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SCOTTISH STATUTORY INSTRUMENTS

2002 No. 564

SEEDS

**The Seeds (Miscellaneous Amendments)
(No. 2) (Scotland) Regulations 2002**

Made - - - - 19th December 2002

Laid before the Scottish

Parliament - - - - 23rd December 2002

Coming into force in accordance with regulation 1(2)

The Scottish Ministers, in exercise of the powers conferred by sections 16(1), (1A), (2) and (3) and 36 of the Plant Varieties and Seeds Act 1964(1) and of all other powers enabling them in that behalf, after consultation in accordance with section 16(1) of that Act with representatives of such interests as appear to them to be concerned, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Seeds (Miscellaneous Amendments) (No. 2) (Scotland) Regulations 2002.

(2) These Regulations shall come into force in accordance with the following sub paragraphs:—

(a) regulations 1 and 2 shall come into force on 31st December 2002;

(b) regulations 3 and 4 shall come into force on 1st January 2003.

(3) These Regulations extend to Scotland only.

Revocation of the Seeds (Miscellaneous Amendments) (Scotland) Regulations 2002

2. The Seeds (Miscellaneous Amendments) (Scotland) Regulations 2002(2) are revoked.

(1) 1964 c. 14. Section 16 was amended by the European Communities Act 1972 (c. 68), section 4(1) and Schedule 4, paragraph 5(1), (2) and (3); see section 38(1) for the definition of “the Minister”. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(2) S.S.I. 2002/520.

Amendment of the Cereal Seeds Regulations 1993

3.—(1) The Cereal Seeds Regulations 1993⁽³⁾ are amended in accordance with the provisions of this regulation.

(2) In regulation 3(3) (interpretation) after the definition of “Certified Seed of the Second Generation” insert—

““Excepted Seed Marketed in Bulk” means Certified Seed (other than seeds of maize), Certified Seed of the First Generation or Certified Seed of the Second Generation—

- (a) which is marketed in bulk direct to the final consumer in a container that is closed after filling; and
- (b) in respect of which a random sample has been taken in accordance with paragraph 8A of Schedule 5, by a person authorised in that behalf.”.

(3) In regulation 8 (sealing of packages)—

- (a) in paragraph (1) for “No” substitute “Subject to paragraph (1A) below, no”; and
- (b) after paragraph (1) insert—

“(1A) Paragraph (1) above shall not apply to Excepted Seed Marketed in Bulk.”.

(4) In regulation 9 (labelling of packages)—

- (a) in paragraph (1) for “paragraph (12)” substitute “paragraphs (12) and (12A)”; and
- (b) after paragraph (12) insert—

“(12A) Paragraph (1) above shall not apply to Excepted Seed Marketed in Bulk.”.

(5) After regulation 9A insert—

“Provision of information to the final consumer about Excepted Seed Marketed in Bulk

9B. On delivery of Excepted Seed Marketed in Bulk to the final consumer, the supplier shall also deliver to the final consumer a note containing the information given on the official label on the container from which seed was taken.

Notification of Excepted Seed Marketed in Bulk

9C. A supplier of seed shall prior to 10th January 2004 and prior to 10th January in each year thereafter notify the Scottish Ministers in such manner as they may from time to time specify of the quantities of Excepted Seed Marketed in Bulk by that supplier in the period from 1st January to 31st December in the immediately preceding year.”.

(6) After paragraph 8 of Schedule 5 insert—

“**8A.** Random sampling of seed lots of seed which is intended to be Excepted Seed Marketed in Bulk shall be carried out in accordance with the requirements of this Schedule during the filling of the container, used by the final consumer, into which the seed is placed.”.

Amendment of the Fodder Plant Seeds Regulations 1993

4.—(1) The Fodder Plant Seeds Regulations 1993⁽⁴⁾ are amended in accordance with the provisions of this regulation.

(2) In regulation 3(3) (interpretation) after the definition of “Commercial Seed” insert—

(3) S.I. 1993/2005, as amended by S.I. 1995/1482, 1997/616, 1999/1860 and 2001/3510 and S.S.I. 2000/248.

(4) S.I. 1993/2009, as amended by S.I. 1993/2529, 1996/1453, 1997/616, 1999/1864 and 2001/3510 and S.S.I. 2000/247.

““Excepted Seed Marketed in Bulk” means Certified Seed of the First Generation or Certified Seed of the Second Generation–

- (a) which is marketed in bulk direct to the final consumer in a container that is closed after filling; and
 - (b) in respect of which a random sample has been taken in accordance with paragraph 8A of Schedule 5, by a person authorised in that behalf.”.
- (3) In regulation 8 (sealing of packages)–
- (a) in paragraph (1) for “No” substitute “Subject to paragraph (1A) below, no”; and
 - (b) after paragraph (1) insert–
“(1A) Paragraph (1) above shall not apply to Excepted Seed Marketed in Bulk.”.
- (4) In regulation 9 (labelling of packages)–
- (a) in paragraph (1) for “paragraph (7)” substitute “paragraphs (12) and (12A)”; and
 - (b) after paragraph (12) insert–
“(12A) Paragraph (1) above shall not apply to Excepted Seed Marketed in Bulk.”.
- (5) After regulation 9A insert–

“Provision of information to the final consumer about Excepted Seed Marketed in Bulk

9B. On delivery of Excepted Seed Marketed in Bulk to the final consumer, the supplier shall also deliver to the final consumer a note containing the information given on the official label on the container from which seed was taken.

Notification of Excepted Seed Marketed in Bulk

9C. A supplier of seed shall prior to 10th January 2004 and prior to 10th January in each year thereafter notify the Scottish Ministers in such manner as they may from time to time specify of the quantities of Excepted Seed Marketed in Bulk by that supplier in the period from 1st January to 31st December in the immediately preceding year.”.

- (6) After paragraph 8 of Schedule 5 insert–
- “8A.** Random sampling of seed lots of seed which is intended to be Excepted Seed Marketed in Bulk shall be carried out in accordance with the requirements of this Schedule during the filling of the container, used by the final consumer, into which the seed is placed.”.

Pentland House,
Edinburgh
19th December 2002

ALLAN WILSON
A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Scotland only, further amend the provisions of the Cereal Seeds Regulations 1993 (“the cereal seeds Regulations”) and the Fodder Plant Seeds Regulations 1993 (“the fodder seeds Regulations”).

The Regulations revoke the Seeds (Miscellaneous Amendments) (Scotland) Regulations 2002 which were defective (regulation 2).

The Regulations exempt certain types of seed marketed in bulk from the labelling and packaging requirements in the cereal seeds Regulations and the fodder seeds Regulations (regulations 3(2) to (4) and 4(2) to (4)). These are derogation’s respectively from Council Directive [66/402/EEC](#) (O.J. No. L 125, 11.7.66, p.2309) as amended and Council Directive [66/401/EEC](#) (O.J. No. L 125, 11.7.66, p.2298/66) as amended. The derogation’s are permitted by Council Directive [2001/64/EC](#).

The Regulations specify the conditions for the exemption, in implementation of Council Directive [2001/64/EC](#) and Commission Decision [94/650/EC](#) (O.J. No. L 234, 1.9.01 p.60) as relevantly amended by Commission Decision [1998/174/EC](#) (O.J. No. L 63, 4.3.98, p.31) and Commission Decision [2000/441/EC](#) (O.J. No. L 176, 15.7.00, p.50) (regulations 3(2), (5) and (6) and 4(2), (5) and (6)).