
WELSH STATUTORY INSTRUMENTS

2005 No. 3037

The Beet Seed (Wales) Regulations 2005

PART II

PROCEDURES RELATING TO THE OFFICIAL CERTIFICATION OF SEED

Seed testing

10.—(1) Subject to paragraphs (2), (3) and (4), an application may be made to a licensed seed testing station by a registered person for the testing of an official sample of a qualifying seed lot of—

- (a) seed as pre-basic seed (“a regulation 10(1)(a) seed lot”);
- (b) seed as basic seed (“a regulation 10(1)(b) seed lot”); or
- (c) seed as CS seed (“a regulation 10(1)(c) seed lot”).

(2) An application made under this regulation shall not be made in respect of seed of a variety that is not listed, or seed of a component of a hybrid variety that is not listed, unless—

- (a) an application for listing of the variety, or hybrid variety, has been made which has not been withdrawn or finally determined, or
- (b) a marketing extension is in force in respect of the variety or hybrid variety.

(3) An application made under this regulation may be considered by the National Assembly instead of a licensed seed testing station.

(4) If permitted by the National Assembly, an application made under this regulation may be made to it instead of a licensed seed testing station.

(5) An application made under this regulation shall—

- (a) be made in such form and manner and at such time as the National Assembly may require, and
- (b) be accompanied by an official sample of the seed to be tested and such other information, material, seeds, records, illustrations and other documents as the National Assembly may require.

(6) Following the receipt of an application made under this regulation the licensed seed testing station (or the National Assembly in a case where paragraph (3) or (4) applies) shall, subject to paragraph (7), test seed taken from the official sample provided under paragraph (5)(b) to determine whether it meets the conditions laid down in Part II of Schedule 4—

- (a) for the category of seed for which the application is being made, and
- (b) unless requested not to do so by the applicant, for any other category of seed to which paragraph (14) applies.

(7) Where a seed test report has previously been issued by a licensed seed testing station (or the National Assembly in a case where paragraph (3) or (4) applies) in accordance with paragraph (8) (a), (9), (10), (11) or (12) in respect of a seed lot, the licensed seed testing station (or the National Assembly in a case where paragraph (3) or (4) applies) may decide not to test any further official sample of that seed lot for the purposes of paragraph (6) if the information contained in the previously

issued report contains sufficient information to enable it (or the National Assembly) to determine that the official sample would meet the conditions laid down in Part II of Schedule 4—

- (a) for the appropriate category of seed, and
 - (b) where applicable, for any other category of seed to which paragraph (14) applies.
- (8) Subject to paragraph (13), where—
- (a) the official sample is found to satisfy the conditions laid down in Part II of Schedule 4 for
 - (i) the appropriate category of seed, and
 - (ii) where applicable, for any other category of seed to which paragraph (14) applies, or
 - (b) the provisions of paragraph (7) apply,

the licensed seed testing station (or the National Assembly where paragraph (3) or (4) applies) shall issue a seed test report to the applicant stating (by reference to the relevant category or categories of seed) that the seed lot has been found to meet those conditions.

(9) Subject to paragraph (13), where it has been determined, by way of a Schedule 4 germination test, that the official sample taken from a regulation 10(1)(a) or (b) seed lot will not meet the applicable germination condition but the sample is found to satisfy all the other conditions laid down in Part II of Schedule 4 for the appropriate category of seed, the licensed seed testing station (or the National Assembly where paragraph (3) or (4) applies), shall issue a seed test report to the applicant containing a statement to that effect.

(10) Where (otherwise than in connection with a retest of the seed) the results of a Schedule 4 germination test of an official sample of a seed lot referred to in paragraph (1) are awaited, and, except for the result of that test, the official sample has otherwise been found to meet all the other conditions laid down in Part II of Schedule 4—

- (a) for the appropriate category of seed, and
- (b) where applicable, for any other category of seed to which paragraph (14) applies,

the licensed seed testing station (or the National Assembly in a case where paragraph (3) or (4) applies), shall, subject to paragraph (13), issue an interim seed test report to the applicant stating that the results of the Schedule 4 germination test for the official sample are awaited but that it has otherwise been found to meet all the other conditions laid down in Part II of Schedule 4 for the appropriate category of seed, and, where applicable, for any relevant category of seed to which paragraph (14) applies.

