

## SCHEDULE 2

Regulations 10, 11, 13 and 23

### Certification requirements

#### [<sup>F1</sup>Part A1

#### Introduction

##### Textual Amendments

- F1** Sch. 2 Pt. A1 inserted (24.7.2020) by [The Marketing of Seed, Plant and Propagating Material \(England\) Regulations 2020 \(S.I. 2020/682\)](#), regs. 1(1), **4(3)(a)**

##### Interpretation

**A1.** In this Schedule—

“EU Plant Health Regulation” means Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants;

[<sup>F2</sup>“GB quarantine pest” means a pest within the meaning given by Article 4 of the EU Plant Health Regulation];

“[<sup>F3</sup>PFA] quarantine pest” means a pest within the meaning given by Article 32(1) of the EU Plant Health Regulation;

“RNQP” means a [<sup>F4</sup>GB] regulated non-quarantine pest within the meaning given by Article 36 of the EU Plant Health Regulation;

<sup>F5</sup> ...]

##### Textual Amendments

- F2** Words in Sch. 2 para. A1 inserted (16.11.2022) by [The Animals, Food, Plant Health, Plant Propagating Material and Seeds \(Miscellaneous Amendments etc.\) Regulations 2022 \(S.I. 2022/1090\)](#), regs. 1(1), **2(2)(a)(i)**
- F3** Word in Sch. 2 para. A1 substituted (16.11.2022) by [The Animals, Food, Plant Health, Plant Propagating Material and Seeds \(Miscellaneous Amendments etc.\) Regulations 2022 \(S.I. 2022/1090\)](#), regs. 1(1), **2(2)(a)(ii)**
- F4** Word in Sch. 2 para. A1 substituted (16.11.2022) by [The Animals, Food, Plant Health, Plant Propagating Material and Seeds \(Miscellaneous Amendments etc.\) Regulations 2022 \(S.I. 2022/1090\)](#), regs. 1(1), **2(2)(a)(iii)**
- F5** Words in Sch. 2 para. A1 omitted (16.11.2022) by virtue of [The Animals, Food, Plant Health, Plant Propagating Material and Seeds \(Miscellaneous Amendments etc.\) Regulations 2022 \(S.I. 2022/1090\)](#), regs. 1(1), **2(2)(a)(iv)**

## PART 1

### Beet

#### Scope of Part 1

1. This Part regulates the type of beet in Schedule 1.

#### Interpretation of Part 1

2. In this Part—
  - (a) “monogerm seed” means seed that is genetically monogerm; and
  - (b) “precision seed” means seed designed for use in precision drills to produce single seedlings.

#### Permitted types of beet seed

3. Beet seed must be—
  - (a) pre-basic seed;
  - (b) basic seed; or
  - (c) certified seed.

#### Meaning of “pre-basic seed”

4. Pre-basic seed is seed—
  - (a) produced from a generation prior to pre-basic seed by or under the responsibility of the breeder according to well-defined practices for the maintenance of the variety; and
  - (b) intended for the production of—
    - (i) more pre-basic seed;
    - (ii) basic seed; or
    - (iii) with the breeder’s written authority, certified seed.

#### Meaning of “basic seed”

5. Basic seed is seed—
  - (a) produced under the responsibility of the breeder according to well-defined practices for the maintenance of the variety; and
  - (b) intended for the production of certified seed.

#### Meaning of “certified seed”

6. Certified seed is seed that is of direct descent from basic seed and is intended for the production of beet.

## Crop and seed requirements

7.—(1) Crop inspections by official or licensed crop inspectors must be carried out in accordance with Article 2(3)(A) [<sup>F6</sup>(a) to (d)] of, and Annex I(A) to, Council Directive 2002/54/EC on the marketing of beet seed(1), and the crop must satisfy the conditions in that Annex.

(2) The seed produced by the crop must be sampled in accordance with Article 9(2) and Annex II to that Directive, and must satisfy the conditions in Annex I(B) to that Directive.

(3) It must be labelled in accordance with [<sup>F7</sup>Schedule 3].

(4) The maximum moisture content must not exceed 15% by weight.

(5) Diseases and harmful organisms that reduce the usefulness of the seed must be at the lowest possible level.

