
WELSH STATUTORY INSTRUMENTS

2005 No. 1207

The Fodder Plant Seed (Wales) Regulations 2005

PART II

PROCEDURES RELATING TO THE OFFICIAL CERTIFICATION OF SEED

Re-grading of crops

10.—(1) An application to re-grade a crop for the production of a category of seed to which paragraph (6) applies as a crop for the production of another category of seed (“the new category”) to which that paragraph applies may be made to the National Assembly for Wales by a registered person.

(2) An application made under this regulation shall be made in such form and manner and at such time as the National Assembly for Wales shall require and shall be accompanied by —

- (a) a copy of the field inspection report previously issued in respect of the crop unless this has previously been lodged with it, and
- (b) such other information as the National Assembly for Wales may require for the purpose of determining the application.

(3) Where an application under this regulation has been made in respect of a crop that has not been harvested —

- (a) the National Assembly for Wales shall, in the case of an application to re-grade a crop as a crop to produce pre-basic or basic seed, carry out a field inspection of the crop to determine whether it meets the conditions laid down in Schedule 3 and Part I of Schedule 4 for the production of the new category of seed if —
 - (i) the previous field inspection report issued in respect of the crop was not issued by it, and
 - (ii) the condition and stage of development of the crop permit an adequate examination, and
- (b) the National Assembly for Wales may, in the case of an application to re-grade a crop as a crop to produce CS, C1 or C2 seed, carry out a field inspection of the crop to determine whether it meets the conditions laid down in Schedule 3 and Part I of Schedule 4 for the production of the new category of seed if the condition and stage of development of the crop permit an adequate examination.

(4) If the National Assembly for Wales —

- (a) in the case of an application to re-grade a crop as a crop to produce pre-basic or basic seed —
 - (i) has carried out a field inspection of the crop (whether in connection with the original application for a field inspection of the crop or in accordance with paragraph (3));
 - (ii) is satisfied that the crop has been produced by or under the responsibility of the breeder according to accepted practices for the maintenance of the variety; and

- (iii) is satisfied that the crop meets or (if the crop has already been harvested) would have met the conditions laid down in Schedule 3 and Part I of Schedule 4 for the production of the new category of seed;
- (b) in the case of an application to re-grade a crop as a crop to produce CS or C1 seed, —
 - (i) is satisfied that the crop has been produced directly from UK, EC, third country or overseas tested officially certified basic seed of a listed variety, or, with the breeder's written authority, from UK, EC or overseas tested officially certified pre-basic seed of a listed variety; and
 - (ii) is satisfied that the crop meets or (if the crop has already been harvested) would have met the conditions laid down in Schedule 3 and Part I of Schedule 4 for the production of the new category of seed;
- (c) in the case of an application to re-grade a crop as a crop to produce C2 seed —
 - (i) is satisfied that the crop has been produced directly from UK, EC, third country or overseas tested officially certified basic or C1 seed of a listed variety, or, with the breeder's written authority, from UK, EC or overseas tested officially certified pre-basic seed of a listed variety; and
 - (ii) is satisfied that the crop meets or (if the crop has already been harvested) would have met the conditions laid down in Schedule 3 and Part I of Schedule 4 for the production of the new category of seed,

it shall notify the applicant that the crop has been found to meet or (if the crop has already been harvested) it has been found that it would have met the conditions referred to in paragraph (a)(iii), (b)(ii) or (c)(ii), as the case may be, and that his or her application to re-grade the crop has been successful.
- (5) If the National Assembly for Wales is satisfied that the conditions specified in paragraph (4) for the relevant category of seed have not been met it shall notify the applicant that his or her application to re-grade the crop has been unsuccessful.
- (6) This paragraph applies to the following categories of seed —
 - (a) pre-basic seed;
 - (b) basic seed;
 - (c) in the case of seed other than field beans, field peas, lucerne *Medicago sativa*, lupins or vetches, CS seed;
 - (d) in the case of field beans, field peas, lucerne *Medicago sativa*, lupins or vetches, C1 seed; and
 - (e) in the case of field beans and field peas, C2 seed.