
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 148

The Beet Seed (Scotland) (No. 2) Regulations 2010

PART III

PROCEDURES FOR ISSUING OFFICIAL CERTIFICATES

Official certificates

15.—(1) An application in respect of a seed lot for the issue of an official certificate certifying the seed to be Pre-Basic Seed, Basic Seed, Certified Seed or seed of a Conservation Variety—

- (a) shall be made in writing to the Scottish Ministers in such form and manner, and shall include such information, records, illustrations, material and seed as the Scottish Ministers may require; and
- (b) shall be made not later than 31st December in the second year following the year of harvest of the crop from which the seed lot is obtained or within such other time as the Scottish Ministers may allow.

(2) Where an application for the issue of an official certificate is made to the Scottish Ministers in accordance with paragraph (1) the Scottish Ministers shall, subject to paragraph (3), deal with the application in accordance with the provisions of Part I of Schedule 2.

(3) Where a breeder applies to the Scottish Ministers for the issue of an official certificate in accordance with paragraph (1) in respect of a seed lot which already has a breeder's confirmation after the variety of the seed in that seed lot has been accepted on to a UK National List (or an equivalent in another EEA state), or if the seed in the seed lot is a component of a hybrid variety, after the hybrid variety has been accepted on to a UK National List (or an equivalent list in another EEA state), the Scottish Ministers shall issue an official certificate in respect of that seed lot provided they are satisfied that—

- (a) the seed is the seed in respect of which the breeder's confirmation was issued;
- (b) the breeder's confirmation has not been withdrawn pursuant to paragraph (3) of regulation 16;
- (c) the provisions of regulations 18 and 19 in relation to breeder's confirmations have been complied with; and
- (d) there is no reason why the breeder's confirmation should be withdrawn pursuant to paragraph (3) of regulation 16.

(4) An official certificate which has been issued by the Scottish Ministers may be withdrawn by them in respect of either the whole of a seed lot or any part of a seed lot and any seed from which an official certificate has been so withdrawn shall be deemed not to have been officially certified if—

- (a) the results of an official examination of the sample taken from the seed lot in respect of which the official certificate has been issued are deemed to be null and void in accordance with paragraph (3) of regulation 17;
- (b) on the basis of information received by them, the Scottish Ministers are satisfied that the crop from which the seed in the seed lot was harvested did not meet the conditions laid

down in Part I of Schedule 4 or, in the case of seed of a Conservation Variety, paragraph 2 of Schedule 4;

(c) on the basis of information received by them, the Scottish Ministers are satisfied that the seed in the seed lot, or part of the seed lot—

(i) did not meet the conditions laid down in Part II of Schedule 4 at the time the seed was tested for seed certification purposes, which includes the purpose of issuing a breeder's confirmation; or

(ii) although it met the conditions in Part II of Schedule 4 at the time of such testing it no longer meets them; or

(d) the licensed seed sampler who sampled the seed lot or the licensed crop inspector or licensed EU crop inspector who inspected the crop, did so in breach of any of the terms of that sampler's or inspector's licence.

(5) The Scottish Ministers may withdraw the official certificate in respect of a seed lot, or any part of a seed lot, by giving notice to—

(a) the person who made an application in respect of the seed lot under paragraph (1); or

(b) any person marketing, or who has marketed, any of the seed.

(6) Where, in accordance with paragraph (5), the official certificate in respect of a seed lot, or part of a seed lot, is withdrawn under paragraph (4), the Scottish Ministers may notify—

(a) the person who made an application under paragraph (1) in respect of the seed lot;

(b) any person marketing, or who has marketed, any of the seed; and

(c) any person who has purchased, or been supplied with, any of the seed,

that the official certificate in respect of the seed lot, or part of a seed lot, as the case may be, has been withdrawn.

(7) Where the official certificate in respect of a seed lot, or part of a seed lot, is withdrawn under paragraph (4), any seller of the seed shall, as soon as practicable and in any case not later than 7 days after being informed of it, notify the purchaser in writing, that the official certificate has been withdrawn and that the seed is deemed not to have been officially certified.