[<sup>F8</sup>(6) For the purposes of this regulation, Council Directive 2002/54/EC is to be read as if—

(a) in Article 2(3)(A)(a)(iii), for “officially licensed by the seed certification authority of the Member State concerned” there were substituted “licensed by the Secretary of State”;

(b) in Annex 1—

(i) in point A—

(aa) in paragraph 3, for “certification authority” there were substituted “Secretary of State”;

(bb) in the last paragraph, for the words from “the common” to “that Directive” there were substituted “GB Variety List”;

(ii) in point B, in paragraph 3(c)—

(aa) the reference to “Member States” were a reference to “The Secretary of State”;

(bb) the reference to “Community” were omitted.]

### Textual Amendments

**F6** Words in Sch. 2 para. 7(1) inserted (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1(b), [7\(13\)\(a\)\(i\)](#); 2020 c. 1, Sch. 5 para. 1(1)

**F7** Words in Sch. 2 para. 7(3) substituted (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1(b), [7\(13\)\(a\)\(ii\)](#); 2020 c. 1, Sch. 5 para. 1(1)

**F8** Sch. 2 para. 7(6) inserted (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1(b), [7\(13\)\(a\)\(iii\)](#) (as amended by [S.I. 2020/1388](#), regs. 1(2)(a), [29\(5\)\(i\)](#)); 2020 c. 1, Sch. 5 para. 1(1)

(1) OJ No L 193, 20.7.2002, p. 12, as last amended by Council Directive [2004/117/EC](#) (OJ No L 14, 18.1.2005, p. 18).

## PART 2

### Cereals

#### CHAPTER 1

##### Types of seed

#### Scope of Part 2

8. This Part regulates the types of cereal in Schedule 1.

#### Permitted types of cereal seed

9.—(1) Cereal seed must be—

- (a) pre-basic seed;
- (b) basic seed;
- (c) certified seed;
- (d) certified seed, first generation;
- (e) certified seed, second generation; or
- (f) seed of a higher voluntary standard.

(2) The seed may be a mixture of cereal species of different varieties provided that each variety in the mixture is certified and is effective against the propagation of harmful organisms.

#### Meaning of “pre-basic seed” (including hybrids)

10. Pre-basic seed (including hybrids) is seed—

- (a) produced from a generation prior to pre-basic seed or from pre-basic seed by or under the responsibility of the breeder according to well-defined practices for the maintenance of the variety; and
- (b) intended for the production of—
  - (i) more pre-basic seed;
  - (ii) basic seed; or
  - (iii) with the breeder’s written authority, certified seed of categories CS, C1 or C2 (hybrid varieties may not be produced to C1 or C2).

#### Meaning of “basic seed”

11. Basic seed is seed complying with the following conditions.

<i>Type of cereal</i>	<i>Condition</i>
Self-pollinating varieties of oats, naked oats, barley, rye, triticale, wheat, durum wheat and spelt wheat	<p>The seed must be—</p> <ul style="list-style-type: none"> <li>(a) produced under the responsibility of the breeder according to well-defined practices for the maintenance of the variety; and</li> <li>(b) intended for the production of certified seed of categories CS C1 or C2</li> </ul>

<i>Type of cereal</i>	<i>Condition</i>
Hybrid varieties of oats, barley, rye, wheat, durum wheat, spelt wheat, triticale and maize	The seed must be intended for the production of hybrids
Maize spp open-pollinated varieties	The seed must be— (a) produced under the responsibility of the breeder according to well-defined practices for the maintenance of the variety; (b) intended for the production of seed of this variety of the category ‘certified seed’ triple cross or of top cross hybrid variety or of intervarietal hybrids
Maize, inbred lines	Any seed

**Meaning of “certified seed”**

12. Certified seed is seed—

- (a) of rye, maize, or triticale and hybrids of barley, oats, wheat, durum wheat, spelt wheat;
- (b) that has been produced directly from basic seed or, if the breeder so requests, from seed of a generation prior to basic seed that satisfies the conditions for basic seed; and
- (c) that is intended for purposes other than the production of cereal seed.

**Meaning of “certified seed, first generation”**

13. Certified seed, first generation is seed—

- (a) of oats, barley, triticale, wheat, durum wheat or spelt wheat, other than hybrids in each case;
- (b) produced directly from basic seed or, if the breeder so requests, from pre-basic seed that satisfies the conditions for basic seed;
- (c) intended either for the production of seed of the category ‘certified seed, second generation’ or for purposes other than the production of cereal seed.

