
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 329

The Fodder Plant Seed (Scotland) Regulations 2005

PART IV

**PACKAGING AND LABELLING
REQUIREMENTS FOR FULLY CERTIFIED SEED**

Sealing of packages of fully certified seed

16.—(1) Subject to regulations 18 and 19, no person shall market in accordance with regulations 6(1), 8, 9, 11 or 12 a package (other than a small EC A or a small EC B package sealed in accordance with paragraph (4)) of Pre-basic Seed, Basic Seed, Seed of a Certified Generation, Commercial Seed, a mixture of seeds to which regulation 8 applies, lower germination seed or early movement seed unless, subject to paragraph (2), it has been—

- (a) (i) not later than at the time of sampling; or
- (ii) in the case of seed which is wholly or partly repackaged, the original package has been not later than at the time of sampling,

sealed in Scotland by the Scottish Ministers or by, or under the supervision of, a licensed seed sampler using a non-reusable sealing system or some other sealing system that includes the use of an official label or the affixing of an official seal, in such a manner that the package cannot be opened without damaging the sealing system or without leaving evidence of tampering on the official label or package; or

- (b) sealed—
 - (i) in the United Kingdom but not in Scotland; or
 - (ii) in an EEA State other than the United Kingdom,in accordance with the provisions of Article 9(1) (sealing of packages) of the Fodder Plant Seed Directive.

(2) In the case of a package of seed in respect of which the Scottish Ministers have issued an official certificate under regulation 14(3)—

- (a) paragraph (1)(a) shall apply as if the words “not later than at the time of sampling” were omitted; and
- (b) subject to sub-paragraph (a), the package of seed shall be sealed in accordance with paragraph (1)(a) within 7 days of the issue of the official certificate.

(3) If a package of seed which has been sealed in accordance with paragraph (1) is opened it may not be marketed in accordance with regulations 6(1), 8, 9, 11 or 12 unless it is resealed or further resealed—

- (a) in Scotland by the Scottish Ministers or by, or under the supervision of, a licensed seed sampler using a non-reusable sealing system or some other sealing system that includes the use of an official label or the affixing of an official seal, in such a manner that the package

cannot be opened without damaging the sealing system or without leaving evidence of tampering on the official label or package; or

- (b) (i) in the United Kingdom but not in Scotland; or
 - (ii) in an EEA State other than the United Kingdom,
- in accordance with the provisions of Article 9(2) (resealing of packages) of the Fodder Plant Seed Directive.

(4) No person shall market in accordance with regulations 6(1), 8, 9, 11 or 12 a small EC A or a small EC B package of Pre-basic Seed, Basic Seed, Seed of a Certified Generation, Commercial Seed, lower germination seed or early movement seed, unless it has been, or in the case of seed which is wholly or partly repackaged, the original package has been, sealed by the Scottish Ministers or by, or under the supervision of, a licensed seed sampler or by a person registered by a National Authority in any part of the United Kingdom as a seed merchant, seed packer or seed processor under regulation 4(1) (registration of seed merchants, seed packers and seed processors) of the Seeds (Registration, Licensing and Enforcement) Regulations 1985(1) or provisions equivalent to that regulation, not later than at the time of sampling in the United Kingdom with a sealing device in such a manner that the package cannot be opened without damaging the sealing system or without leaving evidence of tampering on the label or package.

(5) If a small EC A or a small EC B package of seed which has been sealed in accordance with paragraph (4) is opened, it may not be marketed in accordance with regulations 6(1), 8, 9, 11 or 12 unless it is resealed or further resealed by the Scottish Ministers or by, or under the supervision of, a licensed seed sampler or by a person registered by a National Authority in any part of the United Kingdom as a seed merchant, seed packer or seed processor under regulation 4(1) (registration of seed merchants, seed packers and seed processors) of the Seeds (Registration, Licensing and Enforcement) Regulations 1985 or provisions equivalent to that regulation, with a sealing device, in such a manner that the package cannot be opened without damaging the sealing system or without leaving evidence of tampering on the label or package.

(6) No person shall market in accordance with regulation 6(1) a package of Breeder's Seed unless it is marketed in a package which has been sealed with a sealing device in such a manner that the package cannot be opened without damaging the sealing system or without leaving evidence of tampering on the label or package.

(7) If a package of Breeder's Seed which has been sealed in accordance with paragraph (6) is opened it may not be marketed in accordance with regulation 6(1) unless it is resealed or further resealed with a sealing device in such a manner that the package cannot be opened without damaging the sealing system or without leaving evidence of tampering on the label or package.

Labelling of packages of fully certified seed

17.—(1) Subject to regulations 18 and 19, no person shall market in accordance with regulations 6(1), 8, 9, 11 or 12 any Pre-basic Seed, Basic Seed, Seed of a Certified Generation, Commercial Seed, a mixture of seeds to which regulation 8 applies, lower germination seed or early movement seed, except in a package which, not later than at the time of sealing, is labelled, inscribed or otherwise dealt with in accordance with this regulation.

