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STATUTORY INSTRUMENTS

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**2019 No. 472**

**SEEDS, ENGLAND**

**The Seed Marketing and Seed Potatoes  
(England) (Amendment) Regulations 2019**

<i>Made</i>	- - - -	<i>5th March 2019</i>
<i>Laid before Parliament</i>		<i>6th March 2019</i>
<i>Coming into force</i>	- -	<i>28th March 2019</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972<sup>(1)</sup>.

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to the common agricultural policy<sup>(2)</sup>.

**Citation and commencement**

1. These Regulations may be cited as the Seed Marketing and Seed Potatoes (England) (Amendment) Regulations 2019 and come into force on 28th March 2019.

**The Seed Marketing Regulations 2011**

2.—(1) Schedule 4 to the Seed Marketing Regulations 2011<sup>(3)</sup> is amended as follows.

(2) In paragraph 10, after sub-paragraph (6), insert—

“(7) Seed of an unlisted variety which is the subject of an authorisation issued by another EEA State in accordance with Commission [Decision 2004/842/EC](#)<sup>(4)</sup> may be marketed in England for the purpose of gaining knowledge and practical experience during cultivation.

(8) Seed marketed under sub-paragraph (7) must be labelled in accordance with Article 28 of Commission [Decision 2004/842/EC](#).”;

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(1) [1972 c. 68](#); section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act [2006 \(c. 51\)](#), and Part 1 of the Schedule to the European Union (Amendment) Act [2008 \(c. 7\)](#). It is prospectively repealed by section 1 of the European Union (Withdrawal) Act [2018 \(c. 16\)](#) from exit day (see section 20 of that Act). The function of the former Minister of Agriculture, Fisheries and Food of making regulations under section 2(2) was transferred to the Secretary of State by [S.I. 2002/794](#).

(2) [S.I. 1972/1811](#), to which there are amendments not relevant to these Regulations.

(3) [S.I. 2011/463](#), amended by [S.I. 2019/131](#). There are other amending instruments but none is relevant.

(4) OJNo. L 362, 9.12.2004, p. 21, as amended by Commission Implementing [Decision 2016/320/EU](#) (OJ No. L 60, 5.3.2016, p. 88).

(3) In paragraph 14, at the end insert “, except for vegetable seed of the species listed in Council [Directive 2002/55/EC](#)(5) which has been produced in Switzerland”.

### **The Seed Potatoes (England) Regulations 2015**

3.—(1) Schedule 2 to the Seed Potatoes (England) Regulations 2015(6) is amended as follows.

(2) In Part 1, in paragraph 8—

(a) omit “and” at the end of sub-paragraph (a);

(b) after sub-paragraph (a) insert—

“(aa) have a unique number; and”.

*Gardiner of Kimble*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural  
Affairs

5th March 2019

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(5) OJ No. L 193, 20.7.2002, p. 33, as last amended by Commission Implementing [Directive 2016/317/EU](#) (OJ No. L 60, 5.3.2016, p. 72).

(6) [S.I. 2015/1953](#), amended by [S.I. 2017/288](#) and [2018/575](#).

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Regulation 2 amends the Seed Marketing Regulations 2011 ([S.I. 2011/463](#)) in relation to an unlisted variety of vegetable seed which is the subject of a marketing authorisation issued by another EEA State for the purposes of test and trials. It provides for such seed to be marketable in England for the purpose of gaining knowledge and experience of cultivation. It also amends a reference to Switzerland regarding vegetable seed. Regulation 3 amends the Seed Potatoes (England) Regulations 2015 ([S.I. 2015/1953](#)) to include a unique number in an official label.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.