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

16.—(1) Regulation 15 (the Beet Seed (Scotland) (No. 2) Regulations 2010) is amended as follows.

(2) In paragraph (2)—

(a) in sub-paragraph (a)—

(i) for head (ii) substitute—

“(ii) in the definition of “breeder”—

(aa) in sub-paragraph (a), for “UK National List or the Common Catalogue” substitute “GB Variety List, an NI Variety List or the equivalent list in a country granted equivalence”,

(bb) in sub-paragraph (b), for “UK National List or in the Common Catalogue” and “UK National List or Common Catalogue” substitute “GB Variety List, NI Variety List or equivalent list in a country granted equivalence”,

(iia) in the definition of “breeder’s designation”, for “UK National List” substitute “GB Variety List or an NI Variety List”,

(ii) for head (iii) substitute—

“(iii) omit the definitions of “Common Catalogue” and “the Common Catalogue Directive”,

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

(iii) for head (iv) substitute—

“(iv) in the definition of “control plot”, for “European Authority” in both places it occurs substitute “GB Authority or the NI Authority”,

(iv) in head (v), 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;”,
- (v) after head (v) insert—
- “(va) for the definition of “Department of Agriculture and Rural Development” substitute—
- ““DAERA” means the Department of Agriculture, Environment and Rural Affairs in Northern Ireland;”,
- (vb) omit the definition of “EEA State”;”,
- (vi) for heads (vi) and (vii) substitute—
- “(vi) omit the definition of “European Authority”,
- (vii) omit the definition of “by a European Authority”;”,
- (vii) for head (viii) substitute—
- “(viii) in the definition of “fully certified”—
- (aa) in sub-paragraph (b), for “a European” substitute “an International”,
- (bb) in the text after sub-paragraph (b), for the words “either in” to the end substitute “Part 1 of schedule 4;”,”,
- (viii) for head (ix) substitute—
- “(ix) 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(1);
- (b) in relation to England, the Genetically Modified Organisms (Deliberate Release) Regulations 2002(2);
- (c) in relation to Wales, the Genetically Modified Organisms (Deliberate Release) (Wales) Regulations 2002(3);
- (d) in relation to Northern Ireland, the Genetically Modified Organisms (Deliberate Release) Regulations (Northern Ireland) 2003(4);
- “GB Authority” means the Scottish Ministers, the Secretary of State or the National Assembly for Wales;
- “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(5);”,
- (ixa) after the definition of “homogenous seed lot” insert—
- ““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—

(1) 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.

(2) 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.

(3) 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).

(4) 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.

(5) S.I. 2001/3510, last amended by S.I. 2020/579.

- (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;”,
- (ixb) in the definitions of “licensed crop inspector”, “licensed seed sampler” and “licensed seed testing station”, for sub-paragraph (b) substitute—
- “(b) granted under provisions equivalent to that regulation by—
 - (i) a GB Authority other than the Scottish Ministers; or
 - (ii) the NI Authority;”,
- (ix) for head (x) substitute—
- “(x) omit the definition of “licensed EU crop inspector”,
 - (xa) omit the definition of “National Authority”,
 - (xb) after the definition of “natural seed” 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;”,
 - (xc) in the definitions of “official control”, “official label”, “official seal” and “official sticker”, for “a European Authority” substitute “an International Authority”,
 - (xd) in the definition of “official examination”, in sub-paragraphs (a)(i) and (b)(i), for “the Scottish Ministers or a European Authority” substitute “an International Authority”,
 - (xe) in the definition of “official field inspection”—
 - (aa) in sub-paragraph (a), for “a European Authority” substitute “an International Authority”,
 - (bb) in sub-paragraph (b), omit the words “or a licensed EU crop inspector”,
 - (xf) in the definition of “official post control”, for “the relevant European Authority” substitute “an International Authority”,
 - (xg) in the definition of “official post control the results of which have been satisfactory”—
 - (aa) for “the relevant European Authority” substitute “an International Authority”,
 - (bb) for sub-paragraph (a)(ii) substitute—
 - “(ii) in the case of a GB Authority other than the Scottish Ministers, Parts I and II of schedule 4;”,
 - (xh) for the definition of “registered or licensed number” substitute—
 - ““registered or licensed number” means the number issued to a person who holds a licence granted under regulation 4(1)(a) of the Seed (Licensing and Enforcement etc.) (Scotland) Regulations 2016 or to a person licensed or registered under provision equivalent to that regulation by—

