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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 330**

**SEEDS**

**The Fodder Plant Seed (Scotland)  
Amendment Regulations 2009**

*Made* - - - - 24th September 2009  
*Laid before the Scottish  
Parliament* - - - - 25th September 2009  
*Coming into force* - - 2nd November 2009

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 16(1), (1A), (3) and 36 of the Plant Varieties and Seeds Act 1964<sup>(1)</sup> and all other powers enabling them to do so.

In accordance with section 16(1) of that Act, they have consulted with representatives of such interests as appear to them to be concerned.

**Citation and commencement**

1. These Regulations may be cited as the Fodder Plant Seed (Scotland) Amendment Regulations 2009 and shall come into force on 2nd November 2009.

**Amendment of the Fodder Plant Seed (Scotland) Regulations 2005**

2.—(1) The Fodder Plant Seed (Scotland) Regulations 2005<sup>(2)</sup> are amended in accordance with paragraph (2).

(2) In the table in Part II of Schedule 5 (maximum weight of a seed lot and minimum weight of a submitted sample), for the figures ‘20’ and ‘25’, as the case may be, in the column headed ‘Maximum weight of a lot (tonnes)’ opposite the entries “Common vetch”, “Field bean”, “Field pea”, “Hairy vetch”, “Hungarian vetch”, “Narrow-leaved lupin (Blue lupin)”, “White lupin” and “Yellow lupin” in the column headed “Species”, substitute in each case the figure 30.

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(1) 1964 c.14. Section 16 of the Plant Varieties and Seeds Act 1964 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) of the 1964 Act 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. 2005/329 as amended by S.S.I. 2006/313 and 448, S.S.I. 2007/224 and 536 and S.S.I. 2009/223.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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St Andrew's House,  
Edinburgh  
24th September 2009

*RICHARD LOCHHEAD*  
A member of the Scottish Executive

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations implement Commission Directive [2009/74/EC](#) of 26th June 2009 amending Council Directives [66/401/EEC](#), [66/402/EEC](#), [2002/55/EC](#) and [2002/57/EC](#) as regards the botanical names of plants, the scientific names or other organisms and certain Annexes to Directives [66/401/EEC](#), [66/402/EEC](#) and [2002/57/EC](#) in the light of developments of scientific and technical knowledge.

These Regulations amend Part II of Schedule 5 to the Fodder Plant Seed (Scotland) Regulations 2005 (S.S.I. 2005/329) by increasing the maximum weight of a seed lot for certain species. The maximum weights are set out in column 2 of the table in paragraph 26. The maximum weight of particular species has been increased to 30 tonnes. The table row headed “Legumes” in paragraph 26 should now provide the following:

<i>Species</i>	<i>Maximum weight of a lot (tonnes)</i>	<i>Minimum weight of a sample to be drawn from a lot (grams)</i>	<i>Weight of the sample for the determinations by number provided for in Schedule 4, Part II paragraph 14, Table 1 columns 3 to 8, 10, 11, 13, 14 and 16 together with paragraph 14 Table II columns 3 to 7, 9 and 13</i>
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Legumes</b>			
Alsike clover	10	200	20
Birdsfoot trefoil	10	200	30
Common vetch	30	1000	1000
Field bean	30	1000	1000
Field pea	30	1000	1000
Hairy vetch	30	1000	1000
Hungarian vetch	30	1000	1000
Lucerne	10	300	50
Narrow-leaved lupin (Blue lupin)	30	1000	1000
Red clover	10	300	50
Sainfoin			

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<i>Species</i>	<i>Maximum weight of a lot (tonnes)</i>	<i>Minimum weight of a sample to be drawn from a lot (grams)</i>	<i>Weight of the sample for the determinations by number provided for in Schedule 4, Part II paragraph 14, Table 1 columns 3 to 8, 10,11,13, 14 and 16 together with paragraph 14 Table II columns 3 to 7,9 and 13</i>
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
(a) fruit	10	600	600
(b) seed	10	400	400
Trefoil, Black medick	10	300	50
White clover	10	200	20
White lupin	30	1000	1000
Yellow lupin	30	1000	1000

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

A Transposition Note has 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 Government, Rural Directorate, Agriculture and Rural Development Division, Room 259, Pentland House, 47 Robb's Loan, Edinburgh EH14 1TY.

No Regulatory Impact Assessment has been prepared for this instrument as it has no impact on the cost of business.