
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 445

**The Seed, Plant Propagating Material and
Forest Reproductive Material (EU Exit)
(Scotland) (Amendment etc.) Regulations 2020**

PART 3

**Amendment of Secondary Legislation Relating
to Withdrawal from the European Union**

Amendments relating to the Vegetable Seeds Regulations 1993

10.—(1) Regulation 9 (the Vegetable Seeds Regulations 1993) is amended as follows.

(2) In paragraph (2)—

(a) in sub-paragraph (a)—

(i) after head (i) insert—

“(ia) in the definition of “Amateur Variety”, for “the National List” substitute “a GB Variety List or an NI Variety List”,,”

(ii) for head (ii) substitute—

“(ii) in the definition of “breeder”, in sub-paragraph (a), for the words “the National List or the Common Catalogue” substitute “a GB Variety List, an NI Variety List or an equivalent list in a country granted equivalence”,,”

(iii) after head (ii) insert—

“(iia) omit the definition of “Common Catalogue”,

(iib) in the definition of “Conservation Variety”, for “the National List” substitute “a GB Variety List or an NI Variety List”,,”

(iv) in head (iii)—

(aa) for the definition of “country granted equivalence” to be inserted substitute—

““country granted equivalence” means a country that has been—

(a) granted equivalence under the Equivalence Decision; or

(b) assessed by Scottish Ministers as producing the species of seed referred to in regulation 4 under conditions equivalent to those required by these Regulations;”,

(bb) for ““the Feed and Food Regulation”” to the end substitute—

““DAERA” means the Department of Agriculture, Environment and Rural Affairs in Northern Ireland;”,

(v) after head (iii) insert—

“(iia) after the definition of “the EU Plant Health Regulation” insert—

““the Food and Feed Regulation” means Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed(1);”,”

(vi) for head (iv) substitute—

“(iv) after the definition of “genetically modified” insert—

““the GMO Regulations” means—

- (a) in relation to Scotland, the Genetically Modified Organisms (Deliberate Release) (Scotland) Regulations 2002(2);
- (b) in relation to England, the Genetically Modified Organisms (Deliberate Release) Regulations 2002(3);
- (c) in relation to Wales, the Genetically Modified Organisms (Deliberate Release) (Wales) Regulations 2002(4);
- (d) in relation to Northern Ireland, the Genetically Modified Organisms (Deliberate Release) Regulations (Northern Ireland) 2003(5);

“GB Authority” means the Scottish Ministers, the Secretary of State or the National Assembly for Wales;

“GB quarantine pest” has the meaning given in Article 4 (definition of GB quarantine pests) of the EU Plant Health Regulation;

“GB Variety List” is a list of plant varieties prepared and published by the Secretary of State in accordance with the provisions of the Seeds (National Lists of Varieties) Regulations 2001(6);

“International Authority” means a GB Authority, the NI Authority or the competent seed certification authority of a country other than the United Kingdom, and “by an International Authority” means—

- (a) by or on behalf of a GB Authority;
- (b) by or on behalf of the NI Authority; or
- (c) by or on behalf of the competent seed certification authority of a country other than the United Kingdom;”,”

(vii) for head (v) substitute—

“(v) in the definition of “maintainer”, for “a National List or in the Common Catalogue” and “the National List or the Common Catalogue” where they occur substitute “a GB Variety List, an NI Variety List or an equivalent list in a country granted equivalence”,”

(viii) for head (vi) substitute—

“(vi) in the definition of “maintenance”, for “a National List of the Common Catalogue” substitute “a GB Variety List or an NI Variety List”,

(via) omit the definition of “National List”,

(1) OJ L 268, 18.10.2003, p.1, as last amended by Regulation (EU) 2019/1381 (OJ L 231, 6.9.2019, p.1).
(2) S.S.I. 2002/541, as amended by S.S.I. 2004/439, S.I. 2011/1043, S.S.I. 2015/100, S.S.I. 2019/57 and S.S.I. 2019/86.
(3) S.I. 2002/2443, as amended by S.I. 2004/2411, S.I. 2005/2759, S.I. 2009/1892, S.I. 2011/1043, S.I. 2018/575, S.I. 2019/88, S.I. 2019/759 and S.I. 2019/1252.
(4) S.I. 2002/3188 (W. 304), as amended by S.I. 2005/1913 (W. 156), S.I. 2005/2759, S.I. 2011/1043, S.I. 2013/755 (W. 90), S.I. 2018/1216 (W. 249), S.I. 2019/379 (W. 94), S.I. 2019/463 (W. 111), S.I. 2019/1316 (W. 228) and S.I. 2019/1492 (W. 271).
(5) S.R. 2003 No. 167 as amended by S.I. 2011/1043, S.R. 2018 No. 188, S.I. 2019/190, S.R. 2019 No. 223 and S.I. 2019/759.
(6) S.I. 2001/3510, last amended by S.I. 2020/579.

