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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 329**

**The Fodder Plant Seed (Scotland) Regulations 2005**

**PART III**

**PROCEDURES FOR ISSUING OFFICIAL CERTIFICATES**

**Applications for official certificates**

**14.**—(1) An application in respect of a seed lot for the issue of an official certificate certifying the seed to be [<sup>F1</sup>Pre-basic Seed, Basic Seed, Seed of a Certified Generation, Commercial Seed or seed of a Conservation Variety]—

- (a) shall be made in writing to the Scottish Ministers in such form and manner, and shall include such information, records, illustrations, material and seed as the Scottish Ministers may require; and
- (b) shall be made not later than 31st December in the year following the year of harvest of the crop from which the seed lot is obtained or within such other time as the Scottish Ministers may allow.

(2) Where an application for the issue of an official certificate is made to the Scottish Ministers in accordance with paragraph (1) the Scottish Ministers shall, subject to paragraph (3), deal with the application in accordance with the provisions of Part I of Schedule 2 [<sup>F2</sup>or, in the case of a Conservation Variety, Part 1 of Schedule 4A].

(3) Where a breeder applies to the Scottish Ministers for the issue of an official certificate in accordance with paragraph (1), in respect of a seed lot which already has a breeder's confirmation, after the variety of the seed in that seed lot has been accepted on to a [<sup>F3</sup>GB Variety List or an NI Variety List], or if the seed in the seed lot is a component of a hybrid variety, after the hybrid variety has been accepted on to a [<sup>F3</sup>GB Variety List or an NI Variety List], the Scottish Ministers shall issue an official certificate in respect of that seed lot provided they are satisfied that—

- (a) the seed is the seed in respect of which the breeder's confirmation was issued;
- (b) the breeder's confirmation has not been withdrawn pursuant to regulation 20(3);
- (c) the provisions of regulation 21 have been complied with; and
- (d) there is no reason why the breeder's confirmation should be withdrawn pursuant to regulation 20(3).

(4) An official certificate which has been issued by the Scottish Ministers may be withdrawn by them in respect of either the whole of a seed lot or any part of a seed lot if—

- (a) the results of an official examination of the sample taken from the seed lot in respect of which the official certificate has been issued are deemed to be null and void in accordance with regulation 15(2);
- (b) on the basis of information received by them, the Scottish Ministers are satisfied that the crop from which the seed in the seed lot was harvested did not meet the conditions laid

down in Part I of Schedule 4 [<sup>F4</sup>or, in the case of seed of a Conservation Variety, Part III of Schedule 4A];

- (c) on the basis of information received by them, the Scottish Ministers are satisfied that the seed in the seed lot, or part of the seed lot—
- (i) did not meet the conditions laid down in Part II of Schedule 4 [<sup>F5</sup>or, in the case of a Conservation Variety, Part IV of Schedule 4A] at the time the seed was tested for seed certification purposes, which includes the purpose of issuing a breeder's confirmation; or
  - (ii) although it met the conditions in Part II of Schedule 4 [<sup>F5</sup>or, in the case of a Conservation Variety, Part IV of Schedule 4A] at the time of such testing no longer meets them; or
- (d) the licensed seed sampler who sampled the seed lot or the licensed crop inspector <sup>F6</sup>... who inspected the crop, did so in breach of any of the terms of the licensed seed sampler's, or licensed crop inspector's<sup>F7</sup>... licence,

and any seed from which an official certificate has been so withdrawn shall be deemed not to have been officially certified.

(5) The Scottish Ministers may withdraw the official certificate in respect of a seed lot, or any part of a seed lot, by giving notice to—

- (a) the person who made an application in respect of the seed lot under paragraph (1); or
- (b) any person marketing, or who has marketed, any of the seed.

(6) Where, in accordance with paragraph (5), the official certificate in respect of a seed lot, or part of a seed lot, is withdrawn under paragraph (4), the Scottish Ministers may notify—

- (a) the person who made an application under paragraph (1) in respect of the seed lot;
- (b) any person marketing, or who has marketed, any of the seed; and
- (c) any person who has purchased, or been supplied with, any of the seed,

that the official certificate in respect of the seed lot, or part of a seed lot, as the case may be, has been withdrawn.

(7) Where the official certificate in respect of a seed lot, or part of a seed lot, is withdrawn under paragraph (4), any seller of the seed shall, as soon as practicable and in any case not later than 7 days after being informed of it, notify the purchaser, in writing, that the official certificate has been withdrawn and that the seed is deemed not to have been officially certified.