(2) In the case of a package of seed in respect of which the Scottish Ministers have issued an official certificate under regulation 14(3) or in respect of which the Scottish Ministers have issued an official certificate re-grading the seed to a different category or level—

- (a) paragraph (1) shall apply as if the words “not later than at the time of sealing” were omitted; and

(1) S.I.1985/980, as relevantly amended by S.I. 1987/1098, 1990/611 and 1993/2530.

- (b) subject to sub-paragraph (a), the package of seed shall be re-labelled in accordance with this regulation within 7 days of the issue of the official certificate.
- (3) In the case of seed of a variety which has been genetically modified, any label, document, printing or stamp, whether official or otherwise, affixed to or accompanying a seed lot or any part of a seed lot in accordance with the provisions of this regulation, and any particulars given under regulation 18 or 19, shall clearly indicate that the variety has been genetically modified.
- (4) A package of Breeder's Seed shall have affixed on the outside a label, which has not previously been used, containing, as appropriate to the seed, particulars of the matters specified, and being of the colour also specified, in paragraph 3 of Part II of Schedule 6, which shall be either an adhesive label or tear-proof label and shall be affixed, in either case, not later than at the time of sealing.
- (5) Subject to paragraph (10), a package (other than a small EC A or a small EC B package sealed in the United Kingdom in accordance with regulation 16(4)) of Pre-basic Seed, Basic Seed, Seed of a Certified Generation, Commercial Seed, a mixture of seeds to which regulation 8 applies, lower germination seed or early movement seed—
- (a) which is sealed in Scotland shall have affixed on the outside an official label—
 - (i) which has not previously been used;
 - (ii) containing, as appropriate to the category of seed and the seed itself, particulars of the matters specified, and being of at least the size and of the colour also specified, in the relevant paragraph of Part II of Schedule 6; and
 - (iii) which shall be either an adhesive label or a label secured to the package by a sealing system approved by the Scottish Ministers and shall be affixed, in either case, by the Scottish Ministers or by, or under the supervision of, a licensed seed sampler; and
 - (b) which is sealed—
 - (i) in the United Kingdom but not in Scotland; or
 - (ii) in an EEA State other than the United Kingdom, in accordance with the provisions of Articles 9(2) (resealing), 10(1)(a) (labelling of packages), 13(2) (labelling of packages of mixtures of seeds) and 14a(c) (labelling of packages of Pre-basic Seed) of the Fodder Plant Seed Directive appropriate to the relevant category of seed and the seed or mixture of seeds itself.
- (6) If in accordance with regulation 11 a person markets any lower germination seed, that person shall ensure—
- (a) that the official label or the particulars printed or stamped on the package in accordance with paragraph (10), contains a statement that the minimum percentage of germination of the seed is less than the minimum percentage of germination for Basic Seed; and
 - (b) that there is a label affixed to the outside of the package containing a statement of the specific minimum percentage of germination of the seed guaranteed by the person marketing the seed in accordance with regulation 11(2) together with the name and address of the seller and the reference number of the seed lot.
- (7) If in accordance with regulation 12 a person markets any early movement seed, that person shall ensure that there is a label affixed to the outside of the package containing—
- (a) a statement that the seed is being sold before the official examination of the germination of that seed lot has been concluded; and
 - (b) a statement of the specific minimum percentage of germination guaranteed by the person marketing the seed in accordance with regulation 12(2)(c), together with the name and address of the seller and the reference number of the seed lot.
- (8) Subject to paragraph (9), a package (other than a small EC A or a small EC B package sealed in the United Kingdom in accordance with regulation 16(4)) of Pre-basic Seed, Basic Seed, Seed of

a Certified Generation, Commercial Seed, a mixture of seeds to which regulation 8 applies, lower germination seed or early movement seed—

- (a) which is sealed in Scotland shall contain an official inner label which shall be of the same colour as, and in addition to, the official label affixed to the outside of the package in accordance with paragraph (5) and shall contain particulars of the matters specified in the items numbered—
 - (i) in the case of Pre-basic Seed and lower germination seed to which paragraph 4 of Part II of Schedule 6 is relevant, paragraph 4(a)(iii) to (v) of Part II of Schedule 6;
 - (ii) in the case of Basic Seed, Seed of a Certified Generation, or lower germination seed to which paragraph 5 of Part II of Schedule 6 is relevant, paragraph 5(a)(iv) to (vi) of Part II of Schedule 6;
 - (iii) in the case of Commercial Seed, paragraph 6(a)(iv) to (vi) of Part II of Schedule 6; and
 - (iv) in the case of a mixture of seeds to which regulation 8 applies, paragraph 7(a)(i) and (iv) of Part II of Schedule 6; and
- (b) which is sealed in—
 - (i) the United Kingdom but not in Scotland; or
 - (ii) an EEA State other than the United Kingdom,

shall contain an official document in accordance with Article 10(1)(b) (official documents) and 13(2) (labelling of packages of mixtures of seeds) of the Fodder Plant Seed Directive.