(vib) before the definition of “official certificate” insert—

““NI Authority” means DAERA;

“NI Variety List” means a list of plant varieties prepared and published by DAERA in accordance with legislation having equivalent effect in Northern Ireland to the Seeds (National Lists of Varieties) Regulations 2001(7)

(ix) for head (vii) substitute—

“(vii) in the definition of “official post control”—

(aa) in the words before sub-paragraph (a), for “European” substitute “International”,

(bb) in sub-paragraph (a), for the words “a European” in both places they occur substitute “an International”,

(cc) omit sub-paragraph (b),

(viiia) for the definition of “protected zone quarantine pest” substitute—

““PFA quarantine pest” has the meaning given in Article 32 (recognition of GB pest free areas), paragraph 1 of the EU Plant Health Regulation;”,

(x) for head (viii) substitute—

“(viii) in the definition of “region of origin”—

(aa) for “the United Kingdom” substitute “Great Britain”,

(bb) at the end insert—

“, with Article 8.1 of that Directive being read as if—

(a) in the first sub-paragraph—

(i) for “a Member State accepts”, there were substituted “the Scottish Ministers accept”,

(ii) for “it shall”, there were substituted “they must”,

(iii) for “It shall”, there were substituted “The Scottish Ministers must”,

(iv) for “Member States”, there were substituted “Scottish Ministers”,

(b) the second sub-paragraph was omitted;”,

(xi) for head (ix) substitute—

“(ix) in the definition of “RNQP”, for “Union” in each place it occurs substitute “GB”,

(x) omit the definition of “Union quarantine pest”;”,

(b) for sub-paragraph (b) substitute—

“(b) in paragraphs (3A), (3B) and (3C)—

(i) in each sub-paragraph (a), for “an EEA state” substitute “a country”,

(ii) in each sub-paragraph (b) and (c), for “EEA state” substitute “country”.”.

(3) In paragraph (3), in the regulation 4(2) to be inserted, for “the United Kingdom” substitute “Great Britain”.

- (4) In paragraph (4)—
- (a) for sub-paragraph (a) substitute—
- “(a) in paragraph (1)—
- (i) in the words before sub-paragraph (a)—
- (aa) for “a National List or the Common Catalogue” substitute “a GB Variety List or an NI Variety List”,
- (bb) for “the Common Catalogue” substitute “a GB Variety List or an NI Variety List”,
- (ii) in sub-paragraph (b)—
- (aa) in the words before head (i), for “an EEA State” substitute “a country”,
- (bb) in head (ii), for “an EEA State” substitute “a country other than the United Kingdom”,
- (iii) in sub-paragraph (bb), for “an EEA state” substitute “a country”,
- (iv) in sub-paragraph (c), for “elsewhere than in an EEA state” substitute “outside the United Kingdom”,”,
- (b) in sub-paragraph (b), in the new paragraph (2D)(a) to be inserted, for “exit” substitute “IP completion”,
- (c) for sub-paragraph (d) substitute—
- “(d) in paragraph (4A)—
- (i) omit “, by reason only of article 3(1)(a) of Council [Directive 70/457/EEC](#)”,
- (ii) for “a National List” substitute “a GB Variety List or an NI Variety List”,”,
- (d) for sub-paragraph (f) substitute—
- “(f) in paragraph (9A), for “an EEA state” substitute “a country”,”,
- (e) for sub-paragraph (i) substitute—
- “(i) in paragraph (11), for “a National List or the Common Catalogue” substitute “a GB Variety List or an NI Variety List”,”,
- (f) for sub-paragraph (j) substitute—
- “(j) in paragraph (13) for “an EEA state” substitute “a country”,”.
- (5) For paragraph (6) substitute—
- “(6) In regulation 6A(1)(c) (breeder’s confirmations), for the words “the National List” to the end substitute “a GB Variety List or an NI Variety List”.”.
- (6) For paragraph (7) substitute—
- “(7) In regulation 6B (importation from outside the European Union)—
- (a) in the heading, for “outside the European Union” substitute “a country granted equivalence”,
- (b) for “outside the European Union” substitute “a country granted equivalence”.”.
- (7) In paragraph (8)(b), for “Communities” substitute “European Union”.
- (8) In paragraph (9), for “Community” substitute “European Union”.
- (9) In paragraph (10)—
- (a) in the new regulation 11A to be inserted, in the heading and the regulation, after “Crown Dependency” insert “or a country granted equivalence”,

- (b) in the new regulation 11B to be inserted—
 - (i) in the heading and the regulation, for “exit” in each place it occurs substitute “IP completion”,
 - (ii) for “two years” substitute “twelve months”.
- (10) For paragraph (11) substitute—

“(11) In schedule 4 (requirements for Basic Seed, Certified Seed, Certified Seed of a Conservation Variety, Standard Seed, Standard Seed of a Conservation Variety and Standard Seed of an Amateur Variety)—

 - (a) in Part I (Basic Seed and Certified Seed)—
 - (i) in paragraph 2 (varietal identity and varietal purity)—
 - (aa) in sub-paragraph (a), for “the National List or the Common Catalogue” substitute “a GB Variety List or an NI Variety List”,
 - (bb) in sub-paragraph (b), for the words “the National List” until the end substitute “a GB Variety List or an NI Variety List.”,
 - (ii) in paragraph 4 (crop health)—
 - (aa) for “Union” substitute “GB”,
 - (bb) for “protected zone” substitute “PFA”,
 - (b) in Part II (basic seed, certified seed and standard seed conditions relating to the seeds), in paragraph 3(b)—
 - (i) for “Union” substitute “GB”,
 - (ii) for “protected zone” substitute “PFA”.”.
- (11) In paragraph (12)—
 - (a) in sub-paragraph (b)—
 - (i) in head (i), for “UK” substitute “GB”,
 - (ii) for head (iii) substitute—

“(iii) in point 11(a), for “a National List or the Common Catalogue” substitute “a GB Variety List or an NI Variety List”,”,
 - (b) after sub-paragraph (b) insert—

“(ba) in Part I(C)(b) (official label for a Package of Seed not Finally Certified: information required for the document), in point 5, for “UK” in each place it occurs substitute “GB”,”,
 - (c) in sub-paragraphs (c), (d), (e), (f) and (g), for “UK” substitute “GB”,
 - (d) after sub-paragraph (e) insert—

“(ea) in Part IV (information in respect of seeds imported from third countries in packages more than 2 kilograms in Net weight), in the heading, for “third countries” substitute “countries outside the United Kingdom”,”.