

2006 No. 448

SEEDS

**The Cereal Seed (Scotland) and Fodder Plant Seed (Scotland)
Amendment Regulations 2006**

Made - - - - - *30th August 2006*

Laid before the Scottish Parliament *4th September 2006*

Coming into force - - - *26th September 2006*

The Scottish Ministers, in exercise of the powers conferred by sections 16(1), (1A), (3) and 36 of the Plant Varieties and Seeds Act 1964(a) 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 and commencement

1. These Regulations may be cited as the Cereal Seed (Scotland) and Fodder Plant Seed (Scotland) Amendment Regulations 2006 and shall come into force on 26th September 2006.

Amendment of the Cereal Seed (Scotland) Regulations 2005

2.—(1) The Cereal Seed (Scotland) Regulations 2005(b) are amended in accordance with paragraph (2).

(2) In Part II of Schedule 5, for the table in paragraph 26(2) (maximum weight of a seed lot and minimum weight of a sample) substitute—

(a) 1964 c.14; section 16 was amended by the European Communities Act 1972 (c.68), section 4(1) and Schedule 4, paragraph 5(1) and (2). 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).

(b) S.S.I. 2005/328.

Column 1 Species	Column 2 Level (where applicable)	Column 3 Maximum weight of a lot (tonnes)	Column 4 Minimum weight of a sample to be drawn from a lot (grams)	Column 5 Minimum weight of a sample for a moisture test (grams)	Column 6 Weight of the sample for determination by number in accordance with paragraph 16 of Part II of Schedule 4 (grams)
Barley, durum wheat, oats, spelt wheat and wheat	Minimum	30	1,000	100	500
	HVS	30	1,000	100	1,000
Rye and triticale	–	30	1,000	100	500
Maize, Basic Seed of inbred lines	–	40	250	100	250
Maize, Basic Seed other than of inbred lines and Certified Seed	–	40	1,000	100	1,000
A mixture of seed to which regulation 8 applies which does not contain more than 50% maize	Minimum	30	–	–	–
	HVS	30	–	–	–
A mixture of seed to which regulation 8 applies which contains more than 50% maize	–	40	–	–	–

Amendment of the Fodder Plant Seed (Scotland) Regulations 2005

3.—(1) The Fodder Plant Seed (Scotland) Regulations 2005^(a) are amended in accordance with paragraph (2).

(2) In Part II of Schedule 5, for paragraph 25 (maximum weight of a seed lot of mixtures) substitute—

“**25.**—(1) The maximum weight of a seed lot of a mixture of seeds shall be 10 tonnes, subject to sub-paragraph (2).

(2) Where more than 50% of a mixture of seeds consists of species of seed for which the maximum weight of a seed lot prescribed in seeds regulations is more than 10 tonnes, the maximum weight of a seed lot shall be as prescribed for the species of that type that appears in the larger or largest proportion.”.

ROSS FINNIE

A member of the Scottish Executive

St Andrew's House,
Edinburgh
30th August 2006

^(a) S.S.I. 2005/329.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 26th September 2006, implement Commission Directive 2006/55/EC of 12th June 2006 amending Annex III to Council Directive 66/402/EEC as regards the maximum weight of seed lots (O.J. No. L 159, 13.6.06, p.13).

These Regulations amend Part II of Schedule 5 to the Cereal Seed (Scotland) Regulations 2005 (S.S.I. 2005/328) by substituting the table in paragraph 26(2) in order to increase the maximum weight of a seed lot of certain species of cereal seed as shown in the following table (regulation 2)–

Species	Level (where applicable)	Old maximum weight of a seed lot (tonnes)	New maximum weight of a seed lot (tonnes)
Barley, durum wheat, oats, spelt wheat and wheat	Minimum	25	30
	HVS	25	30
Rye and triticale	–	25	30

These Regulations also change the basis of the maximum seed lot weight of 40 tonnes available for mixtures of seed containing maize. Previously a 40 tonne limit was available for all mixtures containing maize and other mixtures were subject to a 25 tonne limit. Now, mixtures containing more than 50% maize are subject to a 40 tonne limit with other mixtures being subject to a 30 tonne limit (regulation 2).

These Regulations also amend Part II of Schedule 5 to the Fodder Plant Seed (Scotland) Regulations 2005 (S.S.I. 2005/329) by substituting paragraph 25 (maximum weight of a seed lot of mixtures) (regulation 3). This clarifies that where more than 50% of a mixture contains species of seed for which the maximum seed lot weight prescribed in seeds regulations is more than 10 tonnes, then the maximum seed lot weight of the mixture is as prescribed for the species of that type that appears in the larger or largest proportion.

The maximum weight of a seed lot remains subject to a margin by which it may be exceeded by virtue of paragraph 25 of Part II of Schedule 5 to the Cereal Seed (Scotland) Regulations 2005 and paragraph 24 of Part II of Schedule 5 to the Fodder Plant Seed (Scotland) Regulations 2005.

A Regulatory Impact Assessment and Transposition Note have been prepared in respect of these Regulations. Copies have been placed in the Scottish Parliament Information Centre and copies can be obtained from the Scottish Executive Environment and Rural Affairs Department, Area 1-B, Pentland House, 47 Robb's Loan, Edinburgh, EH14 1TY.

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