Breeder's confirmations

16.—(1) An application for the issue of a breeder's confirmation for Pre-Basic Seed or Basic Seed in respect of a seed lot—

(a) shall be made in writing by the breeder to the Scottish Ministers in such form and manner, and shall include such information, records, illustrations, material and seed, as the Scottish Ministers may require;

(b) shall be made not later than 31st December in the second year following the year of harvest of the crop from which the seed lot is obtained or within such other time as the Scottish Ministers may allow; and

(c) shall be made only—

(i) for seed of a variety for which an application has been made to have that variety accepted on to a UK National List (or to an equivalent list in another EEA state); or

(ii) for seed of a component of a hybrid variety for which an application has been made to have that hybrid variety accepted on to a UK National List (or to an equivalent list in another EEA state).

(2) Where an application for the issue of a breeder's confirmation is made to the Scottish Ministers in accordance with paragraph (1) above, the Scottish Ministers shall deal with the application in accordance with the provisions of Part II of Schedule 2.

(3) A breeder's confirmation which has been issued by the Scottish Ministers may be withdrawn by them in respect of either the whole of a seed lot or any part of a seed lot and any seeds from which a breeder's confirmation has been so withdrawn shall be deemed not to have had a breeder's confirmation if—

- (a) the results of an official examination of the seeds in respect of which the breeder's confirmation has been issued are declared null and void in accordance with paragraph (3) of regulation 17; or
- (b) on the basis of information received by them, the Scottish Ministers are satisfied that the crop from which the seed in the seed lot was harvested did not meet the conditions specified in Part I of Schedule 4; or
- (c) on the basis of information received by them, the Scottish Ministers are satisfied that the seed in the seed lot, or part of the seed lot—
 - (i) did not meet the conditions laid down in Part II of Schedule 4 at the time the seed was tested for breeder's confirmation purposes; or
 - (ii) although it met the conditions in Part II of Schedule 4 at the time of such testing no longer meets them.

(4) The Scottish Ministers may withdraw the breeder's confirmation in respect of a seed lot, or any part of a seed lot, by giving notice to the person who made an application in respect of the seed lot under paragraph (1).

(5) The breeder applying for the breeder's confirmation shall notify the Scottish Ministers if the application to have the relevant variety or hybrid variety accepted on to a UK National List (or to an equivalent list in another EEA state) referred to in paragraph (1)(c) is withdrawn or refused.

(6) If the application to have the relevant variety or hybrid variety accepted on to a UK National List (or to an equivalent list in another EEA state) referred to in paragraph (1)(c) is refused, the breeder applying for the breeder's confirmation shall notify the Scottish Ministers if the refusal is the subject of appeal proceedings and shall further notify the Scottish Ministers of the final outcome of those proceedings.

Sampling

17.—(1) A sample of seed taken for the purposes of an official examination shall be taken—

- (a) by a European Authority or a licensed seed sampler in accordance with the terms of the licensed seed sampler's licence;
- (b) in accordance with the methods specified by the Scottish Ministers in the Sampling Guidance; and
- (c) from a homogeneous seed lot.

(2) A sample of seed of a Conservation Variety taken for the purposes of checking compliance with these Regulations shall comply with paragraph (1)(b) and (c) and Schedule 5.

(3) If a sample from a seed lot submitted or taken for the purpose of an official examination—

- (a) is found not to have been taken in accordance with paragraph (1);
- (b) is taken from a seed lot which does not comply with Schedule 5;
- (c) is not a sample for moisture testing which complies with paragraph 2 of Schedule 5 or is a submitted sample and has not been taken in accordance with the provisions of paragraph 2 of Schedule 5; or
- (d) is otherwise found not to have been taken in accordance with seeds regulations,

no, or no further, official examination of that sample shall be made under these Regulations, and any findings or results obtained in the course of any official examination of that sample, or

from inspecting plants grown in a plot which has been sown with seed from that sample, shall be deemed null and void and shall be disregarded.

(4) For the avoidance of doubt, the provisions of this regulation apply for the purposes of issuing a breeder's confirmation, as they do for the purposes of issuing an official certificate.