(11) Where, following the issue of an interim seed test report under paragraph (10), the tested seed is found to meet the applicable germination condition, the licensed seed testing station (or the National Assembly in a case where paragraph (3) or (4) applies), shall, subject to paragraph (13), issue a seed test report to the applicant stating that the official sample has been found to meet the conditions laid down in Part II of Schedule 4 for the appropriate category of seed, and, where applicable, for any other category of seed to which paragraph (14) applies.

(12) Subject to paragraphs (9) and (10), where an official sample of a seed lot referred to in paragraph (1) is found not to satisfy the conditions laid down in Part II of Schedule 4 for the appropriate category of seed, the licensed seed testing station (or the National Assembly in a case where paragraph (3) or (4) applies) shall issue and send to the applicant a seed test report—

- (a) stating that the official sample has been found not to meet those conditions, and
- (b) subject to paragraph (13), in a case where the seed has been tested to determine whether it meets the conditions laid down in Part II of Schedule 4 for any other category of seed to which paragraph (14) applies, stating (by reference to the relevant category) whether the seed has been found to meet the conditions for any such category.

(13) If it appears to the National Assembly that an official sample of the seed lot taken for the purpose of a test in order to ascertain whether it met the appropriate conditions laid down in Part

II of Schedule 4 was not taken in accordance with the requirements of regulation 20 the National Assembly may—

- (a) in a case where paragraph (3) or (4) applies, refuse to issue a seed test report in accordance with paragraph (8), (9), (10), (11) or (12)(b), and, in such a case, shall notify the applicant of its decision and the reason for it, or
 - (b) in a case where paragraph (3) or (4) does not apply, direct the licensed seed testing station to refuse to issue a seed test report in accordance with those paragraphs and the licensed seed testing station shall comply with that direction and shall notify the applicant of the reason for its refusal to issue the report.
- (14) This paragraph applies to the following categories of seed—
- (a) in the case of an application made under this regulation relating to a regulation 10(1)(a) seed lot, to the category of basic seed, and
 - (b) in the case of an application made under this regulation relating to a regulation 10(1)(b) seed lot, other than a component of a hybrid variety, to the category of pre-basic seed.
- (15) In this regulation “qualifying seed lot” means a seed lot—
- (a) containing seed harvested from a crop produced in Wales for which a field inspection report has been issued in accordance with—
 - (i) regulation 7(9);
 - (ii) regulation 7(10); or
 - (iii) regulation 7(11) in a case where the crop has been found to meet the conditions laid down in Schedule 3 and Part I of Schedule 4 for the production of any category of seed referred to in regulation 7(11)(b);
 - (b) containing seed harvested from a crop produced in the United Kingdom elsewhere than in Wales—
 - (i) in respect of which the National Assembly has received confirmation of crop approval by or on behalf of the Secretary of State, the Scottish Ministers or the Department of Agriculture and Rural Development (as the case may be) that the crop meets conditions equivalent to those laid down in Schedule 3 and Part I of Schedule 4, or
 - (ii) for which a copy of the field inspection report relating to the crop has been lodged with the National Assembly in accordance with regulation 8; or
 - (c) imported into the United Kingdom as—
 - (i) not finally certified pre-basic, basic or CS seed harvested in another member State and for which the Annex IV(C) document relating to the crop from which the seed in the seed lot was harvested has been lodged with the National Assembly in accordance with regulation 8, or
 - (ii) not finally certified CS seed harvested in an equivalent third country and for which the Annex II.A(3) official certificate relating to the crop from which the seed in the seed lot was harvested has been lodged with the National Assembly in accordance with regulation 8.