**Meaning of “certified seed, second generation”**

14. Certified seed, second generation is seed—

- (a) of oats, barley, triticale, wheat, durum wheat or spelt wheat, other than hybrids in each case;
- (b) produced directly from basic seed, from certified seed, first generation or, if the breeder so requests, from pre-basic seed that satisfies the conditions for basic seed;
- (c) intended for purposes other than the production of cereal seed.

**Crop and seed requirements**

15.—(1) Crop inspections by official or licensed crop inspectors must be carried out in accordance with Article 2(3)(A) [<sup>F9</sup>(a) to (d)] of, and Annex I to, Council Directive 66/402/EEC on the marketing of cereal seed<sup>(2)</sup>, and the crop must satisfy the conditions in that Annex.

(2) The seed produced by the crop must be sampled in accordance with Article 7 of, and Annex III to, that Directive [<sup>F10</sup>(except paragraphs 1a(f) and 1b of Article 7)] and must satisfy the conditions in Annex II to that Directive.

[<sup>F11</sup>(2A) For the purposes of sub-paragraphs (1) and (2), Council Directive 66/402/EEC is to be read as if—

- (a) in Article 2(3)(A)(a)(iii), for “officially licensed by the seed certification authority of the Member State concerned” there were substituted “ licensed by the Secretary of State ”;
- (b) in Article 7—
  - (i) the reference to “Member States” were a reference to “The Secretary of State”;
  - (ii) in paragraph 1a(a), for “seed certification authority of the Member State concerned” there were substituted “ Secretary of State ”.]

(3) The moisture content must not exceed 17% by weight.

[<sup>F12</sup>(4) The crop and the seed produced by the crop must be practically free from any pests which reduce the usefulness and quality of the seed.

(5) The crop and the seed produced by the crop must comply with the requirements concerning [<sup>F13</sup>GB] quarantine pests, [<sup>F14</sup>PFA] quarantine pests and RNQPs set out in implementing acts adopted pursuant to the EU Plant Health Regulation, and measures adopted pursuant to Article 30(1) of that Regulation.]

**Textual Amendments**

- F9** Words in Sch. 2 para. 15(1) inserted (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1(b), **7(13)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in Sch. 2 para. 15(2) inserted (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1(b), **7(13)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** Sch. 2 para. 15(2A) inserted (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1(b), **7(13)(b)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F12** Sch. 2 para. 15(4)(5) substituted for Sch. 2 para. 15(4) (24.7.2020) by [The Marketing of Seed, Plant and Propagating Material \(England\) Regulations 2020 \(S.I. 2020/682\)](#), regs. 1(1), **4(3)(b)**
- F13** Word in Sch. 2 para. 15(5) substituted (16.11.2022) by [The Animals, Food, Plant Health, Plant Propagating Material and Seeds \(Miscellaneous Amendments etc.\) Regulations 2022 \(S.I. 2022/1090\)](#), regs. 1(1), **2(2)(b)(ii)**
- F14** Word in Sch. 2 para. 15(5) substituted (16.11.2022) by [The Animals, Food, Plant Health, Plant Propagating Material and Seeds \(Miscellaneous Amendments etc.\) Regulations 2022 \(S.I. 2022/1090\)](#), regs. 1(1), **2(2)(b)(i)**

(2) OJ No L 125, 11.7.1966, p. 2309, as last amended by Commission Directive [2009/74/EC](#) (OJ No L 166, 27.6.2009, p. 40).

## CHAPTER 2

### Higher voluntary standards

#### Higher voluntary standards for cereals

**16.**—(1) Barley, oats, wheat (including durum wheat and spelt wheat) or naked oats classified as basic seed, or certified seed of categories C1 or C2, may be marketed as being of a higher voluntary standard, which is a standard higher than that regulated under Chapter 1, if it meets the higher standards in this Chapter.

- (2) The crop must have at least 99.99% (by number) species purity.
- (3) Other than a hybrid, the minimum varietal purity of seed is—
  - (a) 99.95% for basic seed;
  - (b) 99.9% for C1 seed;
  - (c) 99.7% for C2 seed.
- (4) In the case of C1 and C2 the seed must have 99% by weight analytical purity.

#### Additional requirements for barley, wheat, durum wheat and spelt wheat

- 17.** In the case of barley, wheat, durum wheat and spelt wheat—
- (a) the maximum number of wild oats in a crop is 7 per hectare.
  - (b) the maximum percentage by number of loose smut infection in seed is—
    - (i) 0.1% for basic seed;
    - (ii) 0.2% for C1 and C2 seed.

