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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 313**

**The Seed (Registration, Licensing and Enforcement) (Scotland) Regulations 2006**

**PART VI**

**SUPERVISION AND ENFORCEMENT**

**Supervision of licensed crop inspectors , licensed seed samplers and licensed seed testing stations**

**32.**—(1) The Scottish Ministers shall require authorised officers to undertake the checks described in paragraphs (2) to (4) in the supervision of licensed crop inspectors, licensed seed samplers and licensed seed testing stations.

(2) At least 5% of all crop inspection results submitted to the Scottish Ministers by licensed crop inspectors each calendar year shall be checked by authorised officers who shall undertake such crop inspections and other investigations as are necessary to verify the accuracy of the results.

(3) At least 5% of all seed samples submitted to the Scottish Ministers by licensed seed samplers between 1st July and 30th June in the succeeding year shall be checked by authorised officers who shall draw such samples and undertake such other investigations as are necessary to verify that the sampling has been undertaken in accordance with the requirements of seeds regulations.

(4) At least 5% of all seed test results submitted to the Scottish Ministers from licensed seed testing stations between 1st July and 30th June in the succeeding year shall be checked by authorised officers who shall carry out such seed testing and other investigations as are necessary to verify the accuracy of the results.

**Sampling for enforcement purposes**

**33.**—(1) A sample of seed to be taken under section 25(5) of the Act for the enforcement of the Seed Marketing Regulations shall be taken and—

- (a) where the sample is to be subject to moisture testing two moisture samples shall be drawn from the sample for that purpose; and
- (b) the sample shall be divided to provide three parts of which—
  - (i) one part shall be delivered or sent to the owner of the seed or the owner's representative together with, where applicable, one moisture sample drawn under paragraph (1)(a);
  - (ii) two parts shall be delivered or sent to the Official Seed Testing Station together with, where applicable, one moisture sample drawn under paragraph (1)(a); and
  - (iii) one of the parts delivered or sent under paragraph (1)(b)(ii) together with, where applicable, one moisture sample drawn under paragraph (1)(a) shall be officially examined for the purposes of the Seed Marketing Regulations and the other part shall be retained for production to a court in accordance with section 26(7) of the Act.

(2) The procedures described in paragraph (1) shall be carried out by an authorised officer in accordance with the requirements of the Seed Marketing Regulations and where it appears to that officer that the sample that has been taken was purchased for use and not for resale, the first part of the sample shall be delivered or sent to the last seller of the seed or the last seller's representative instead of to the owner of the seed or the owner's representative.

(3) Where a part of a sample taken under this regulation has been officially examined for the purposes of the Seed Marketing Regulations, any residue from the sample may be used for such other tests as the Scottish Ministers may direct including for the purpose of the Community comparative tests referred to in the Seed Marketing Directives.

(4) Subject to paragraph (5)(a), the minimum weight of a sample of seed taken under paragraph (1) shall be such as to ensure that each of the parts into which it is divided is of not less than the prescribed minimum weight for such a sample.

(5) Where a sample of seed to be taken under section 25(5) of the Act is for the enforcement of the Vegetable Seeds Regulations 1993 and is contained in small packages, then –

- (a) instead of being of a prescribed minimum weight the sample shall consist of as many such packages as the person taking the sample may require; and
- (b) the sample shall be delivered or sent to the Official Seed Testing Station where it shall be officially examined for the purposes of the Seed Marketing Regulations and the procedures set out in paragraphs (1) and (2) shall not apply.

#### **Certificates of taking and testing a sample**

**34.**—(1) A certificate in the form set out in Schedule 5 relating to the taking of a sample of seed for the enforcement of Seed Marketing Regulations is prescribed for the purposes of section 26(3) of the Act.

(2) Certificates in the forms set out in Schedule 6 relating to the results of a test of a sample of seed carried out for the enforcement of the Seed Marketing Regulations are prescribed for the purposes of section 24(5) of the Act, according to their correspondence with the species of seed tested.