- (a) a GB Authority other than the Scottish Ministers; or
 - (b) the NI Authority;”,”,
- (x) at the end insert—
 - “(xiii) for the definition of “third country” substitute—
 - ““third country” means any country or territory other than the British Islands;”,
 - (xiv) omit the definition of “UK National List””,
- (b) in sub-paragraph (b)—
 - (i) for head (i) substitute—
 - “(i) in sub-paragraph (a), for the words “either an” to the end substitute “a country granted equivalence””,
 - (ii) for head (ii) substitute—
 - “(ii) in sub-paragraph (b), for the words “EEA state or third country” substitute “country granted equivalence””,
- (c) in sub-paragraph (c)—
 - (i) for head (i) substitute—
 - “(i) in sub-paragraph (a), for the words “either an” to the end substitute “a country granted equivalence””,
 - (ii) for head (ii)(bb) substitute—
 - “(bb) for the words “EEA state or third country” substitute “country granted equivalence””,
- (3) In paragraph (4)—
 - (a) for sub-paragraph (a) substitute—
 - “(a) in paragraph (1)(b)(i), for the words “UK National List or the Common Catalogue” substitute “GB Variety List or an NI Variety List”,
 - (b) after sub-paragraph (b) insert—
 - “(ba) in paragraph (4), for “a European” substitute “an International””,
 - (c) omit paragraph (d),
 - (d) for paragraph (e) substitute—
 - “(e) in paragraph (6)—
 - (i) omit “, by reason only of Article 3(2) (component varieties) of the Common Catalogue Directive”,
 - (ii) for “the UK National List” substitute “a GB Variety List or an NI Variety List”.”.
- (4) For paragraph (5) substitute—
 - “(5) In regulation 6A (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”.”.
- (5) For paragraph (6), substitute—
 - “(6) For regulation 7(1) (general exemptions) substitute—
 - “(1) The Scottish Ministers may, by a general licence, authorise—

- (a) a temporary experiment seeking improved alternatives to provisions of these Regulations and organised in accordance with regulations made under section 16(5) of the Act; or
 - (b) exemption from any provisions of these Regulations to the extent that the provisions of the general licence are—
 - (i) necessary in order to overcome any temporary difficulties in the supply of basic or certified seed—
 - (aa) by permitting the marketing of seed of a category subject to less stringent requirements, or of seed of a variety not included in a GB Variety List or an NI Variety List;
 - (bb) for a specified period; and
 - (cc) in quantities necessary to resolve the supply difficulties; or
 - (ii) permitted by Commission Regulation 217/2006 or an authorisation granted thereunder.
- (1A) The duration of a temporary experiment referred to in paragraph (1)(a) must not exceed 7 years.
- (1B) When seed is marketed in accordance with paragraph (1)(b)(i), the following labelling requirements apply—
- (a) for a category of seed of any given variety, the official label must be that provided for the corresponding category;
 - (b) for seed of varieties not included in a GB Variety List or an NI Variety List the colour of the official label must be brown;
 - (c) the label must always state that the seed in question is of a category satisfying less stringent requirements.”.”.
- (6) In paragraph (7)—
- (a) in sub-paragraph (a), for the new paragraph (1)(b) to be inserted substitute—
 - “(b) an authorisation has been granted to the producer, in respect of small quantities of seed for scientific purposes or selection work in accordance with the applicable requirements in the relevant part of the United Kingdom, by—
 - (i) a GB Authority other than the Scottish Ministers; or
 - (ii) the NI Authority.”.
 - (b) in sub-paragraph (b), in the new paragraph (4)(a) to be inserted, for “exit” substitute “IP completion”.
- (7) In paragraph (8)—
- (a) in sub-paragraph (a), for the new paragraph (1)(b) to be inserted substitute—
 - “(b) an authorisation which has been granted to the producer, in accordance with the applicable requirements in the relevant part of the United Kingdom, by—
 - (i) a GB Authority other than the Scottish Ministers; or
 - (ii) the NI Authority.”.
 - (b) for sub-paragraph (b) substitute—
 - “(b) in paragraph (4)—
 - (i) for sub-paragraph (a) substitute—