#### Seed from other plants

**18.** The number of seeds from other plant species in a sample of 1000g must not exceed the following.

#### Seed of other species

Category of seed sampled	All other plant species (including species specified in columns 3 to 6)	Other cereal species	All plant species other than cereals	Wild oats or darnel	Wild radish, corn cockle, sterile brome or couch
Basic seed	1	0	1	0	0
C1	2	1	1	0	1
C2	4	3	2	0	1

(a) Only in respect of wild radish and corn cockle.

#### Ergot and sclerotia

- 19.** In a sample of 1000g—
- (a) in the case of basic seed there must be no ergot or sclerotia;

- (b) in the case of certified seed (C1 or C2) there must be no more than one piece of ergot or sclerotia.

## PART 3

### Fodder plants

#### CHAPTER 1

#### Basic standards

#### Scope of Part 3

20. This Part regulates the types of fodder plants in Schedule 1.

#### Permitted types of fodder seed

- 21.—(1) Fodder seed must be—

- (a) pre-basic seed;
- (b) basic seed;
- (c) certified seed;
- (d) certified seed, first generation;
- (e) certified seed, second generation;
- (f) commercial seed; or
- (g) seed of a higher voluntary standard.

(2) The seed may be a mixture of fodder species of different varieties provided that each variety in the mixture is certified.

#### Meaning of “pre-basic seed”

22. Pre-basic seed is seed—

- (a) produced from a generation prior to pre-basic seed by or under the responsibility of the breeder according to well-defined practices for the maintenance of the variety; and
- (b) intended for the production of—
  - (i) more pre-basic seed;
  - (ii) basic seed; or
  - (iii) with the breeder’s written authority, certified seed CS, C1 or C2.

#### Meaning of “basic seed”

- 23.—(1) Basic seed is seed of—

- (a) bred varieties; or
- (b) local varieties.

- (2) Seed of bred varieties is seed—

- (a) produced under the responsibility of the breeder according to well-defined practices for the maintenance of the variety;
- (b) intended for the production of certified seed.

- (3) Seed of local varieties is seed—
- (a) produced under official control from material officially accepted as being of the local variety on one or more holdings situated within a clearly demarcated region of origin;
  - (b) intended for the production of certified seed.

#### **Meaning of “certified seed”**

**24.** Certified seed is seed (other than of field beans, field peas, [<sup>F15</sup>lucerne (*Medicago sativa*),] lupins and vetches)—

- (a) produced directly from basic seed or, if the breeder so requests, from pre-basic seed that satisfies the conditions for basic seed; and
- (b) intended for purposes other than the production of seed.

#### **Textual Amendments**

**F15** Words in Sch. 2 para. 24 inserted (31.12.2012) by [The Seed Marketing \(Amendment\) Regulations 2012 \(S.I. 2012/3035\)](#), regs. 1, 5

#### **Meaning of “certified seed, first generation”**

**25.** Certified seed, first generation in relation to field beans, field peas, lucerne (*Medicago sativa*), lupins and vetches is seed—

- (a) produced directly from basic seed or, if the breeder so requests, from pre-basic seed that satisfies the conditions for basic seed; and
- (b) intended for—
  - (i) the production of certified seed, second generation (in the case of field beans and field peas only); or
  - (ii) purposes other than the production of seed (in all cases).

#### **Meaning of “certified seed, second generation”**

**26.** Certified seed, second generation in relation to field beans, field peas, lucerne (*Medicago sativa*), lupins and vetches is seed—

- (a) produced directly from basic seed, from certified seed, first generation (C1) or, if the breeder so requests, from pre-basic seed that satisfies the conditions for basic seed; and
- (b) intended for purposes other than the production of seed of fodder plants.

#### **Meaning of “commercial seed”**

**27.** Commercial seed is seed of annual meadowgrass, Hungarian vetch or sainfoin that is identifiable as belonging to a species.

#### **Crop and seed requirements**

**28.—**(1) Crop inspections by official or licensed crop inspectors must be carried out in accordance with Article 2(3)(A) [<sup>F16</sup>(a) to (d)] of, and Annex I to, Council Directive [66/401/EEC](#) on the marketing of fodder plant seed(3), and the crop must satisfy the conditions in that Annex.

(3) OJ No L 125, 11.7.1966, p. 2298, as last amended by Commission Directive [2009/74/EC](#) (OJ No L 166, 27.6.2009, p. 40).

