
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 380

SEEDS

**The Fodder Plant Seeds Amendment
(Scotland) Regulations 2004**

Made - - - - 7th September 2004
*Laid before the Scottish
Parliament* - - - - 8th September 2004
Coming into force - - 30th September 2004

The Scottish Ministers, in exercise of the powers conferred by sections 16(1), (1A), (2), (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 Fodder Plant Seeds Amendment (Scotland) Regulations 2004 and shall come into force on 30th September 2004.

(2) These Regulations extend to Scotland only.

Interpretation

2. In these Regulations “the principal Regulations” means the Fodder Plant Seeds Regulations 1993(2).

Amendment of the principal Regulations

3. The principal Regulations shall be amended in accordance with the following regulations.

Amendment of Schedule 1 to the principal Regulations

4. In Schedule 1 (kind of seeds to which the Regulations apply) in paragraph (A) (*Gramineae* (Grasses))—

(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 a definition of “the Minister”. The functions of the Secretary of State as regards Scotland were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).
(2) S.I. 1993/2009 as relevantly amended by S.S.I. 2000/247.

- (a) in the first column (latin name) for “*Festuca pratensis* Huds. x *Lolium multiflorum* Lam” substitute “*Festuca* spp. x *Lolium* spp.”; and
- (b) in the corresponding entry in the second column (common name) for “Festulolium” substitute “Hybrids resulting from the crossing of a species of the genus *Festuca* with a species of the genus *Lolium* (x *Festulolium*)”.

Amendment of Schedule 4 to the principal Regulations

5. In Schedule 4 (requirements for seeds), Part II (conditions relating to the seeds) in paragraph 6, at the entry in column (2) (minimum germination) corresponding to the entry in column (1) for ‘Field Bean’, for “85” substitute “80”.

Amendment of Schedule 6 to the principal Regulations

6.—(1) In Schedule 6 (particulars to be indicated on the label), Part I—

- (a) (i) in item 4 of paragraph A(a) (official label for a package of Breeders' Seed);
- (ii) in item 4 of paragraph B(a) (official label for a package of Pre-basic Seed);
- (iii) in item 5 of paragraph C(a) (official label for a package of Basic Seed, Certified Seed or Certified Seed of the First and Second Generations); and
- (iv) in item 1 of paragraph F (further particulars to be given in respect of a mixture of seeds),
after “Kind” insert—
“(In the case of x *Festulolium* the names of the species within the genus *Festuca* and *Lolium* shall be indicated)”;
- (b) after item 5 of paragraph E(a) (official label for a package of a mixture of seeds) insert—
“5a. Where the kinds of constituents are given and this includes x *Festulolium* the names of the species within the genus *Festuca* and *Lolium*”; and
- (c) in paragraph F (further particulars to be given in respect of a mixture of seeds) in the heading after the words “for Agricultural Purposes” insert “where said mixtures contain Festulolium”.

(2) In Schedule 6, Part III—

- (a) in item 2 of paragraph A (particulars to be marked or displayed on the sale of unpacked seeds other than mixtures of seeds) after “Kind” insert—
“(In the case of x *Festulolium* the names of the species within the genus *Festuca* and *Lolium* shall be indicated)”;
- (b) after item 1 of paragraph B (particulars to be marked or displayed on the sale of unpacked mixtures of seeds) insert—
“1a. Where the kinds of constituents are given and this includes x *Festulolium* the names of the species within the genus *Festuca* and *Lolium*.”.

St Andrew’s House, Edinburgh
7th September 2004

ROSS FINNIE
A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Scotland only, amend the Fodder Plant Seeds Regulations 1993, S.I.1993/2009 (“the principal Regulations”), as amended by S.I. 1993/2529, 1996/1453, 1997/616, 1999/1864 and S.S.I. 2000/247. The amendments to the principal Regulations give effect to Commission Directive 2004/55/EC (O.J. No. L 114, 21.4.2004, p.18) which amends Council Directive 66/401/EEC (O.J. No. L 125, 11.7.1966, p.2298/66) on the marketing of fodder plant seed.

These Regulations amend the definition of *Festulolium* to provide for a wider range of crosses of the species *Festuca* and *Lolium* falling within the scope of the Council Directive (Regulations 4 and 6). They also lower the minimum germination standard for seed of field beans (*Vicia faba* L.) from 85% to 80% (Regulation 5).