#### Textual Amendments

- F1** Words in [reg. 14\(1\)](#) substituted (30.6.2009) by [The Seed \(Scotland\) \(Amendments for Conservation Varieties\) Regulations 2009 \(S.S.I. 2009/223\)](#), regs. 1, **26(a)**
- F2** Words in [reg. 14\(2\)](#) inserted (30.6.2009) by [The Seed \(Scotland\) \(Amendments for Conservation Varieties\) Regulations 2009 \(S.S.I. 2009/223\)](#), regs. 1, **26(b)**
- F3** Words in [reg. 14\(3\)](#) substituted (31.12.2020) by [S.S.I. 2019/59](#), [reg. 14\(15\)\(a\)](#) (as substituted by [The Seed, Plant Propagating Material and Forest Reproductive Material \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/445\)](#), regs. 1(1)(b), **15(14)**); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F4** Words in [reg. 14\(4\)\(b\)](#) inserted (30.6.2009) by [The Seed \(Scotland\) \(Amendments for Conservation Varieties\) Regulations 2009 \(S.S.I. 2009/223\)](#), regs. 1, **26(c)(i)**
- F5** Words in [reg. 14\(4\)\(c\)](#) inserted (30.6.2009) by [The Seed \(Scotland\) \(Amendments for Conservation Varieties\) Regulations 2009 \(S.S.I. 2009/223\)](#), regs. 1, **26(c)(ii)**

- F6** Words in reg. 14(4)(d) omitted (31.12.2020) by S.S.I. 2019/59, **reg. 14(15)(b)(i)** (as substituted by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(14)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F7** Words in reg. 14(4)(d) omitted (31.12.2020) by S.S.I. 2019/59, **reg. 14(15)(b)(ii)** (as substituted by The Seed, Plant Propagating Material and Forest Reproductive Material (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/445), regs. 1(1)(b), **15(14)**); 2020 c. 1, **Sch. 5 para. 1(1)**

#### Commencement Information

- I1** Reg. 14 in force at 1.7.2005, see **reg. 1(1)**

### Sampling

**15.—(1)** A sample of seed taken for the purposes of an official examination shall be taken—

- (a) (i) by a [<sup>F8</sup>International Authority]; or  
(ii) by a licensed seed sampler in accordance with the terms of the licensed seed sampler's licence;
- (b) in accordance with the methods specified in Part I of Schedule 5; and
- (c) from a homogeneous seed lot.

[<sup>F9</sup>(1A) A sample of seed of a Conservation Variety [<sup>F10</sup>and of a directly harvested preservation mixture] taken for the purposes of checking compliance with these Regulations shall comply with paragraph (1)(b) and (c) and Part II of Schedule 5.]

(2) If a sample from a seed lot submitted or taken for the purpose of an official examination—

- (a) is found not to have been taken in accordance with paragraph (1);
- (b) is taken from a seed lot which, subject to paragraph 24 of Part II of Schedule 5, does not comply with paragraph 23 of Part II of Schedule 5;
- (c) is not a submitted sample; or
- (d) is otherwise found not to have been taken in accordance with the seeds regulations,

no, or no further, official examination of that sample shall be made under these Regulations, and any findings or results obtained in the course of any official examination of that sample, or from inspecting plants grown in a plot which has been sown with seed from that sample, shall be deemed to be null and void and shall be disregarded.

(3) For the avoidance of doubt, the provisions of this regulation apply for the purpose of issuing a breeder's confirmation, as they do for the purpose of issuing an official certificate.

#### Textual Amendments

- F8** Words in reg. 15(1)(a)(i) substituted (31.12.2020) by The Seed and Propagating Material (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/59), regs. 1(1)(b), **14(16)** (as amended by S.S.I. 2020/445, regs. 1(1)(b), **15(15)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F9** Reg. 15(1A) inserted (30.6.2009) by The Seed (Scotland) (Amendments for Conservation Varieties) Regulations 2009 (S.S.I. 2009/223), regs. 1, **27(a)**
- F10** Words in reg. 15(1A) inserted (10.2.2012) by The Fodder Plant Seed (Scotland) Amendment Regulations 2012 (S.S.I. 2012/5), regs. 1, **5**

#### Commencement Information

- I2** Reg. 15 in force at 1.7.2005, see **reg. 1(1)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Fodder Plant Seed (Scotland) Regulations 2005, PART III.