(9) The official inner label or document referred to in paragraph (8) shall not be required if the particulars specified in paragraphs (3), (8) and (13) are printed indelibly on the outside of the package or if the official label is an adhesive or a tear resistant label.

(10) Notwithstanding paragraphs (5) and (6)(a), but subject to paragraphs (6)(b) and (7), a package (other than a small EC A or a small EC B package sealed in the United Kingdom in accordance with regulation 16(4)) of Pre-basic Seed, Basic Seed, Seed of a Certified Generation, Commercial Seed, a mixture of seeds to which regulation 8 applies, lower germination seed or early movement seed may be marketed if—

- (a) the appropriate particulars of the matters specified in Part II of Schedule 6 and paragraphs (3), (6)(a), (12) and (13) for packages sealed in Scotland, and in Articles 4 (lower germination and early movement seed), 9(2) (resealing) 10(1)(a) (labelling) and 11a (identification of genetically modified varieties) and Annex IV (labels) of the Fodder Plant Seed Directive for packages sealed in either—
 - (i) the United Kingdom but not Scotland; or
 - (ii) an EEA State other than the United Kingdom,
 are printed or stamped indelibly on the package in a panel of at least the size and of the colour so specified; and
- (b) the requirements of paragraphs 13 to 16 of Part VI of Schedule 6 are satisfied, in the case of a package sealed in Scotland; and
- (c) the requirements of paragraph 17 of Part VI of Schedule 6 are satisfied in the case of a package sealed in either—
 - (i) the United Kingdom but not in Scotland; or
 - (ii) an EEA State other than the United Kingdom.

(11) A small EC A or a small EC B package sealed in the United Kingdom shall have affixed on the outside a label containing, as appropriate to the category of the seed and the seed itself, particulars of the matters specified in paragraphs (3), (12) and (13) and the relevant paragraph of Part III of

Schedule 6, and being of the colour specified in the relevant paragraph of Part II of Schedule 6, except that subject to paragraphs (6) and (7)–

- (a) if such particulars are printed indelibly on the outside of the package in a panel of the colour so specified, the label shall not be required; and
- (b) if the packaging material is transparent the label may be placed inside the package provided it can be read through the packaging.

(12) Subject to paragraph (10) or (11), if a package of seed has been resealed in accordance with regulation 16(3) or 21(4) this fact shall be stated on the official label required under paragraph (5) or the label required under paragraph (11), as the case may be, together with the month and year of resealing and the name of the authority responsible for the resealing.

(13) If any seed has been subjected to any chemical treatment this fact and the nature of the treatment or the proprietary name of the chemical used in the treatment shall be stated either–

- (a) where seed is being marketed in accordance with regulation 18, with the particulars given in accordance with that regulation;
- (b) in a case where seed is not being marketed in accordance with regulation 18–
 - (i) on a separate label on the package; or
 - (ii) on the label referred to in paragraph (4), (5) or (11), the official inner label or document referred to in paragraph (8), or the printing or stamp referred to in paragraph (9), (10) or (11),

and also, except where the information prescribed by this paragraph is given on an adhesive or tear resistant label, either on the outside of the package or on a document enclosed inside the package.

(14) The particulars and information given in accordance with this regulation shall be given in one of the official languages of the European Community.

(15) Subject to the provisions of the Act and of these Regulations, no person shall, in the course of the marketing or the preparation for marketing of any seed by that person or by any other person, wilfully reproduce, remove, alter, deface, conceal or misuse in any way any label affixed to, contained in or marked on any package of seed or which is to be so affixed, contained or marked, except as may occur in the course of opening the package for the purposes of regulation 17(2)(b).

Marketing of unpacked seed

18. Subject to regulation 17(3) and (13) a person may sell any seed otherwise than in a package which is sealed, labelled, inscribed or otherwise dealt with in accordance with regulations 16 and 17 where–

- (a)
 - (i) in relation to species other than field peas and field beans the seed is sold in a quantity not exceeding 2 kilograms to the final consumer;
 - (ii) in relation to field peas and field beans the seed is sold in a quantity not exceeding 3 kilograms to the final consumer;
 - (iii) in relation to mixtures the seed is sold in a quantity not exceeding 7 kilograms to the final consumer; and
- (b) the seed is taken, in the presence of the final consumer, from a container on which there is clearly and visibly marked, or near which there is clearly and visibly displayed, a statement containing particulars of the matters specified in paragraph 11 of Part IV of Schedule 6.

Marketing of Excepted Seed Marketed in Bulk

19.—(1) Regulations 16 and 17 shall not apply to marketing of Excepted Seed Marketed in Bulk where the person marketing the seed delivers a note to the final consumer, not later than the time of delivery of the seed, containing the information given on the official label on the container from which the seed was taken.

(2) A supplier of seed shall prior to 10th January 2006 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.