- “(a) the seed is of a variety for which an application has been made by the applicant, which has not been withdrawn or finally determined, under—
- (i) regulation 4(1)(a) (applications in relation to National Lists) of the Seeds (National Lists of Varieties) Regulations 2001 for acceptance on to a GB Variety List; or
 - (ii) the relevant provision of legislation in Northern Ireland having equivalent effect to the Seeds (National Lists of Varieties) Regulations 2001(6) for acceptance on to an NI Variety List;”,
- (ii) for sub-paragraph (b) substitute—
- “(b) in the case of seed of a genetically modified variety, the marketing and release of the genetically modified material by the applicant has been authorised—
- (i) before the day on which IP Completion day falls, under Part C of the 2001 Deliberate Release Directive;
 - (ii) under the Food and Feed Regulation; or
 - (iii) under the GMO Regulations;”,
- (c) for paragraph (d) substitute—
- “(d) in paragraph (9), for “UK National List” to the end substitute “GB Variety List or an NI Variety List.”;”,
- (d) for paragraph (e) substitute—
- “(e) in paragraph (10), for “names of the EEA states” to the end substitute “location of the trials within the United Kingdom.”;”.
- (8) In paragraph (9), in the new paragraph (7A) to be inserted, for “the United Kingdom” in each place it occurs substitute “Great Britain”.
- (9) In paragraph (10)—
- (a) in sub-paragraph (a)—
 - (i) in head (ii), in the new sub-paragraph (b) to be inserted, for heads (i) and (ii) substitute—
 - “(i) by a GB Authority other than the Scottish Ministers, in accordance with the applicable requirements in the relevant part of Great Britain; or
 - (ii) by the NI Authority, in accordance with the applicable requirements in Northern Ireland; or”;
 - (ii) in head (iii), in the new sub-paragraph (c)(ii) to be inserted, for sub-heads (aa) and (bb) substitute—
 - “(aa) by a GB Authority other than the Scottish Ministers, in accordance with the applicable requirements in the relevant part of Great Britain, irrespective of the findings of the GB Authority; or
 - (bb) by the NI Authority, in accordance with the applicable requirements in Northern Ireland, irrespective of the findings of the NI Authority.”;

- (b) for sub-paragraph (b) substitute—
 - “(b) in paragraph (3), for the words “from a country” to the end substitute “into Great Britain from a country granted equivalence.”.”.
- (10) In paragraph (11)—
 - (a) for sub-paragraph (a) substitute—
 - “(a) in paragraph (1)—
 - (i) in sub-paragraph (a), for the words “UK National List or the Common Catalogue” substitute “GB Variety List or an NI Variety List”,
 - (ii) for sub-paragraph (b) substitute—
 - “(b) (i) any seed lot has, in order to make seed rapidly available, been certified by—
 - (aa) a GB Authority other than the Scottish Ministers;
or
 - (bb) the NI Authority; and
 - (ii) the provisional germination report on the seed has been presented by the producer to the Scottish Ministers,”.”,
 - (b) for sub-paragraph (b)(i) substitute—
 - “(i) for “European Authority other than the Scottish Ministers” substitute “GB Authority, other than the Scottish Ministers, or the NI Authority,”.”,
 - (c) for sub-paragraph (c) substitute—
 - “(c) in paragraph (4), for the words “from a country” to the end substitute “into Great Britain from a country granted equivalence.”.”.
- (11) In paragraph (12), for sub-paragraphs (a) to (c) substitute—
 - “(a) in paragraph (3), for “UK National List (or an equivalent list in another EEA State)” in both places where it occurs, substitute “GB Variety List or an NI Variety List,
 - (b) in paragraph (4)(d) omit “or licensed EU crop inspector”.”.
- (12) For paragraph (13) substitute—
 - “(13) In regulation 16 (breeder’s confirmations), in paragraphs (1)(c), (5) and (6), for the words “UK National List (or to an equivalent list in another EEA State)” in each place they occur substitute “GB Variety List or an NI Variety List”.”.
- (13) For paragraph (14) substitute—
 - “(14) In regulation 17(1)(a) (sampling), for “a European” substitute “an International”.”.
- (14) In paragraph (15)—
 - (a) for sub-paragraph (a) substitute—
 - “(a) for paragraph (2)(b) substitute—
 - “(b) sealed in any other part of the United Kingdom in accordance with the applicable requirements in the relevant part of the United Kingdom.”.”,
 - (b) for sub-paragraph (b) substitute—
 - “(b) in paragraph (5)—
 - (i) in the words before sub-paragraph (a), omit “EC”,
 - (ii) in sub-paragraph (b), for “National Authority other than the Scottish Ministers” substitute “GB Authority, other than the Scottish Ministers, or the NI Authority”,