**Changes to legislation:** There are currently no known outstanding effects for the The Seed Marketing Regulations 2011, SCHEDULE 2. (See end of Document for details)

- [<sup>F17</sup>(1A) For the purposes of sub-paragraph (1), Council Directive 66/401/EEC is to be read as if—
- (a) in Article 2(3)(A)(a)(iii), for “officially licensed by the seed certification authority of the Member State concerned” there were substituted “ licensed by the Secretary of State ”;
  - (b) in Annex 1, in paragraph 4, in the second sub-paragraph, the words from “Upon” to the end were omitted.]

(2) The seed produced by the crop must be sampled in accordance with Annex III to that Directive, and must satisfy the conditions in Annex II to that Directive.

[<sup>F18</sup>(3) The crop and the seed produced by the crop must be practically free from any pests which reduce the usefulness and quality of the seed.

(4) The crop and seed produced by the crop must comply with the requirements concerning [<sup>F19</sup>GB] quarantine pests, [<sup>F20</sup>PFA] quarantine pests and RNQPs set out in implementing acts adopted pursuant to the EU Plant Health Regulation, and measures adopted pursuant to Article 30(1) of that Regulation.]

#### Textual Amendments

- F16** Words in Sch. 2 para. 28(1) inserted (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1(b), **7(13)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F17** Sch. 2 para. 28(1A) inserted (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1(b), **7(13)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F18** Sch. 2 para. 28(3)(4) substituted for Sch. 2 para. 28(3) (24.7.2020) by [The Marketing of Seed, Plant and Propagating Material \(England\) Regulations 2020 \(S.I. 2020/682\)](#), regs. 1(1), **4(3)(c)**
- F19** Word in Sch. 2 para. 28(4) substituted (16.11.2022) by [The Animals, Food, Plant Health, Plant Propagating Material and Seeds \(Miscellaneous Amendments etc.\) Regulations 2022 \(S.I. 2022/1090\)](#), regs. 1(1), **2(2)(b)(ii)**
- F20** Word in Sch. 2 para. 28(4) substituted (16.11.2022) by [The Animals, Food, Plant Health, Plant Propagating Material and Seeds \(Miscellaneous Amendments etc.\) Regulations 2022 \(S.I. 2022/1090\)](#), regs. 1(1), **2(2)(b)(i)**

## CHAPTER 2

### Higher voluntary standards

#### Higher voluntary standards for fodder seed

- [<sup>F21</sup>29. The following may be marketed as seed of a higher voluntary standard—
- (a) cocksfoot, festulolium, hybrid ryegrass, Italian ryegrass, meadow fescue, perennial ryegrass, red clover, red fescue, sainfoin, small timothy, timothy, smooth stalked meadow grass, tall fescue and white clover, where any of these are classified as certified seed (CS);
  - (b) lucerne, classified either as certified seed of the first generation (C1) or certified seed of the second generation (C2).]

#### Textual Amendments

- F21** Sch. 2 para. 29 substituted (30.6.2016) by [The Seed Marketing \(Amendment\) Regulations 2016 \(S.I. 2016/613\)](#), regs. 1(1), **5**

### Minimum standards for purity and other species of seed in the sample

30. The sample taken under paragraph 28(2) for the purposes of Council Directive 66/401/EEC must have the minimum standards set out in the following table.

Column header	Minimum purity (% by weight)	Total weight of all other species (% by weight)	Total weight of a single species R (% by weight)	Seed of Rumex spp other excluding acetosella and R maritimus	Seed of Rumex spp	Seed of couchgrass	Seed of blackgrass	Limits of other specific species
<b>Fine grasses</b>								
festulolium	98	1.5	0	0	10	0		
red fescue	95	1.5	0.5	5	10	10		The sample must have no more than four seeds ryegrass, cocksfoot, meadow fescue and 0.3% rough stalked meadow grass
smooth-stalked meadowgrass	90	1.5	0.5	2	3	3		Maximum of 0.4% by weight of seed of other meadow grass
<b>Fodder grasses</b>								
cocksfoot	90	1.5	0.5	5	10	10		
meadow fescue, tall fescue	98	1.5	0.5	5	10	10		0.3% rough stalked meadow grass, 0.3% ryegrass
hybrid ryegrass, Italian ryegrass, perennial ryegrass	98	1.5	0.5	5	10	10		0.4% annual meadowgrass, 0.3% rough stalked meadow grass
small timothy, timothy	98	1.5	0.5	4	10	10		0.3% <i>Agrostis spp</i>
<b>Small seeded legumes</b>								
lucerne, red clover, white clover	98	1.5	0.5	10	10	10		0.3% <i>Melilotus spp</i>
sainfoin	98	1.5	0.5	5	10	10		0.3% <i>Melilotus spp</i>

