific purposes or selection work.

(2C) If the conditions specified in paragraph (2D) below are satisfied, the prohibitions in paragraph (1) above shall not apply to–

(a) the marketing, as part of any arrangement referred to in paragraph (2A) above by the first person referred to in that paragraph to the second person referred to in that paragraph, of seed which contains any genetically modified material;

(b) the marketing, as part of any arrangement referred to in paragraph (2A) above by the second person referred to in that paragraph to the first person referred to in that paragraph, of seed produced (whether directly or indirectly) from the seed

- marketed to him as part of any such arrangement which contains any genetically modified material; or
- (c) the marketing by producers, for scientific purposes or selection work, of small quantities of seed which contains any genetically modified material.
- (2D) The conditions referred to in paragraph (2C) above are–
- (a) the deliberate release of the genetically modified material has been authorised under a Part B consent, or the genetically modified material has been accepted for marketing in accordance with a Part C consent, issued for the purposes of Council Directive [90/220/EEC](#);
- (b) the seeds are accompanied during marketing by a copy of the consent;
- (c) all appropriate measures, in accordance with an environmental risk assessment in respect of the material carried out in accordance with article 7(4) of Council Directive [70/457/EEC](#)(1), have been taken by the producer of the seed to avoid adverse effects on human health and the environment; and
- (d) in the case of genetically modified material issued with a Part C consent, an authorisation has been granted by the Ministers in accordance with paragraph (2E) below to the person marketing the seed.
- (2E) An authorisation may be granted by the Ministers for the purpose of paragraph (2D)(d) above if–
- (a) the person intending to market the seed has applied to the Ministers before the seed is marketed–
- (i) giving the Ministers notice of his intention to market the seed and a description of the proposed marketing in respect of which the authorisation is sought; and
- (ii) giving the Ministers such information relating to the acceptance for marketing of the variety of the seed concerned under Council Directive [90/220/EEC](#), and the proposed marketing in respect of which the authorisation is sought as the Ministers may require for the purposes of determining whether or not to grant the authorisation; and
- (b) the Ministers are satisfied that an authorisation should be granted.”;
- (e) after paragraph (8) there shall be inserted–
- “(8A) Oil and fibre plant seeds produced and packaged in a Member State other than the United Kingdom which have not yet been officially certified shall not be marketed unless they are–
- (a) sealed and labelled as required by regulations 8 and 9; and
- (b) accompanied by an official document, containing all the information in respect of the seeds specified in paragraph E(6) of Part I of Schedule 6.
- (8B) A person who imports a package containing a net weight of more than 2 kilograms of oil and fibre plant seed produced other than in a Member State, shall make available to the Ministers, in such manner and at such time as the Ministers may require, the information in respect of the seeds specified in Part IV of Schedule 6.”; and
- (f) in paragraph (11) the words “may be imported but” shall be omitted.

(1) O.J. No. L 225, 12.10.70, p.7; as last amended by Council Directive [98/96/EC](#) (O.J. No. L 25, 1.2.99, p.27).