
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 317

The Oil and Fibre Plant Seed (Scotland) Regulations 2004

PART II

MARKETING

Exception for scientific selection work and for tests and trials

8.—(1) Regulation 6(1)(b) shall not apply to the marketing by a producer of—

- (a) small quantities of seed for scientific purposes or selection work; or
- (b) seed for test and trial purposes,

for which—

- (i) an authorisation has been granted to the producer by the Scottish Ministers in accordance with this regulation; or
- (ii) an authorisation has been granted to the producer by a European Authority other than the Scottish Ministers in respect of small quantities of seed for scientific purposes or selection work pursuant to Article 6(1)(a) (exemption for small quantities of seed for scientific purposes or selection work) of the Oil and Fibre Plant Seed Directive or in respect of seed for test and trial purposes, pursuant to Article 6(1)(b) (exemption for test and trial purposes) of the Oil and Fibre Plant Seed Directive.

(2) A producer in Scotland may apply to the Scottish Ministers for authorisation under this regulation.

(3) An application under this regulation shall be made in such form and manner and at such time as the Scottish Ministers shall require and shall be accompanied by such information as the Scottish Ministers may require for the purpose of determining whether to grant an authorisation.

(4) The Scottish Ministers shall not grant an authorisation under this regulation for scientific purposes and selection work in respect of seed of a genetically modified variety unless an authorisation is in force in respect of the variety concerned under the Food and Feed Regulation, or under Part B (deliberate release of GMOs for any other purpose than for placing on the market) or Part C (placing on the market of GMOs as or in products) of the 2001 Deliberate Release Directive, or under Part B (deliberate release of GMOs for any other purpose than for placing on the market) or Part C (placing on the market of GMOs as or in products) of the 1990 Deliberate Release Directive and then only if all appropriate measures, in accordance with the environmental risk assessment in respect of the genetically modified material carried out in accordance with Article 7(4) (environmental risk assessment for seed varieties) of the Common Catalogue Directive have been taken by the producer of the seed to avoid adverse effects on human health and the environment.

(5) The Scottish Ministers shall not grant an authorisation under this regulation in respect of seed for test and trial purposes unless—

- (a) they consider that the amount of seed that may be marketed under it is of an appropriate quantity for the test or trial; and
- (b) (i) either—

- (aa) an application has been submitted to the relevant authority under regulation 4(1)(a) (applications in relation to national lists) of the Seeds (National Lists of Varieties) Regulations 2001⁽¹⁾ for acceptance of the variety concerned on to a UK National List and the application has not been withdrawn or finally determined; and
 - (bb) in the case of seed of a genetically modified variety, an authorisation is in force in respect of the variety concerned under the Food and Feed Regulation or under Part C (placing on the market of GMOs as or in products) of the 2001 Deliberate Release Directive or under Part C (placing on the market of GMOs as or in products) of the 1990 Deliberate Release Directive; or
 - (ii) in the case of seed of a genetically modified variety, an authorisation is in force in respect of the variety concerned under Part B (deliberate release of GMOs for any other purpose than for placing on the market) of the 2001 Deliberate Release Directive or under Part B (deliberate release of GMOs for any other purpose than for placing on the market) of the 1990 Deliberate Release Directive.
- (6) An authorisation under this regulation may—
- (a) and in the case of an authorisation in respect of seed for test and trial purposes shall, specify the amount of seed which may be marketed under it; and
 - (b) impose such conditions as the Scottish Ministers may think necessary or desirable having regard to the nature of the scientific purpose or selection work involved in the case of an authorisation granted for scientific purposes and selection work and, in all cases, to the nature of the seed to which the authorisation relates, including a condition relating to the keeping of records in respect of the marketing of the seed.