## PART 4

### Oil and fibre

#### Scope of Part 4

31. This Part regulates the types of oil and fibre plants in Schedule 1.

#### Permitted types of oil and fibre seed

32. Oil and fibre seed must be—

- (a) pre-basic seed;
- (b) basic seed;
- (c) certified seed;
- (d) certified seed, first generation;
- (e) certified seed, second generation;
- (f) certified seed, third generation; or
- (g) commercial seed.

#### Meaning of “pre-basic seed”

33.—(1) “Pre-basic seed” is seed of a generation prior to basic seed—

- (a) that has been produced by or under the responsibility of the breeder according to well-defined practices for the maintenance of the variety, and
- (b) intended to be used for the production of more pre-basic seed, basic seed, or with the breeder’s written authority—
  - (i) in the case of black mustard, brown mustard, dioecious hemp, sunflower, swede rape, turnip rape or white mustard, CS seed;
  - (ii) in the case of monoecious hemp or soya bean, C1 or C2 seed;
  - (iii) in the case of flax or linseed, C1, C2 or C3 seed.

(2) But in relation to a component of a hybrid variety, “pre-basic seed” means seed of a generation prior to basic seed that is intended to be used for the production of—

- (a) more pre-basic seed;
- (b) basic seed; or
- (c) with the breeder’s written authority, CS seed.

#### Meaning of “basic seed” for non-hybrid varieties

34. In the case of a non-hybrid variety, basic seed is seed—

- (a) produced under the responsibility of the breeder according to well-defined practices for the maintenance of the variety;
- (b) intended for the production of—
  - (i) certified seed,
  - (ii) certified seed, first generation,
  - (iii) certified seed, second generation; or
  - (iv) certified seed, third generation.

### **Meaning of “basic seed” for inbred lines**

**35.** In the case of an inbred line, basic seed is seed of an inbred line of a hybrid that satisfies the conditions for basic seed.

### **Meaning of “basic seed” for simple hybrids**

**36.** In the case of a simple hybrid, basic seed is seed intended for the production of hybrids.

### **Meaning of “certified seed”**

**37.** Certified seed is seed of black, brown and white mustard, dioecious hemp, sunflower, swede rape or turnip rape—

- (a) produced directly from basic seed or, if the breeder so requests, from seed of a generation prior to basic seed that satisfies the conditions for basic seed;
- (b) intended for purposes other than the production of seed of oil or fibre plants.

### **Meaning of “certified seed, first generation”**

**38.** Certified seed, first generation is seed of monoecious hemp, flax, linseed or soya—

- (a) produced directly from basic seed or, if the breeder so requests, from pre-basic seed that satisfies the conditions for basic seed;
- (b) intended either for the production of—
  - (i) certified seed, second generation;
  - (ii) where appropriate, certified seed, third generation; or
  - (iii) for purposes other than the production of seed of oil or fibre plants.

### **Meaning of “certified seed, second generation”**

**39.—(1)** Certified seed, second generation is seed of flax, linseed, soya or monoecious hemp.

**(2)** In the case of flax, linseed, soya, it is seed—

- (a) produced directly from basic seed, from certified seed of the first generation or, if the breeder so requests, from pre-basic seed that satisfies the conditions for basic seed; and
- (b) intended for—
  - (i) purposes other than the production of seed or,
  - (ii) where appropriate, the production of certified seed, third generation seed.

**(3)** In the case of monoecious hemp it is seed—

- (a) produced directly from certified seed of the first generation established and officially controlled with a view to the production of certified seed of the second generation; and
- (b) intended for the production of hemp to be harvested in flower.

### **Meaning of “certified seed, third generation”**

**40.** Certified seed, third generation is seed from flax or linseed—

- (a) of direct descent from basic seed, from certified seed of the first or second generation or, if the breeder so requests, from seed of a generation prior to basic seed; and
- (b) intended for purposes other than the production of seed.

**Meaning of “commercial seed”**

41. Commercial seed (black mustard seed only) is seed that is identifiable as belonging to a species.

**Crop and seed requirements**

42.—(1) Crop inspections by official or licensed crop inspectors must be carried out in accordance with Article 2(5)(A) [<sup>F22</sup>(a) to (d)] of, and Annex I to, Council Directive [2002/57/EC](#) on the marketing of seed of oil and fibre plants(4), and the crop must satisfy the conditions in that Annex.