- (c) in paragraph (6), omit “EC.”.
- (15) In paragraph (16)(a)(ii), for the new sub-paragraph (b) to be inserted substitute—
- “(b) where it is sealed in any other part of the United Kingdom, must—
- (i) be labelled in accordance with the applicable requirements for labelling in the relevant part of the United Kingdom in relation to the relevant category of seed, and
- (ii) contain an official document in accordance with the applicable requirements for official documents in the relevant part of the United Kingdom.”.
- (16) In paragraph (18)—
- (a) in the new regulation 23A to be inserted, in the heading and the regulation, after “Crown Dependency” insert “or a country granted equivalence”,
- (b) in the new regulation 23B 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”.
- (17) In paragraph (19)—
- (a) for sub-paragraph (a) substitute—
- “(a) in the definition of “Pre-basic Seed”, for paragraph 2(c)(ii) substitute—
- “(ii) has been certified by a GB Authority, other than the Scottish Ministers, as satisfying the conditions specified in sub-paragraphs (a) and (b) and the applicable requirements for Basic Seed in the relevant part of the United Kingdom.”,”
- (b) for sub-paragraph (b) substitute—
- “(b) in the definition of “Basic Seed”, for paragraph 3(c)(ii) substitute—
- “(ii) has been certified by a GB Authority, other than the Scottish Ministers, as satisfying the conditions specified in sub-paragraphs (a) and (b) and the applicable requirements for Basic Seed in the relevant part of the United Kingdom.”,”
- (c) for sub-paragraph (c) substitute—
- “(c) in the definition of “Certified Seed”, for paragraph 4(b)(ii) substitute—
- “(ii) has been certified by a GB Authority, other than the Scottish Ministers, as satisfying the conditions specified in sub-paragraph (a) and the applicable requirements for Certified Seed in the relevant part of the United Kingdom.”.”.
- (18) In paragraph (20)—
- (a) in sub-paragraph (a)—
- (i) for head (ii) substitute—
- “(ii) for paragraph 4 (applications for seed harvested in an EEA State or third country) substitute—

“Applications for seed harvested outside the United Kingdom

4.—(1) Notwithstanding paragraphs 2 and 3, and subject to sub-paragraphs (2) and (3), on receipt of an application made in accordance with regulation 15(1) for the issue of an official certificate in respect of a seed lot as Pre-Basic Seed, Basic Seed or Certified

Seed, the Scottish Ministers may issue an official certificate in respect of the seed lot containing the particulars specified in paragraph 1 of Schedule 3.

(2) An official certificate may only be issued under subparagraph (1) if—

- (a) the seed has been—
 - (i) produced directly from—
 - (aa) fully certified Basic Seed or Certified Seed, or
 - (bb) seed certified in the United Kingdom, a Crown Dependency (provided the seed has been produced under legislation recognised by the Scottish Ministers to have equivalent effect to these Regulations) or a country granted equivalence, which is permitted to be sold as Basic Seed or Certified Seed in accordance with these Regulations,
 - (ii) harvested outside the United Kingdom, and
 - (iii) shown on official examination, or, in the case of seed certified in a country granted equivalence, on official field inspection, to have satisfied the conditions specified in Part II of Schedule 4 for the relevant category of seed;
- (b) the seed has been—
 - (i) produced directly from the crossing of fully certified Basic Seed with seed certified in the United Kingdom, a Crown Dependency (provided the seed has been produced under legislation recognised by the Scottish Ministers to have equivalent effect to these Regulations) or a country granted equivalence, which is permitted to be sold as Basic Seed in accordance with these Regulations,
 - (ii) harvested outside the United Kingdom, and
 - (iii) shown on official examination, or, in the case of seed certified in a country granted equivalence, on official field inspection, to have satisfied the conditions specified in Part II of Schedule 4 for the relevant category of seed; or
- (c) the seed—
 - (i) is to be certified by the Scottish Ministers as Basic Seed,
 - (ii) has been produced directly from—
 - (aa) fully certified Pre-basic Seed, or
 - (bb) seed certified in the United Kingdom, a Crown Dependency (provided the seed has been produced under legislation recognised by the Scottish Ministers to have equivalent