[<sup>F23</sup>(1A) For the purposes of sub-paragraph (1), Council Directive [2002/57/EC](#) is to be read as if—

- (a) in Article 2(5)(A)(a)(iii), for “officially licensed by the seed certification authority of the Member State concerned” there were substituted “ licensed by the Secretary of State ”;
- (b) in Annex 2, in Part 1, in paragraph 5C, the last sub-paragraph were omitted.]

(2) The seed produced by the crop must be sampled in accordance with Annex III to that Directive and must satisfy the conditions in Annex II to that Directive.

[<sup>F24</sup>(3) The crop and the seed produced by the crop must be practically free from any pests which reduce the usefulness and quality of the seed.

(4) The crop and seed produced by the crop must comply with the requirements concerning [<sup>F25</sup>GB] quarantine pests, [<sup>F26</sup>PFA] quarantine pests and RNQPs set out in implementing acts adopted pursuant to the EU Plant Health Regulation, and measures adopted pursuant to Article 30(1) of that Regulation.]

**Textual Amendments**

- F22** Words in Sch. 2 para. 42(1) inserted (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1(b), **7(13)(d)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F23** Sch. 2 para. 42(1A) inserted (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1(b), **7(13)(d)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F24** Sch. 2 para. 42(3)(4) substituted for Sch. 2 para. 42(3) (24.7.2020) by [The Marketing of Seed, Plant and Propagating Material \(England\) Regulations 2020 \(S.I. 2020/682\)](#), regs. 1(1), **4(3)(c)**
- F25** Word in Sch. 2 para. 42(4) substituted (16.11.2022) by [The Animals, Food, Plant Health, Plant Propagating Material and Seeds \(Miscellaneous Amendments etc.\) Regulations 2022 \(S.I. 2022/1090\)](#), regs. 1(1), **2(2)(b)(ii)**
- F26** Word in Sch. 2 para. 42(4) substituted (16.11.2022) by [The Animals, Food, Plant Health, Plant Propagating Material and Seeds \(Miscellaneous Amendments etc.\) Regulations 2022 \(S.I. 2022/1090\)](#), regs. 1(1), **2(2)(b)(i)**

**Requirements for a varietal association**

43.—(1) Seed marketed as a varietal association must comply with this paragraph.

(2) The varietal association must be an association of certified CS seed of a specified pollinator-dependant hybrid variety with certified CS seed of one or more specified pollinator varieties both of which have been accepted on to the [<sup>F27</sup>GB Variety List].

(4) OJ No L 193, 20.7.2002, p. 74, as last amended by Commission Directive [2009/74/EC](#) (OJ No L 166, 27.6.2009, p. 40).

(3) The seed of the female and male components of a varietal association must have been dressed using seed dressings of different colours.

(4) The seed must be mechanically combined in the proportions jointly determined by the persons responsible for the maintenance of these components.

(5) The proportions must be notified to the Secretary of State by the person responsible for the maintenance of the pollinator-dependent hybrid and pollinators with the varietal association.

(6) In this paragraph—

- (a) “pollinator-dependent hybrid” means the male-sterile component within the varietal association (female component);
- (b) “pollinator” means a component shedding pollen within a varietal association.

#### Textual Amendments

**F27** Words in Sch. 2 para. 43(2) substituted (31.12.2020) by [S.I. 2019/131, regs. 1\(b\), 7\(13\)\(e\)](#) (as substituted by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\), regs. 1\(2\)\(a\), 29\(5\)\(i\)\(ii\)](#)); 2020 c. 1, Sch. 5 para. 1(1)

## PART 5

### Vegetables

#### Scope of Part 5

44. This Part regulates the types of vegetables in Schedule 1.

#### Permitted types of vegetable seed

45.—(1) Vegetable seed must be—

- (a) pre-basic seed;
- (b) basic seed;
- (c) certified seed; or
- (d) standard seed.

[<sup>F28</sup>(2) The seed may be a mixture of different varieties of the same vegetable species provided that each variety in the mixture is standard seed.]

#### Textual Amendments

**F28** Sch. 2 para. 45(2) substituted (6.1.2012) by [The Seed Marketing \(Amendment\) Regulations 2011 \(S.I. 2011/2992\), regs. 1, 6](#)

#### Meaning of “pre-basic seed”

46. Pre-basic seed is seed—

- (a) produced from a generation prior to pre-basic seed by or under the responsibility of the breeder according to well-defined practices for the maintenance of the variety; and

- (b) intended for the production of—
  - (i) more pre-basic seed;
  - (ii) basic seed; or
  - (iii) with the breeder’s written authority, certified seed.

#### **Meaning of “basic seed”**

47.—(1) Basic seed is seed—

- (a) produced under the responsibility of the breeder according to well-defined practices for the maintenance of the variety;
- (b) intended for the production of certified seed.

(2) For the avoidance of doubt this includes seeds intended as a component of a hybrid variety of vegetable.

#### **Meaning of “certified seed”**

48. Certified seed is seed—

- (a) produced directly from basic seed or, if the breeder so requests, from seed of a generation prior to basic seed that satisfies the conditions for basic seed;
- (b) intended mainly for the production of vegetables.

#### **Meaning of “standard seed”**

49. Standard seed is seed that is intended mainly for the production of vegetables and has been approved by the Secretary of State as having sufficient varietal purity and varietal identity.

#### **Crop and seed requirements**

50.—(1) Crop inspections by official or licensed crop inspectors must be carried out in accordance with Article 2(4)(A) [<sup>F29</sup>(a) to (d)] of, and Annex I to, Council Directive [2002/55/EC](#) on the marketing of vegetable seed(5), and the crop must satisfy the conditions in that Annex.

(2) The seed produced by the crop must be sampled in accordance with Article 25 [<sup>F30</sup>(except paragraphs 1a(f) and 1b)] of, and Annex III to, that Directive and must satisfy the conditions in Annex II to that Directive.

[<sup>F31</sup>(2A) For the purposes of sub-paragraphs (1) and (2), Council Directive [2002/55/EC](#) is to be read as if—

- (a) in Article 2(4)(A)(a)(iii), for “officially licensed by the seed certification authority of the Member State concerned” there were substituted “ licensed by the Secretary of State ”;
- (b) in Article 25—
  - (i) references to “Member States” were references to “the Secretary of State”;
  - (ii) in paragraph 1a(a), for “seed certification authority of the Member State concerned” there were substituted “ Secretary of State ”.]

(3) Sub-paragraph (1) does not apply in the case of standard seed.

[<sup>F32</sup>(4) The crop and seed produced by the crop must be practically free from any pests which reduce the usefulness and quality of the seed.

(5) OJ No L 193, 20.7.2002, p. 33, as last amended by Commission Directive [2009/74/EC](#) (OJ No L 166, 27.6.2009, p. 40).

(4A) The crop and seed produced by the crop must comply with the requirements concerning [<sup>F33</sup>GB] quarantine pests, [<sup>F34</sup>PFA] quarantine pests and RNQPs set out in implementing acts adopted pursuant to the EU Plant Health Regulation, and measures adopted pursuant to Article 30(1) of that Regulation.]

(5) After marketing, vegetable seed is subject to control by the Secretary of State for varietal identity and varietal purity.

#### Textual Amendments

- F29** Words in Sch. 2 para. 50(1) inserted (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1(b), **7(13)(f)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F30** Words in Sch. 2 para. 50(2) inserted (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1(b), **7(13)(f)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F31** Sch. 2 para. 50(2A) inserted (31.12.2020) by [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/131\)](#), regs. 1(b), **7(13)(f)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F32** Sch. 2 para. 50(4)(4A) substituted for Sch. 2 para. 50(4) (24.7.2020) by [The Marketing of Seed, Plant and Propagating Material \(England\) Regulations 2020 \(S.I. 2020/682\)](#), regs. 1(1), **4(3)(d)**
- F33** Word in Sch. 2 para. 50(4A) substituted (16.11.2022) by [The Animals, Food, Plant Health, Plant Propagating Material and Seeds \(Miscellaneous Amendments etc.\) Regulations 2022 \(S.I. 2022/1090\)](#), regs. 1(1), **2(2)(b)(ii)**
- F34** Word in Sch. 2 para. 50(4A) substituted (16.11.2022) by [The Animals, Food, Plant Health, Plant Propagating Material and Seeds \(Miscellaneous Amendments etc.\) Regulations 2022 \(S.I. 2022/1090\)](#), regs. 1(1), **2(2)(b)(i)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Seed Marketing Regulations 2011, SCHEDULE 2.