effect to these Regulations) or a country granted equivalence, which is permitted to be sold as Pre-basic Seed in accordance with these Regulations,

- (iii) has been harvested outside the United Kingdom, and
- (iv) has been shown on official examination, or, in the case of seed certified in a country granted equivalence, on official field inspection, to have satisfied the conditions specified in Part II of Schedule 4 for the relevant category of seed.

(3) In the case of seed which has been harvested in a country granted equivalence, an official certificate may only be issued under sub-paragraph (1) provided that—

- (a) the seed has been harvested from a crop which has been found by official field inspection to satisfy the crop conditions specified in Part 1 of Schedule 4; and
- (b) has been packed in a sealed package in accordance with the requirements of regulation 18 (sealing of packages of seed) and has been labelled in accordance with the requirements of regulation 19 (labelling of packages of seed) and Schedule 6.”,”

(b) for paragraph (b) substitute—

“(b) in Part II (breeder’s confirmations), in paragraph (7)(d) (when applications may be refused), for “UK National List (or to an equivalent list in an EEA state)” substitute “GB Variety List or an NI Variety List”.”.

(19) For paragraph (21) substitute—

“(21) In Schedule 4 (requirements for Pre-Basic Seed, Basic Seed, Certified Seed and Seed of a Conservation Variety), in Part I (conditions relating to crops from which seed is obtained)—

- (a) in paragraph 2(1) (varietal identity and varietal purity), for the words “UK National List” to the end substitute “GB Variety List or NI Variety List”,
- (b) in paragraph 5(2) (isolation distances – minimum distances), for “the Common Catalogue or UK National List” substitute “a GB Variety List or an NI Variety List”.”.

(20) In paragraph (22)—

(a) in sub-paragraph (b)(i), for “UK” substitute “GB”,

(b) for sub-paragraph (c) substitute—

“(c) in paragraph 6(a) (official label for a package of test and trial seed)—

- (i) in head (ii), for “EEA State or their distinguishing abbreviation” substitute “country or country initials”,
- (ii) in head (vii), for “the UK National” substitute “a GB Variety”,”,

(c) in sub-paragraph (d)—

(i) in head (i), for “UK” substitute “GB”,

(ii) in head (ii), for sub-paragraph (2) to be inserted substitute—

“(2) Where a package of seed of a Conservation Variety is sealed in any other part of Great Britain, it must be labelled in accordance with the requirements for labelling applicable in the relevant part of Great Britain.”,

(d) for sub-paragraph (f) substitute—

“(f) in Part V (information in respect of seed imported from countries which are not EEA States in packages exceeding 2 kilograms net weight)—

(i) in the heading, for “which are not EEA States” substitute “outside the United Kingdom”,

(ii) in paragraph 13 (information to be supplied in respect of seed imported from a country which is not an EEA State in a package exceeding 2 kilograms net weight)—

(aa) in the heading, for “which is not an EEA State” substitute “outside the United Kingdom”,

(bb) in the text before sub-paragraph (a), for “which is not an EEA State” substitute “outside the United Kingdom”,”,

(e) for sub-paragraph (g) substitute—

“(g) in Part VI (printing of specified matters on packages (whole bag labelling)), in paragraph 17 (seed packages sealed in the United Kingdom but not in Scotland, or in an EEA State other than the United Kingdom)—

(i) in the heading, for “an EEA State” substitute “a country”,

(ii) for “EEA State” in both places where it occurs, substitute “country”,

(iii) for “the Department of Agriculture and Rural Development” substitute “DAERA”.”.